

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE UPDATE – 9 MAY 2023

- Attached county map showing location of applications

ITEM

- 5.1 **Head of Planning** – recommend an amendment to Condition 20 of Appendix C to read as follows (additional/amend text in red and ~~strikethrough~~)

*No **additional** fixed lighting, including security lighting, shall be erected, or installed ~~within the southern extraction area~~ until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the MPA. The details shall ensure that the lighting is designed to minimize the potential nuisance of light spillage outside of the site. The lighting shall thereafter be erected, installed, and operated in accordance with the approved details.*

- 5.2 **Applicant/Planning Agent** – wishes the Committee to note that apologies are sent that neither the applicant or planning agent (Mr Baker) are able to attend the meeting due to existing commitments. It is requested that the Committee defer consideration of the application until such time as Mr Baker can attend so as to present the case in respect of why permission should be granted for this development.

Mr Baker has also requested that copies of email correspondence between officers and himself be shared. These emails are attached.

Mr Baker has stated that should planning permission be refused then an appeal will be made and this will include a claim for costs as it is claimed that Officers have behaved unreasonably and refused to work proactively in attempting to overcome obstacles to secure development that will improve the economic, social and environmental conditions of the area. Furthermore, should permission be refused then his client is very seriously considering relocating the entirety of the business away from Lincolnshire.

**Head of Planning** – the email correspondence confirms requests were made for further information to be provided as part of this revised application and the reasons. These (along with the report) also explain why Officers feel the information provided is still not sufficient to address the reasons for refusal. The applicant's notification of an intention to appeal the decision should the Committee refuse the application is noted but Officers are content that the grounds for the refusal are justified and defensible. The Committee should base its decision on the planning

merits/grounds of this case and not be swayed by the threat of an appeal being made should the Committee agree with the Officers recommendation.

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**From:** Marc Willis  
**Sent:** 28 April 2023 09:36  
**To:** planning@btinternet.com  
**Cc:** Eloise Shieber  
**Subject:** RE: PL/0013/23 - V.W. BREAKERS UK LTD, THE OLD SMITHY, HIGHGATE, LEVERTON

Dear Mr Baker

I write in response to your email to Mrs Shieber (dated 18 April) and after having reviewed the application details and email correspondence between yourselves.

Your request that this item be deferred is noted however we have a duty to ensure applications are determined in a timely manner and within the timeframes prescribed by legislation. Delays and deferrals are only agreed by Officers when we feel these can be justified. This is not the case here.

Having reviewed the application details I disagree with your claim that this revised application addresses the previous reasons for refusal. Much of the information and arguments presented are the same as before and whilst an additional statement has been provided this does not contain any significant or new information that adequately addresses the issues raised previously.

As a resubmission following a previous refusal, we would have expected this revised application to clearly set out how it seeks to address those issues. It does not. Despite this Mrs Shieber invited you to submit further comments in response to issues highlighted and the deadline for receipt of this was not met. Accordingly the report was prepared for Committee as advised.

This application is therefore now to be reported to the Planning and Regulation Committee meeting to be held on 9 May 2023. The agenda and report has been published and can be viewed here - [Agenda for Planning and Regulation Committee on Tuesday, 9th May, 2023, 2.00 pm \(modern.gov.co.uk\)](#) . Please note due to the Coronation the meeting has been moved to **Tuesday 9<sup>th</sup> May** and the meeting will start at **2pm**. There a few highway papers before we get to the planning matters so I'm afraid you may find it takes a while before we get onto your item.

At this stage we have no further comments to make. You are welcome to attend the meeting and make your case as to why a deferral should be granted and/or why you feel planning permission should be granted against the Officers recommendation. Formal notifications and details of how to register to speak (should you wish to) will come out separately.

Yours sincerely

Marc Willis  
Applications Manager

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**From:** Keith Baker <[planning@btinternet.com](mailto:planning@btinternet.com)>  
**Sent:** Tuesday, April 18, 2023 3:15:58 PM  
**To:** Eloise Shieber <[Eloise.Shieber@lincolnshire.gov.uk](mailto:Eloise.Shieber@lincolnshire.gov.uk)>  
**Subject:** Re: PL/0013/23 - V.W. BREAKERS UK LTD, THE OLD SMITHY, HIGHGATE, LEVERTON

Dear Ms Shieber

I did also ask for you to clarify and comment on various, do I take it you will not and that you have now closed the book so to say, until the W/C 1st of May.

