

County Offices
Newland
Lincoln
LN1 1YL

22 August 2013

Planning and Regulation Committee Meeting

A meeting of the Planning and Regulation Committee will be held on **Monday, 2 September 2013** in the **Council Chamber, County Offices, Newland, Lincoln LN1 1YL** at **10.30 am** for the transaction of the business set out on the attached Agenda.

Yours sincerely



Tony McArdle
Chief Executive

Membership of the Planning and Regulation Committee (15 Members of the Council)

I G Fleetwood (Chairman), Mrs H N J Powell (Vice-Chairman), Mrs V C Ayling, D Brailsford, D C Hoyes MBE, D M Hunter-Clarke, Ms T Keywood-Wainwright, D McNally, D C Morgan, N H Pepper, J M Renshaw, C L Strange, T M Trollope-Bellew, C J Underwood-Frost and W S Webb

**PLANNING AND REGULATION COMMITTEE AGENDA
MONDAY, 2 SEPTEMBER 2013**

Item	Title	Report Reference
1.	Apologies/replacement members	
2.	Declarations of Interest <i>(Councillors are reminded that there is no need to declare an interest if it has already been recorded on the register of disclosable pecuniary interests (DPIs) or notified to the Monitoring Officer in accordance with the regulations. However, Councillors declaring interests must state what the DPI is and accordingly not speak or vote on the item)</i>	
3.	Minutes of the meeting of the Planning and Regulation Committee held on 15 July 2013	3.0 (Pages 1 - 22)
4.	Minutes of the site visits to Addlethorpe and Riby held on 29 July 2013	4.0 (Pages 23 - 24)
5.	TRAFFIC MATTER	
5.1	Wragby Road Lincoln - Proposed Alterations to Waiting Restrictions and Pedestrian Crossing Facilities	5.1 (Pages 25 - 32)
6.	PLANNING APPLICATIONS RELATING TO COUNTY MATTER APPLICATIONS	
6.1	Supplementary Report To continue use of the site for a green waste deposit processing and recycling centre at Former Pea Vining Station, A1173 Riby Road, Riby - Mr S Clarke - W81/129802/13	6.1 (Pages 33 - 66)
6.2	Supplementary Report To allow for the importation of inert restoration materials to facilitate the restoration of part of the quarry in accordance with the proposals contained within the First Periodic Review application at Creeton Quarry, Counthorpe Road, Creeton - Creeton Quarry Ltd (S24/1752/11)	6.2 (Pages 67 - 136)
6.3	To change the use of buildings from shot blasting and metal fabrication uses (Use Class B2) to the depollution and recycling of end-of-life vehicles at Units 3-6, Lowfield Nurseries, Fulney Drove, Spalding - AAV Exports - H16/0483/13	6.3 (Pages 137 - 152)
6.4	Retrospective application for the erection of new centrifuge plant and machinery at Harmston Quarry, Tower Lane, Harmston - Harmston Waste Management - N30/0486/13	6.4 (Pages 153 - 164)
6.5	To vary conditions 2 and 7 of planning permission W127/129257/12: To reflect revisions to the site layout, size of building and location of tanks due to amendments to the	6.5 (Pages 165 - 182)

proposed anaerobic digestion technologies to be employed as part of the development at Anaerobic Digestion Plant, Hemswell Cliff - Mr Adam Duguid - W127/130114/13

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|------------|---|------------------------------------|
| 6.6 | To construct a new sewage pumping station, lay-by and ancillary works at Proposed Sewage Pumping Station, Woodcote Lane, Burton by Lincoln - Anglian Water Services Ltd - W14/130249/13 | 6.6
(Pages
183 - 198) |
| 6.7 | Retrospective planning permission is sought to continue to use land and buildings as a recycling/processing plant. Planning permission is sought to extend an existing building to provide additional covered storage at Glebe Farm, Little Grimsby Lane, Fotherby - Mr N Hales - (E)N52/1302/13 | 6.7
(Pages
199 - 218) |
| 6.8 | To install a mobile construction and demolition recycling plant in order to process up to 20,000 tonnes of material imported into the Woodhall Spa site annually at Kirkby on Bain Quarry, Kirkby Lane, Tattershall Thorpe - Aggregate Industries UK Ltd - (E)S176/1307/13 | 6.8
(Pages
219 - 232) |
| 6.9 | To change the use of existing offices to residential use and a change of use of existing cottage to B1 Office Use ancillary to the quarry at Highfield Quarry, Bluestone Heath Road, Welton le Marsh - Welton Aggregates Ltd - (E)N199/1320/13 | 6.9
(Pages
233 - 242) |
| 7. | PLANNING APPLICATIONS RELATING TO COUNTY COUNCIL DEVELOPMENTS | |
| 7.1 | Supplementary Report To construct a one form entry primary school at land off Aintree Way, Bourne - S12/1101/13 | 7.1
(Pages
243 - 274) |
| 7.2 | Application for planning permission and listed building consent for provision of new services connections, ramped and stepped entrance, hardstanding and a ramped footpath to improve access to the Bath House at Lincoln Castle, Castle Hill, Lincoln - L/0855/13 | 7.2
(Pages
275 - 290) |
| 7.3 | Planning permission is sought to vary Condition 5 of planning permission B/03/0648/LCC3 to allow for the use of the sports hall by the school and the local community outside normal school hours (07:30 to 21:00 Monday to Friday and 08:00 to 21:30 Saturday and Sunday) at Boston St Bede's Catholic Secondary School, Tollfield Road, Boston - B/0263/13 | 7.3
(Pages
291 - 298) |
| 7.4 | To vary condition 1 of planning permission (E)S35/1197/08 to retain the visitor centre at the Battle of Britain Memorial Flight Premises, Dogdyke Road, Coningsby - (E)S35/1246/13 | 7.4
(Pages
299 - 306) |

