SOUTH HOLLAND DISTRICT COUNCIL

Chris Simpkins
Chief Executive
Terry Huggins
Director of Customer Services
Bob Atkins
Director of Corporate Services

Town and Country Planning Act 1990

Observations on County Matter

Reference: H16/0130/02 Received: 27-MAR-02 Type: COUNTY MATTER

Name: D A Boswell T/A
S G Boswell & Sons
The Ranch Scrapyard
Clay Lake
Spalding Lincs PE12 6BL

Agent: D A Boswell T/A
S G Boswell & Sons
The Ranch Scrapyard
Clay Lake
Spalding Lincs PE12 6BL

Description: Erect boundary fence & use land to recycle builders waste (rubble & soil) using mobile equipment - for 18 months period

Location : The Ranch Scrapyard Clay Lake
Spalding

South Holland District Council have considered the proposal and have no objections, subject to any condition(s) set out below:

1 The period of the permission shall be restricted to 18 months, with all equipment and materials associated with the permitted activities being removed upon the expiration of this period.

Reason: To safeguard the amenities of the locality.

2 The site shall not be used for the permitted use between the hours of 20.00 and 08.00 Mondays to Saturdays and the site shall not be used for the permitted activities at any time on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the locality.

3 A scheme for controlling dust shall be submitted to the Planning Authority prior to the use of the site commencing. The use shall not commence until the scheme has been approved in writing and the site shall thereafter be operated in accordance with the approved scheme.

Reason: To safeguard the amenities of the locality.

4 Prior to the use of the site commencing a scheme for minimising noise from the operation shall be

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

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submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be operated in accordance with the approved scheme.

Reason: To safeguard the amenities of the locality.

The determined plans are:
Location plan received 7 February 2002.

Head of Planning & Development
09 MAY 2002 H16/0130/02

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

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Town and Country Planning Act etc

DRAFT PERMISSION

Reference H16/0130/02 Received: 27-MAR-02 Type: COUNTY MATTER

Name: D A Boswell T/A
S G Boswell & Sons
The Ranch Scrapyard
Clay Lake
Spalding Lincs PE12 6BL

Agent: D A Boswell T/A
S G Boswell & Sons
The Ranch Scrapyard
Clay Lake
Spalding Lincs PE12 6BL

Description: Erect boundary fence & use land to recycle builders waste (rubble & soil) using mobile equipment - for 18 months period

Location : The Ranch Scrapyard Clay Lake
Spalding

South Holland District Council hereby give notice that permission has been granted (or equiv) on the following condition(s):

1 The period of the permission shall be restricted to 18 months, with all equipment and materials associated with the permitted activities being removed upon the expiration of this period.

Reason: To safeguard the amenities of the locality.

2 The site shall not be used for the permitted use between the hours of 20.00 and 08.00 Mondays to Saturdays and the site shall not be used for the permitted activities at any time on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the locality.

3 A scheme for controlling dust shall be submitted to the Planning Authority prior to the use of the site commencing. The use shall not commence until the scheme has been approved in writing and the site shall thereafter be operated in accordance with the approved scheme.

Reason: To safeguard the amenities of the locality.

4 Prior to the use of the site commencing a scheme for minimising noise from the operation shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be operated in accordance with the approved scheme.

Reason: To safeguard the amenities of the locality.

The determined plans are:
Location plan received 7 February 2002.

Head of Planning & Development
01 MAY 2002

H16/0130/02

Town and Country Planning Act 1990 Form P2

Planning Permission

Name and address of applicant

S G Boswell and Sons
The Ranch Scrapyard
Clay Lake
Spalding
Lincolnshire
PE12 6BL

Name and address of agent (if any)

Part I - Particulars of application

Date of application:
6 February 2002

Application No.
H16/0130/02
LCC Ref. No.
H16/0130/02

Particulars and location of development:

To use land for waste transfer station and recycling centre for inert material for a temporary period of 18 months at Spalding Drove, Clay Lake, Spalding.