Please confirm it, if that is so.

Yours Sincerely

Keith Baker

Design and Management. co. uk

Tel 01205 750775

On 18/04/2023 11:59, Eloise Shieber wrote:

Dear Mr Baker

Thank you for your email, your comments have been noted.

The report will be heard at committee on 9 May 2023. A copy of the report and my recommendation will be made available w/c 01 May 2023.

Kind Regards

**Eloise Shieber**

**Planning Officer**

Lincolnshire County Council,

County Offices, Newland, Lincoln LN1 1YL

**Mobile:** 07825 552259

**Email:** [eloise.shieber@lincolnshire.gov.uk](mailto:eloise.shieber@lincolnshire.gov.uk)

**Teams:** [Chat with me](#)

**Website:** [www.lincolnshire.gov.uk](http://www.lincolnshire.gov.uk)



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**From:** Keith Baker <[planning@btinternet.com](mailto:planning@btinternet.com)>

**Sent:** 17 April 2023 16:26

**To:** Eloise Shieber <[Eloise.Shieber@lincolnshire.gov.uk](mailto:Eloise.Shieber@lincolnshire.gov.uk)>

**Subject:** Re: PL/0013/23 - V.W. BREAKERS UK LTD, THE OLD SMITHY, HIGHGATE, LEVERTON

**Dear Ms Shieber**

**My apology for the slight delay in responding to this but it was for various reasons unavoidable.**

**That said I have pasted the text of your email below and respond as follows below each as you say. I have not commented on any third party comments at this juncture.**

*I have now had an opportunity to visit the proposed site and review the application documentation.*

**Can I suggest that perhaps you review again the application documentation, because as you**

continue on to say below, is in the main just Plain Wrong.

*The application documentation appears to be identical to the details submitted as part of application B/22/0201 which was refused on 26 July 2022.*

**That is plain wrong in that the attached Design and Management.co.uk Statement is in it's entirely additional to anything submitted in respect of B/22/0201.**

*The previous refusal was not appealed and there have not been any changes to planning policy since the previous refusal. This new application is seeking permission for the same development but with very little (if any) new information or evidence that seeks to address the reasons for refusal cited last time or to alleviate the issues raised. Therefore, in the absence of such information, the current stance of the Waste Planning Authority remains the same and therefore my recommendation would be that the application be refused. To reduce the likeliness of this outcome, I invite you to submit supporting evidence that addresses the previous reasons for refusal as part of this planning application by no later than 31 March 2023. The information required is set out below. If this is not received by this deadline or the information provided is still not considered sufficient then this application will be reported to the next Planning & Regulation Committee meeting on 9 May 2023.*

**Please do note my request for deferral of the previous Application and the reason for it. Again you are Plain Wrong,**

**There was no reason to Appeal the B/22/0201 Application as the most expedient and least costly course was simply to amend it and resubmit. The Plain Fact is that the Design and Management.co.uk Statement does address in detail the "reasons for refusal cited last time" and provides additional information including "supporting evidence that addresses the previous reasons for refusal as part of this planning application" in particular it explains how the businesses model of operation including it's reliance on sourcing wide complete damaged or damaged repairable high end or vintage vehicles from throughout the UK**

*Previous Reason for refusal 1. Issues and Evidence required*

*No new evidence has been provided that demonstrates a proven need to locate the proposed facility outside of a main town/settlement and that it is well located to the arisings of the waste that is proposed to be managed.*

**Again Plan Wrong. The Design and Management.co.uk Statement confirms that the fact is that complete damage repairable vehicles are are in the main sourced, the decision not being made to enable repair or salvage the parts not being made until the vehicle is delivered to site and fully inspected.**

**Furthermore, the LCC Waste Plann at DM1 There is no more sustainable location to dismantle the ELVs already located at the site the subject to this application, a site which is permitted at DM 4 "small scale waste facilities (see Policy W7)" and which complies in all respects with W7,**