Democratic Services Officer Contact Details

Name: **Steve Blagg**
Direct Dial **01522 552109**
E Mail Address steve.blagg@lincolnshire.gov.uk

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**PLANNING AND REGULATION
COMMITTEE
15 JULY 2013**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors Mrs V C Ayling, D Brailsford, D C Hoyes MBE, D M Hunter-Clarke, Ms T Keywood-Wainwright, D McNally, D C Morgan, N H Pepper, J M Renshaw, T M Trollope-Bellew and W S Webb.

Also in attendance:- Councillors C Pain, Mrs S Woolley, A H Turner MBE JP, R G Davies and C J Davie.

Officers in attendance: Neil McBride (Development Manager), Brian Thompson (Head of Highways West), Charlotte Lockwood (Solicitor), Alan Aistrup (Highways Manager, North), Graeme Butler (Projects Manager), Steve Blagg (Democratic Services Officer) and Dave Clark (Traffic Orders Manager), Natalie Dear (Planning Consultant).

28 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors C L Strange and C J Underwood-Frost.

Councillor N H Pepper had replaced Councillor B Adams as a permanent member on the Committee and Councillor Mrs M J Overton was deputising for Councillor Mrs H N Powell, for this meeting only. Councillor Mrs M J Overton arrived in the meeting at 11.40am.

Also in attendance Councillors C J Davie (minute 43), R G Davies, A H Turner MBE, JP (minute 44), C Pain (minute 43) and Mrs S Woolley (minute 51)

29 DECLARATIONS OF COUNCILLORS' INTERESTS

It was noted that all members of the Committee had been lobbied in connection with minute .

Councillor D M Hunter-Clarke requested that a note should be made in the minutes that he knew the applicant (minute 43).

Councillor J M Renshaw requested that a note should be made in the minutes that her son was a Manager at Tesco (minute 35).

Councillor W S Webb requested that a note should be made in the minutes that he had been lobbied in connection with minute 35 and that he would neither take part in

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the discussion nor voting thereon as he knew the Director of Creeton Quarry (minute 41).

Councillor V C Ayling requested that a note should be made in the minutes that she was a member of East Lindsey District Council.

Councillor D C Morgan requested that a note should be made in the minutes that she was a member of South Kesteven District Council's Development Control Committee.

30 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND
REGULATION COMMITTEE HELD ON 10 JUNE 2013

RESOLVED

That the minutes of the last meeting of the Planning and Regulation Committee held on 10 June 2013, be agreed as a correct record and signed by the Chairman, subject to "Councillor B Adams" being added to the list of attendees and the deletion of "a member of the Environment Agency" for Councillor C D Morgan, under "Declarations of Councillors' Interests" (minute 2).

31 MINUTES OF THE SITE VISIT BY THE PLANNING AND REGULATION
COMMITTEE TO CREETON QUARRY LTD (PLANNING APPLICATION
NO'S S24/1741/11, S241752/11 AND S24/1726/11) ON 26 JUNE 2013

RESOLVED

That the minutes of the Planning and Regulation Committee site visit held on 26 June 2013, to Creeton Quarry Ltd (planning application No's S24/1741/11, S24/1752/11 and S24/1726/11), be noted.

32 TRAFFIC MATTERS

33 THEDDLETHORPE & MABLETHORPE VARIOUS ROADS PROPOSED
SPEED LIMIT AMENDMENTS

Graeme Butler presented a report on an objection received to a proposal to amend sections of speed limits within the parishes of Theddlethorpe and Mablethorpe.

On a motion by Councillor D McNally, seconded by Councillor W S Webb, it was -

RESOLVED (unanimous)

That the objection be overruled and the Order as advertised be implemented.

34 BRAYFORD WHARF EAST, LINCOLN - PROPOSED ONE WAY ORDER
AND TRAFFIC REGULATION ORDERS

Alan Aistrup presented a report on objections received to a one way traffic order and traffic regulation orders proposed for Brayford Wharf East, to facilitate the installation of a new pedestrian footbridge over the railway line, which Network Rail considered to be a high priority.

On a motion by Councillor I G Fleetwood, seconded by Councillor C D Morgan, it was
—
RESOLVED (unanimous)

That the objections be overruled and the Orders as advertised be implemented.

35 WRAGBY ROAD, LINCOLN - PROPOSED ALTERATIONS TO WAITING
RESTRICTIONS AND PEDESTRIAN CROSSING FACILITIES

Alan Aistrup presented a report on objections received to the proposed alterations to pedestrian crossing facilities and waiting restrictions in connection with the expansion of the Tesco site on Wragby Road.

Officers stated that since the publication of the report a petition comprising 500 signatures had been received objecting to the loss of existing parking places. There was scope to use existing parking outside of the retail premises and that there was an opportunity to negotiate with landlords.

On a motion by Councillor I G Fleetwood, seconded by Councillor W S Webb, it was
—
RESOLVED (unanimous)

That consideration of the proposals in the report be deferred pending negotiations with landlords about the use of existing parking outside of the retail premises on Wragby Road, Lincoln.