Part II - Particulars of decision

The Lincolnshire County Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **permission has been granted** for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:-

1. The use hereby permitted shall cease not later than 18 months of the date of this permission.

2. Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing or re-enacting that Order) no fixed plant or machinery, building, structures and erections shall be erected, extended, installed or replaced within the site without the prior written approval of the County Planning Authority.

3. Before the development is commenced a scheme of dust control shall be submitted for the written approval of the Director of Highways and Planning. The scheme shall indicate measures to reduce dust blowing off the site to a minimum and thereby prevent any dust nuisance to adjoining land and/or property owners, including temporary cessation of operations giving rise to such dust. Such scheme as approved shall thereafter be implemented for the duration of the development.

Date 3rd May 2002

4th Floor, City Hall
Beaumont Fee, Lincoln

Head of Planning and Conservation
Lincolnshire County Council

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

4. No materials shall be stored or stacked within the site to a height exceeding 3m without the prior written approval of the Director of Highways and Planning.

5. No operations authorised or required by this permission shall be carried out except between the following times:-

   0800hrs to 1700hrs Monday to Friday
   0800hrs to 1200hrs Saturday

   and no such operations shall be carried out on Sundays or Bank Holidays except with the written agreement of the Director of Highways and Planning.

6. No development shall take place until a detailed scheme has been submitted to and approved in writing by the Director of Highways and Planning specifying:

   (a) the maximum permissible noise levels at the site boundaries or such locations as may be approved by the Director of Highways and Planning;

   (b) noise monitoring and recording procedures;

   (c) procedures to be adopted in the event of the maximum permitted noise levels being exceeded.

   Such scheme shall provide that, except for temporary operations (which shall be defined), the equivalent continuous noise levels LAeq (1 hour) at the noise sensitive properties adjoining the site and attributable to the operations subject to this permission shall not exceed the existing background noise level, L90, by more than 10dB(A) or an absolute limit of 55dB(A) LAeq (1 hour). The applicant shall implement the approved noise scheme.

7. Prior to the commencement of development details of the location and type of closed fencing shall be submitted to and approved by the Director of Highways and Planning. Thereafter the fencing as approved shall be erected and maintained in place throughout the duration of the development.

8. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers specification at all times and shall be fitted with and use effective silencers.

9. The existing trees, bushes and hedgerows around the perimeter of the site shall not be felled, lopped, topped or removed without the prior written consent of the Director of Highways and Planning. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased as a result of operations permitted by this permission shall be replaced with trees or bushes of such size and species as may be specified by the Director of Highways and Planning, in the planting season immediately following any such occurrence.

10. Within 12 months of the date of this permission details shall be submitted for the written approval of the Director of Highways and Planning for the restoration of the site to agriculture. The site shall be restored in accordance with the approved details within one year from the cessation of recycling operations.

11. Before any development commences, details of any lighting required at the site shall be submitted to the Director of Highways and Planning for written approval. The approved scheme shall then be implemented and maintained strictly in accordance with the approved details. The location, direction, nature and operation of lighting shall be such as to minimise light overspill.

The reason for the conditions are:-

1. The application is for a temporary permission.

2-9 To ensure that the development is carried out without undue detriment to nearby residential properties.

10. To ensure the satisfactory restoration of the site.

11. In the interests of visual amenity and to minimise the level of potential light pollution.

The following development plan/emerging development plan policies and proposals are relevant to the grant of this planning permission:

Lincolnshire Structure Plan: Policies Proposed for Adoption (2000) - Policies 80 and 82
South Holland District Local Plan (1998) - Policy EN1

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Department for Transport, Local Government and the Regions in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from Chartroom, The Planning Inspectorate, Hawk Wing, Room 3/23, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN). The Secretary of State has a power to allow a longer period for the giving notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving of a notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990