- **there is a proven need to locate such a facility outside of the main urban areas; (proven because 95% of the re-cycling already takes place at the location proposed) and**
- **the proposals accord with all relevant Development Management Policies set out in the Plan; (which it does) and**
- **the facility would be well located to the arisings of the waste it would manage; (as well located as anywhere else in the entire country, as the the specific (High End and Vintage Vehicle Waste) arises throughout the entire UK and beyond) and**
- **they would be located on land which constitutes previously developed and/ or contaminated land, existing or planned industrial/ employment land, or redundant agricultural and forestry buildings and their curtilages. . (Which it is) .**

*This application continues to state that ELVs will be sourced from across the UK and abroad and not from the local area, which if this was the case, might justify the developments position in the rural area. Additionally, evidence to demonstrate that other sites in more established, industrial settings in urban areas and the reasons for them being discounted has not been submitted, which again, could justify the proposed developments setting.*

**Please Explain.**

*Previous Reason for refusal 2. Issues and Evidence required*

*It is noted that the applicant intends to purchase the adjoining residential property (that is subject of this previous reason for refusal) and once completed this would therefore provide a financial and/or associated link with the proposed ELV use. However, at present this property remains in separate ownership to the proposal site. Consequently, until there is evidence that this property is owned by the applicant or unless this property forms part of the current planning application (i.e. included within the red-line boundary and therefore its occupation capable of being controlled/restricted by way of planning condition) the reasons cited in Reason 2 remain unresolved. Consequently, in the absence of any evidence to demonstrate otherwise, the development has the potential to have an unacceptable adverse impact on the amenity of the residents of this property (current or future) and so has failed to demonstrate compliance with Policy 2 of the SELLP and DM3 of the CSDMP.*

**Please Refer to Planning Approval B15/0290/96 (Haulage Depot Approval) within which Condition o4 Requires that The Dwellinghouse shall be occupied only by someone who is employed at or associated with the adjoining haulage depot operating from the site outlined in red on the plan drawing No. 6553/G/1, that in my opinion prevents any other occupation, notwithstanding that BBC did not feel it necessary to reiterate it within B/20/0237, the condition remains valid and enforceable.**

*Without evidence of the purchase of the property being completed or the submission of a new application that includes the property within the redline boundary, this reason for refusal will remain.*

**It is thus not necessary for the building to be in the same ownership as the current applicant because occupation of it is already restricted, simply reiterating that restriction will suffice. I could of course if it is simpler, revise the red line to include the dwelling. Please do let me know if you think that it is,**

*Previous Reason for refusal 3. Issues and Evidence required*

*It is stated in the planning statement that the fencing, trailers and storage containers/units have the benefit of PP, however, despite this claim, the Waste Planning Authority are not aware of any planning permissions in existence that supports their retention.*

**Please refer to Planning Approvals B15/0290/96 (Haulage Depot Approval) and B/20/0237 (B1 and B8 Approval) The fencing, other than that erected to separate the B1 B8 from the C3 (by the owner of the C3 property) is PD.**

*The plans submitted as part of this application show a proposed 2m fence installed around the site and not the existing fencing, trailers and storage containers/units, so these will not be considered as part of the proposal. Evidence of the planning permission should therefore be submitted to the Waste Planning Authority to assess their suitability as part of this application. Failure to provide this means that the retention of these structures remains contrary to Policies 2 and 3 of the SELLP and Policies DM3 and DM6 of the CSDMP.*

**Please clarify.**

*During the site visit, the applicant mentioned that they intend to install perimeter planting around the site, again, this proposal does not form part of the submission, however it is anticipated that this proposal is being considered in attempt to integrate the site into the wider landscape. If this is the case, the application would benefit from a landscaping scheme being submitted and considered to ensure that the proposed planting is appropriate for the location.*

**The Applicant has I can now confirm, planted hedges and trees as he informed he would so do. A condition to ensure the suitability and retention could be adequately conditioned I think.**

**Finally for now, I can confirm the current sites to which the sourced ELV are delivered to be dismantled with the parts returned to Leverton.**