36 PROPOSED PARKING RESTRICTIONS - CURTOIS CLOSE, BRANSTON

(Note: Councillor I G Fleetwood stated that he had received a telephone call from a local resident enquiring if Members had knowledge of the area. He informed the resident that he had knowledge of the area as he had visited the Fish and Chip Shop and the Chinese Takeaway but was not aware of the precise details until he had received the report before the Committee, today).

Alan Aistrup presented a report on the responses to the statutory consultations and public advertisement of proposed parking restrictions on Curtois Close and part of Station Road, Branston.

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Comments by the Committee included:-

1. Potential loss of parking for patients attending the GP's surgery and was there alternative parking provision?
2. Was parking provided for Home Care visitors visiting clients on Curtois Close?
3. Residents were able to call the Police if their driveways were obstructed.
4. Car parking provision was needed for both short and long periods.
5. How far was the nearest parking provision to Curtois Close?

Officers responded:-

1. There was no alternative parking provision for patients using the GP surgery.
2. There were on street laybys which could be used and the Cooperative Store had a verbal agreement with the GP's Surgery to allow patients to use their car park car park with the car park located 100m away from the surgery. However, this use could be withdrawn at any time.

On a motion by Councillor I G Fleetwood, seconded by Councillor D Brailsford, it was
—
RESOLVED (8 votes for and 1 against)

That the objections be overruled and that the proposals as detailed in the report be implemented as advertised.

**37 DENTON TO SKILLINGTON, THE DRIFT/VIKING WAY - PROPOSED
PROHIBITION OF DRIVING ORDER**

Brian Thompson presented a progress report since approval was given to implement a seasonal prohibition of driving order on a section of the Viking Way near Denton. The report recommended an all year round prohibition order was needed to ensure the Council's duties under the Wildlife and Countryside Act were discharged.

In response to comments by the Committee officers stated that the proposed prohibition of driving order affected all motorised traffic, that it would still be open for walkers and cyclists and that there was a need to protect the SSSI.

A motion by Councillor T M Trollope-Bellew that this section of the Viking Way should remain open for motorised traffic during the Summer months and closed during the Winter, was not seconded.

On a motion by Councillor I G Fleetwood, seconded by Councillor D Brailsford, it was
—
RESOLVED (11 votes for, 1 against)

That, under Section 22(1) (viii) of the Road Traffic Regulations Act, approval be given to consult to permanently prohibit all motorised vehicles from using this length of road for all of the year rather than the seasonal closure and that any objections be considered by the Committee.

38 COMMONS ACT 2006 - APPLICATIONS TO REGISTER VILLAGE GREENS

Dave Clark presented a report outlining the position in connection with three applications to register Village Greens under the Commons Act 2006.

On a motion by Councillor C D Morgan, seconded by Councillor W S Webb, it was –
RESOLVED (unanimous)

- (a) That the applications relating to Woodhall Spa and Mareham Le Fen, be noted.
- (b) That the application to register land as Barrowby Village Green under the Commons Act 2006, be approved.

39 TRAFFIC REGULATION ORDERS - PROGRESS REVIEW AND PETITIONS RECEIVED

The Committee received a report from the Executive Director for Communities in connection with the latest position on all current Traffic Regulation Orders and petitions received since the last meeting of the Committee.

RESOLVED (unanimous)

That the report be noted.

40 PLANNING APPLICATIONS RELATING TO COUNTY MATTER APPLICATIONS

The Executive Director for Communities submitted reports in connection with County developments. The responses to consultation were detailed in the reports.

- 41 Supplementary report
To: extend the existing quarry (part-retrospective); to allow for the importation of inert restoration materials to facilitate the restoration of part of the quarry in accordance with the proposals contained within the first periodic review application (s24/1726/11) and; application for the determination of new (updated) conditions to which Creeton Quarry is to be subject (environment act 1995: first periodic review) at Creeton Quarry - Creeton Quarry Ltd (agent: David Jarvis Associates Limited) - S24/1741/11, S24/1752/11, S24/1726/11

(Note: Only those Councillors who had attend the site visit on 26 June 2013 were permitted to speak and vote on this application, namely:- Councillors V C Ayling, I G Fleetwood, D Hunter-Clarke, T Keywood-Wainwright, D McNally, H N J Powell, J M Renshaw, C L Strange, T M Trollope-Bellew and W S Webb).

Comments made by the Committee included inadequate passing places for articulated HGVs.

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A motion by Councillor T M Trollope-Bellew that the applicant should provide suitable passing places over a four year period under a S106 Agreement, was not seconded.

Comments made by the officers included:-

1. The passing places were small but adequate.
2. A S106 would be difficult to justify as highways had not objected to the current passing places and it was suggested that highways could be consulted again on whether the passing places required upgrading.
3. Based on the amount of material to be removed for the period to 2042 the additional HGV movements amounted to one to two vehicles per week.

RESOLVED

(a) That this report (including appendices) forms part of the Council's Statement pursuant to Regulation 21 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 – which requires the Council to make available for public inspection at the District Council's offices specified information regarding the decision. Pursuant to Regulation 21(1)(c) the Council must make available for public inspection a statement which contains:

1. the content of the decision and any conditions attached to it;
2. the main reasons and consideration on which the decision is based;
3. including, if relevant, information about the participation of the public;
4. a description, when necessary, of the main measures to avoid, reduce and if possible offset the major adverse effects of the development;
5. information recording the right to challenge the validity of the decision and the procedures for doing so.

(b) Application S42/1741/11 (the "Extension application")

On a motion by Councillor I G Fleetwood, seconded by Councillor V C Ayling, it was

–

RESOLVED (4 votes for, 1 against)

That planning permission be granted for the reasons and subject to the conditions as set out in Appendix A of the Executive Director for Communities report dated 10 June 2013 (attached as Appendix E), with the exception of Condition No.7 which shall be revised to read as detailed in the report.

(c) Application S24/1752/11 (the "Landfill application")

A motion by Councillor I G Fleetwood that the recommendation detailed in the report should be approved, was not seconded.

Comments made by the Committee included the view that the material available for the applicant to restore the site was neither suitable nor sufficient to restore the site and considered that the Head of Planning should be asked to examine conditions which would allow the applicant to restore the site by importing material.

On a motion by Councillor T M Trollope-Bellew, seconded by Councillor D McNally, it was –

RESOLVED (6 votes for, 0 against)

That the Committee are minded to approve Application S24/1752/11 (the "Landfill application") subject to the Head of Planning being delegated to examine suitable conditions which will allow the applicant to import material to restore the site for restoration purposes.

(d) Application S24/1726/11 (the "ROMP application")

On a motion by Councillor I G Fleetwood, seconded by Councillor D McNally, it was –

RESOLVED (unanimous)

That, subject to the decisions made by the Committee in (b) and (c), above, that the amended schedule of conditions as set out in Appendix C of the Executive Director of Communities report, dated 10 June 2013, (attached as Appendix E to the report), with the exception of Condition 8, shall read as detailed in the report.

- 42 Supplementary Report
To construct an exploratory drill site to include plant buildings and equipment the use of the drill site for the drilling of three exploratory boreholes and subsequent short-term testing for hydrocarbons erection of security fencing and bunds and construction of an access track for a temporary period of three years with restoration to agriculture use at land to the north of Scotter Road, Laughton - Blackland Park Exploration Ltd (agent: Hughes Craven Limited) - W56/129112/12

Oliver Craven, representing the applicant, commented as follows:-

1. The drilling assessment was a worse case scenario.
2. Outlined mitigation measures to reduce noise.
3. The direction of the prevailing wind would reduce noise.
4. The proposals were similar sites to those throughout the country and all of these schemes were well run.
5. Created additional employment and helped to sustain the on-shore oil business.
6. The NPPF stated the benefits of mineral working to the country.

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The Committee commented:-

1. The need for any galvanised fencing to blend in with the countryside.
2. Potential build-up of gas and the ability to flare of any excess gas.
3. The need to avoid the destruction of trees during the bird nesting season.
4. The need to prevent light pollution.
5. The need to ensure that local residents were informed of the proposals and kept informed of the monitoring arrangements.

Officers commented:-

1. Local residents had been consulted about the proposal and appropriate monitoring measures were in place.
2. Tanks to collect excess gas to prevent flaring had been installed.
3. The conditions addressed light and noise pollution.
4. The restoration of the site was covered by conditions and the provision of a buffer had been agreed with the Wildlife Trust.

On a motion by Councillor D Brailsford, seconded by Councillor T M Trollope-Bellew, it was –

RESOLVED (11 votes for, 1 against)

That following the applicant entering into a highway indemnification agreement in relation to the C220 Scotter Road planning permission be granted subject to the conditions detailed in the report.

- 43 To retain the waste transfer station/materials recycling facility with extended hours of opening and an increase in the variety of waste types to include general, commercial and industrial permitted within the building at Bowmans Business Park, Mill Road, Addlethorpe - Bowmans Waste to Recycling Ltd (agent: GP Planning Ltd) - (E)S2/0941/13

Since the publication of the report responses to consultation had been received as follows:-

Applicant – submitted an amended plan which identifies an air lock to be situated adjacent to the southern roller shutter door.

Also submitted (On 9th July 2013) a dispersion modelling assessment of potential for odour to cause annoyance from the proposed waste processing facility.

The dispersion model predictions show that at the nearest sensitive receptors that emissions of odour from the facility as modelled will not give rise to odours sufficient to cause annoyance to these sensitive receptors.

Also request that the application be deferred until the September meeting as the applicant has now addressed the only remaining issue (odour modelling). Confident the odour issue has been resolved. It is better that councillors make an informed judgement on the application with all the facts to avoid a costs application at a potential appeal. Also it would be helpful if councillors were to make a site visit before making a decision.

Highways – would not wish to see the possible increase of commercial traffic on Bank Holidays to and from the site. The traffic generated by the proposal would have an adverse impact on the traffic using the surrounding network of roads and a likely source of unacceptable damage to other highway users, particularly because of heavy volumes of traffic using the adjacent network during those time periods.

Addlethorpe Parish Council – letter of objection attached to the update.

Gill Pawson, representing the applicant, commented:-

1. Unless the Committee was minded to grant approval, today, requested deferral as the only remaining issue was odour.
2. An odour management plan had only been requested by the planning officer supported by the Environmental Health Officer at East Lindsey District Council just before the report had been finalised.
3. The odour management plan had now been submitted but there had been no consultations on the plan to date.
4. The Environment Agency and the local Parish Council wished the findings of the odour management plan which did not give rise to odour pollution.
5. The statutory consultation had been with the Environmental Health Officer at East Lindsey District Council and at the time they had not requested an odour management plan.