**They are located at Full Sutton Industrial Estate Stamford Bridge York YO41 1HS (80 miles North of Leverton) and Belleknowes Industrial Estate Inverkeithing Fife KY11 1HZ, (250 miles North of Leverton. Both are of course fully licenced with the necessary planning permissions but somewhat remote from Leverton.**

**It has to be noted, that in that it as likely as many high end and vintage vehicle arise in the South of the country as the North, Leverton is a will suited location for their dismantling.**

**In light of your self imposed deadline and if you want to defer it to the next Planning Committee to give yourself time to respond to this having considered consider it fully, my client will agree to an extension to enable that.**

**Yours Sincerely**

**Keith Baker**

**Design and Management. co. uk**

**Tel 01205 750775**

On 05/04/2023 17:08, Eloise Shieber wrote:

I have now had an opportunity to visit the proposed site and review the application documentation.

The application documentation appears to be identical to the details submitted as part of application B/22/0201 which was refused on 26 July 2022.

The previous refusal was not appealed and there have not been any changes to planning policy since the previous refusal. This new application is seeking permission for the same development but with very little (if any) new information or evidence that seeks to address the reasons for refusal cited last time or to alleviate the issues raised. Therefore, in the absence of such information, the current stance of the Waste Planning Authority remains the same and therefore my recommendation would be that the application be refused. To reduce the likeliness of this outcome, I invite you to submit supporting evidence that addresses the previous reasons for refusal as part of this planning application by no later than 31 March 2023. The information required is set out below. If this is not received by this deadline or the information provided is still not considered sufficient then this application

will be reported to the next Planning & Regulation Committee meeting on 9 May 2023.

| Previous Reason for refusal | Issues and Evidence required  |
|-----------------------------|---|
| 1                           | <p>No new evidence has been provided that demonstrates a proven need to locate the proposed facility outside of a main town/settlement and that it is well located to the arisings of the waste that is proposed to be managed.</p> <p>This application continues to state that ELVs will be sourced from across the UK and abroad and not from the local area, which if this was the case, might justify the developments position in the rural area. Additionally, evidence to demonstrate that other sites in more established, industrial settings in urban areas and the reasons for them being discounted has not been submitted, which again, could justify the proposed developments setting.</p>   |
| 2                           | <p>It is noted that the applicant intends to purchase the adjoining residential property (that is subject of this previous reason for refusal) and once completed this would therefore provide a financial and/or associated link with the proposed ELV use. However, at present this property remains in separate ownership to the proposal site. Consequently, until there is evidence that this property is owned by the applicant or unless this property forms part of the current planning application (i.e. included within the red-line boundary and therefore its occupation capable of being controlled/restricted by way of planning condition) the reasons cited in Reason 2 remain unresolved. Consequently, in the absence of any evidence to demonstrate otherwise, the development has the potential to have an unacceptable adverse impact on the amenity of the residents of this property (current or future) and so has failed to demonstrate compliance with Policy 2 of the SELLP and DM3 of the CSDMP.</p> <p>Without evidence of the purchase of the property being completed or the submission of a new application that includes the property within the redline boundary, this reason for refusal will remain.</p>   |
| 3                           | <p>It is stated in the planning statement that the fencing, trailers and storage containers/units have the benefit of PP, however, despite this claim, the Waste Planning Authority are not aware of any planning permissions in existence that supports their retention.</p> <p>The plans submitted as part of this application show a proposed 2m fence installed around the site and not the existing fencing, trailers and storage containers/units, so these will not be considered as part of the proposal. Evidence of the planning permission should therefore be submitted to the Waste Planning Authority to assess their suitability as part of this application. Failure to provide this means that the retention of these structures remains contrary to Policies 2 and 3 of the SELLP and Policies DM3 and DM6 of the CSDMP.</p> <p>During the site visit, the applicant mentioned that they intend to install perimeter planting around the site, again, this proposal does not form part of the submission, however it is anticipated that this proposal is being considered in attempt to integrate the site into the wider landscape. If this is the case, the application would benefit from a landscaping scheme being submitted and considered to ensure that the proposed planting is appropriate for the location.</p> |



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