Officers stated that the applicant had been informed at the appropriate time that an odour management plan was a requirement of the Waste Planning Authority.

Colin Davie, local Member, commented:-

1. The report did not address the issues raised at the last meeting in connection with odour.
2. The applicant should have addressed the reasons for refusal and therefore should have submitted an odour management plan with this application.
3. The officer's recommendations in the report were supported.
4. The new shutter door system proposed by the applicant was impractical to implement without causing odour.
5. The tonnages proposed by the applicant were not possible and therefore there would be waste arising in the summer months.
6. There seemed to be some discrepancy in the figures for the creation of jobs.
7. Some residents lived only 60m from the site and some people were more sensitive to certain smells.
8. There were 19 properties within close range of the site.

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9. Did not believe that the reasons for refusal made at the last meeting had been addressed by the applicant and therefore urged the Committee to refuse the application.

Councillor C Pain, a neighbouring local Councillor, commented:-

1. There was a need for jobs to meet the need of service industries in the area.
2. The application helped to reduce the Council's carbon footprint.
3. Had spoken to the Environmental Health Officer at East Lindsey District Council and he had stated that an odour management plan was not required.
4. The new shutter doors proposed by the applicant would prevent odour.
5. The site had been insulated and odour was not bad outside.
6. HGVs would be entering an air lock system.
7. If there were any problems with the site it was possible for the site to be closed down quickly.
8. It was proposed to collect waste daily from Butlins and local caravan sites and therefore this would be a low odour site.
9. There seemed to be a breakdown in communications between the County and East Lindsey Councils and requested that the Committee should defer consideration of the application to make a site visit.

The Committee commented:-

1. What was the planning officer's advice?
2. A site visit was supported as this would allow the various issues to be considered.
3. The effects of any future change in the wastes arriving at the site.

Officers commented:-

1. The planning process was a balancing act of considering various planning issues.
2. The applicant had been made aware of the need to produce an odour management plan in April 2013 and that a site visit was an acceptable solution.
3. A list of the materials which could be sent to the site was detailed in the report. However, should the application be approved then it would be necessary for the Committee to consider the conditions to ensure that the waste was suitable for the site.

On a motion by Councillor I G Fleetwood, seconded by Councillor M J Overton, it was

—

RESOLVED (unanimous)

That consideration of the application be deferred pending a site visit to allow consideration of the odour management plan.

44 To continue use of a site for a green waste deposit processing and recycling centre at the former pea vining station, a1173 Riby Road, Riby - Mr S Clarke (agent: Walker Resource Management Ltd) - W81/129802/13

Mr N Strawson, an objector, commented:-

1. The majority of residents of Riby had voted against the application at a recent meeting of the Parish Council.
2. Residential properties were located within 400m of the site.
3. Local residents felt that they had been misled about the application.
4. Residents had been informed that the original site would be a small cottage industry but the site had grown out of all proportion.
5. Composting waste had been allowed to grow over 5m in height when the original planning application had been for 3m in height.
6. Lack of enforcement.
7. There had been 100 complaints made to the Environment Agency.
8. People expected rural smells when living in the countryside but the smells from this site were exceptional.
9. The site operated in the open air and outside business hours.
10. People had been misled by the applicant.
11. There would be more churning if this application was approved and more traffic.

Councillor A H Turner MBE, JP, the local Member, commented:-

1. Riby was a small Parish.
2. The business had grown rapidly.
3. Requested a site visit.
4. Should it not be possible for the Committee to visit the site then the Chairman and Vice-Chairman should meet the Chairman and Vice-Chairman of the Parish Council.

Following an enquiry the Committee was informed that the population of Riby was between 40-50 people.

On a motion by Councillor W S Webb, seconded by Councillor N H Pepper, it was –

RESOLVED (unanimous)

That consideration of the application be deferred pending a site visit.

ADJOURNMENT

The Chairman, with the consent of the Committee, adjourned the meeting for lunch (1:10pm) and it was agreed that the Committee would re-adjourn at 1:45pm)

When the Committee re-adjourned the following Councillors were in attendance:-
Councillors D McNally, I G Fleetwood, D M Hunter-Clarke, M J Overton, C D Morgan, J M Renshaw, N Pepper, D C Hoyes MBE, W S Webb and D Brailsford.

- 45 For the erection of a building for receiving and sorting of waste, change of use of building 8 for the receiving and sorting of waste for energy recovery, erection of a building for storage of paper products, erection of an infill building for storage of baled refuse derived fuel, erection of workshop building, formation of residual metals storage compound, siting of electrical substations and retrospective planning permission for change of use and extension of building 1 for the processing of waste to form fuel for energy recovery, extension to building 5, formation of baled refuse derived fuel open storage area, skip open storage area, formation of gated access and screening boundary landscaping measures at the warehouse complex, High Dike, Wilsford Heath, Wilsford - Mid UK Recycling Ltd (agent: JHG Planning Consultancy Ltd) - N74/1238/12)

Following the despatch of the report responses to consultation had been received as follows (Note: the response below also applied to minute 46):-

Natural England initially provided no objection comments as at that time were satisfied that due to the nature of the application there would be no impact on Copper Hill Site of Special Scientific Interest (SSSI) which is less than 1km to the north.

However, recently have identified there has been vehicular damage caused to the roadside verges that form part of the Copper Hill SSSI, which is understood is caused by vehicles visiting the application site.

Present management of the SSSI has restored the SSSI to a near favourable condition therefore further damage has the potential to cause the SSSI to fail its condition targets. If this continues Natural England may have to serve an enforcement notice on the Highway Authority for the damage caused to the SSSI.

Welcome the opportunity to work with the council and applicant to try to limit the damage to roadside verges and it may be that it is simply an awareness raising exercise with the applicant to the importance of the SSSI.

Also ask if a mechanism exists through planning conditions etc that could be used to limit the on-going damage to the verges of Copper Hill SSSI.

Head of Planning – consider the most appropriate way to address this is to include an informative on the Decision Notice regarding the presence of the SSSI together with a letter to the applicant drawing their attention to this matter.

Oliver Grundy, representing the applicant, commented (Note: the comments, below, also apply to minute 46):-

1. Application had been submitted because of changed market conditions.
2. Recycling of products would take place.
3. There would be an increase in the number of people employed.
4. The application would help the local economy.
5. The proximity principle was met.
6. Customer demand was met.

7. The application accorded with the NPPF.

Oliver Grundy responded to comments from the Committee including an explanation of the effects of a recent fire on the site and that the applicant would address the concerns made by the fire service, substantial water storage had been installed, explained the location of customers and the routing of vehicles to the application site, explained why the application was retrospective, an independent drainage engineer had been appointed to examine the effects of drainage on a nearby aquifer and an archaeological survey had been done.

Officers informed the Committee that conditions in the report would address the concerns raised by the fire service and the archaeological aspects of the site.

The Committee agreed that a letter should be sent to the applicant expressing the concern of the Committee about the retrospective nature of the application.

On a motion by Councillor D Brailsford, seconded by Councillor W S Webb, it was –

RESOLVED (unanimous)

(a) That this report forms part of the Council's Statement pursuant to Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 which required the Council to make available for public inspection at the District Council's Offices specified information regarding the decision. Pursuant to Regulation 24(1)(c) the Council must make available for public inspection a statement which contains:-

1. content of decision and any conditions attached to it;
2. main reasons and considerations on which decision is based;
3. including if relevant, information about the participation of the public;
4. a description, when necessary, of the main measures to avoid, reduce and if possible offset the major adverse effects of the development;
5. information recording the right to challenge the validity of the decision and procedure for doing so.

(b) That planning permission be granted subject to the conditions detailed in the report.

(c) That an informative be included on the Decision Notice regarding the presence of the SSSI together with a letter to the applicant drawing their attention to this matter.

(d) That a letter be sent to the applicant expressing the Committee's concern about the retrospective nature of the application.

14

PLANNING AND REGULATION COMMITTEE

15 JULY 2013

- 46 For the erection of a gypsum bagging and storage building, the change of use of warehouse buildings 2 and 3 for the processing and storage of waste plasterboard, change of use of building 7 for the storage of gypsum, siting of electrical substations and erection of three covered conveyors at the warehouse complex, High Dike, Wilsford Heath, Wilsford - Mid UK Recycling Ltd (agent: JHG Planning Consultancy Ltd) - N74/1232/12

(Note: The update and comments made by Oliver Grundy, the applicant's representative, in connection with minute 45 also applied to this application).

Following an enquiry from the Committee, the applicant stated that regulations ensured that any plasterboard would be covered when transported.

On a motion by Councillor W S Webb, seconded by Councillor I G Fleetwood, it was

—
RESOLVED (unanimous)

(a) That this report forms part of the Council's Statement pursuant to Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 which required the Council to make available for public inspection at the District Council's Offices specified information regarding the decision. Pursuant to Regulation 24(1)(c) the Council must make available for public inspection a statement which contains:-

1. content of decision and any conditions attached to it;
2. main reasons and considerations on which decision is based;
3. including if relevant, information about the participation of the public;
4. a description, when necessary, of the main measures to avoid, reduce and if possible offset the major adverse effects of the development;
5. information recording the right to challenge the validity of the decision and procedure for doing so.

(b) That planning permission be granted subject to the conditions detailed in the report.

(c) That an informative be included on the Decision Notice regarding the presence of the SSSI together with a letter to the applicant drawing their attention to this matter.

(d) That a letter be sent to the applicant expressing the Committee's concerns about the retrospective nature of the application.

- 47 To erect a galvanised palisade fence, new yard slab with associated surface water drainage, new rainwater harvesting tank, relocation of an existing vehicle weighbridge, additional new vehicle weighbridge, siting of a modular weighbridge office building, vehicle unloading/loading and product storage to service yard area - Environcom England Ltd (agent - William Saunders Partnership) - S35/0931/13

Comments made by the Committee included:-

1. Concerns about the routing of HGVs.

2. Impact on local residents in a residential area who were on low incomes and had poor quality homes.
3. Concerns about the 24hour operation of the site.
4. The highways solution in the report was not supported.
5. Any galvanised needed to be aesthetically suitable for the local area.
6. What plans were in place to deal with sewage?
7. This was a brown field site allocated by South Kesteven District Council.
8. The A1 motorway was used to access the centre of Grantham.
9. The road leading to the site had existed for many years.
10. Routing issues would be addressed by the construction of the Grantham Southern Relief Road.
11. The concerns of the Committee in connection with retrospective nature of the application should be drawn to the attention of the application.

Officers responded to the comments made by the Committee stating that all operations were carried out in the building 24:7 and conditions in the report addressed the concerns raised, the site was located some distance from residential properties and therefore noise was not an issue, HGVs came off the A1 at Colsterworth to avoid Grantham and the timetable for the construction of the Grantham Southern Relief Road was not known at this stage.

Councillor Mrs C D Morgan moved refusal of the application but the motion was not seconded.

On a motion by D McNally, seconded by Councillor I G Fleetwood, it was –

RESOLVED (6 votes for, 1 against)

That planning permission be granted subject to the conditions detailed in the report and that the applicant be informed of the Committee's concerns about the retrospective nature of the application and the need for any galvanised fencing to be aesthetically suitable for the local area.

- 48 To extend the period for the restoration of the hykeham quarry without complying with condition number 1 of planning permission reference N43/75/1413/04 - Cemex UK Operations Ltd - N43/75/0527/13

On a motion by Councillor I G Fleetwood, seconded by Councillor D Hunter-Clarke, it was –

RESOLVED (unanimous)

That planning permission be granted to extend the period for the restoration of the Hykeham Quarry without complying with condition number 1 of Planning Permission (LCC) Reference N43/75/1413/04 subject to the conditions (that replace all previous conditions), detailed in the report.

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PLANNING AND REGULATION COMMITTEE
15 JULY 2013

49 PLANNING APPLICATIONS RELATING TO COUNTY COUNCIL DEVELOPMENTS

The Executive Director for Communities submitted reports in connection with County Council developments. The responses to consultation were detailed in the reports.

50 Supplementary Report
To construct a single storey one form entry primary school at land situated within the Wygate Park residential development located to the west of Spalding - H16/0321/13

(Note: Councillor N Pepper requested that a note should be made in the minutes that he was a member of South Holland District Council).

Michelle Andrews, representing the applicant, commented:-

1. The issues raised by the Committee at its last meeting had been addressed in the report including additional car parking provision in the school and "drop off" areas for parents.
2. Most children would be expected to either walk or cycle to school and there was provision for this.
3. An operator had been identified to run the school.

On a motion by Councillor I G Fleetwood, seconded by Councillor M J Overton, it was –
RESOLVED (unanimous)

That planning permission be granted subject to the conditions and reasons for approval as set out in Appendix B of the report with the exception of Condition 8 as set out in the supplementary report.

51 To construct an one form entry primary school at land off Aintree Way, Bourne - S12/1101/13

Since the publication of the report responses to consultation had been received as follows:-

Elsea Park Community Trust – comment that the provision of the primary school is welcomed but concerned about provision for parking.

The number of spaces is considered to be low as understand all spaces will be reserved for school staff and therefore wish to know what if any provision is to be made for parents and visitors.

Main concern relates to impact of car parking on Sandown Drive with adverse effects on local residents. Also draw attention to the fact that the Trust own and manages the Centre on Sandown Drive. The Centre has car parking provision for visitors to the Centre but not for general use and fear an adverse impact on the car park and the Centre from school related car parking.

Also note that the Committee report indicates that the car park for the Centre may be available for school use. Wish to make it clear that this will not be the case, it is not a public car park and is used for the Centre hirers and staff and will be used during the day for this purpose.

Local Member – Councillor Mrs Woolley – supports this application as the time is now right for a further primary school in Bourne. Aware of children moving to Bourne mid-term who have not been able to access this local school. Believe that other than in exceptional circumstances that should be able to attend this nearest most appropriate school if they wish to do so. Need to be assured there is sufficient parking for parents to use when the school is holding special events without causing disruption to neighbouring properties. Have been contacted by two local residents who have concerns about a perceived lack of parking, road layouts and possible congestion. Believe the school will be a welcome piece of infrastructure for Bourne and more particularly the children and families living at Elsea Park.

Miss A Steele, an objector, commented:-

1. There were parking and access problems on the estate where the school was to be built.
2. Congestion from pupils being dropped off.
3. Access problems to properties.
4. Boundary fence issues.

The objector responded to questions from the Committee, including an explanation of her medical problem, the need for double yellow lines to prevent poor parking, the entrance to the school needed to be changed and pupils should be encouraged to cycle and walk to school.

Michelle Andrews, representing the applicant, commented:-

1. The project was developed as a local school and was part funded by the developer by a S106 Agreement.
2. Provision was made for the dropping off of pupils.
3. Cycling and walking were encouraged and provision made.
4. A School Travel Plan would be developed.
5. The school provided was due to be recommended to the Executive and the Council would work with the provider to ensure that the impact of the school would be reduced for local residents.

The applicant's representative responded to comments made by the Committee:-

1. Consultations had taken place with the Community Committee to address concerns raised.
2. On-going consultations with the school's provider to try and solve concerns of local residents.

3. The school had been designed to accommodate the concerns of local residents about the dropping off of pupils.
4. The school car park had been designed in the school boundary.
5. Outlined the details of the number of pupils in each year group.
6. The new school provider would work with the community.
7. A School Travel Plan would be produced.
8. Suitable parking provision had been made in and outside of the school site.

Councillor S Woolley, local Member, commented:-

1. Gave an explanation why she had not responded to the application.
2. Supported the application.
3. Sufficient car parking provision was provided for everyday use. However, this could be more of a problem when major events were staged by the school.
4. The school had received outline planning approval in 2001.

The Committee commented:-

1. Concerned about highway safety issues.
2. The transport of pupils to school by car was an issue for all schools.
3. A lot of footpaths and cycle tracks were provided which would help pupils to get to school.
4. South Kesteven District Council's refuse lorries used Aintree Way.
5. "Zig zag" lines outside of the objector's property would not prevent her from entering her property.
6. Consideration should be given to relocating the school.

Officers stated that the school had been given outline planning permission in 2001 and therefore its location had been known for some time, the applicant had provided additional car parking, the number of pupils who were likely to walk and cycle to school was expected to be higher than anticipated and the NPPF recommended the building of schools in residential locations where there was a demand.

A motion by Councillor D Brailsford, seconded by Councillor D McNally, that the recommendations detailed in the report should be approved.

An amendment by Councillor M J Overton, seconded by Councillor C D Morgan, that consideration of the application should be deferred pending full consideration of an alternative access put to the Committee, today, in order to increase parking and improve access for residents, was approved by 6 votes for, 4 against. The substantive motion on being put to the meeting, it was –

RESOLVED (5 votes for, 2 against)

That the application be deferred pending consideration of an alternative access in order to increase parking and improve access for residents.

- 52 For the continued use of the ground floor of the Castle Moat House for a contractor site office and the change of use of the first floor to contractor site office and mess facilities; and the continued use of the garden and forecourt as a site compound, parking and storage of materials for a temporary period at Castle Moat House, Drury Lane, Lincoln - 1/0736/13

Since the report the publication of the report responses to consultation had been received as follows:-

Lincoln Civic Trust – no objection.

English Heritage – no objection to continued use of the facilities in order to assist the current development and repair programme.

Highways – no objection subject to a condition being imposed requiring the arrangements shown on the plan accompanying the Traffic Management Plan be available at all times the site is in use.

Head of Planning – the recommendation be amended to grant planning permission subject to the conditions in the report and the following additional condition:-

The arrangements shown on the plan dated 21 June 2013 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times the premises are in use.

Reason: In the interests of highway safety.

On a motion by Councillor I G Fleetwood, seconded by Councillor D M Hunter-Clarke, it was –

RESOLVED (unanimous)

That planning permission be granted subject to a condition being imposed requiring the arrangements shown on the plan accompanying the Traffic Management Plan be available at all times the site is used and an additional condition as follows:-

Condition: The arrangements shown on the plan dated 21 June 2013 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times the premises are in use.

Reason: In the interests of highway safety.

- 53 For repairs and alteration to the prison front and rear range, new exhibition facility within the eastern courtyard, repairs to external walls, demolition of outside wc and landscaping scheme at Lincoln Castle, Castle Hill, Lincoln - 1/0561/13

On a motion by Councillor D M Hunter-Clarke, it was -

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PLANNING AND REGULATION COMMITTEE
15 JULY 2013

RESOLVED (unanimous)

That planning permission be granted subject to the conditions detailed in the report.

- 54 To undertake external alterations to replace cladding and windows on an existing extension, and to construct a ramped access to existing entrance in the east courtyard as part of the refurbishment of Foundation House, which is part of the school campus at Louth King Edward VI Grammar School, Edward Street, Louth - (E)N105/1066/13

On a motion by Councillor W S Webb, seconded by Councillor M J Overton, it was -

RESOLVED (unanimous)

That planning permission be granted subject to the conditions detailed in the report.

- 55 To remove a small section of wall within school car park and planning permission is sought to construct a two storey teaching and dining block including kitchen to provide meals for this school and other local schools. the proposal would also comprise the provision of two temporary parking areas, to be used for the duration of the construction works and the resurfacing of the existing car parking area at Louth King Edward VI Grammar School, Edward Street, Louth - (E)N105/1134/13

Since the publication of the report responses to consultation had been received as follows:-

English Heritage – note the development is greater than 1000 square metres And within a conservation area. Also note that the proposal involves a small section of wall to be removed within the car park. Have no objection to the loss of part of the existing wall, but consider that the proposed building will have some impact upon the character and appearance of the conservation area and the adjacent listed buildings, but that the harm should be less than substantial and the harm should therefore be weighed against the public benefit of the proposal.

East Lindsey District Council – no objection to the principle of siting a building Within the area proposed but have made detailed comments regarding the design of the building and how this could be improved in relation to the northern and southern elevation and height of the building.

Applicant – in light of the comments from English Heritage and East Lindsey District Council request the application be deferred to enable a review of the proposal to take place to see if changes to the design of the building can be made.

Louth Town Council – support the application.

On a motion by Councillor I G Fleetwood, seconded by Councillor C D Morgan, it was –

RESOLVED (unanimous)

That the application be deferred to enable the applicant to examine the proposal to see if changes to the design of the building can be made in the light of comments from English Heritage and East Lindsey District Council.

56 For the construction of a temporary building with eight classrooms to be used until February 2014 at the Priory Ruskin Academy, formerly the Central Technology & Sports College, Rushcliffe Road, Grantham - S35/1533/13

Since the publication of the report responses to consultation had been received as follows:-

South Kesteven District Council – no objection.

Sport England – note that whilst the need for modular classroom is regrettable given the short term nature of the proposal, do not object to the application subject to the use being limited for a temporary period and the land is restored to a standard suitable for playing field use.

On a motion by Councillor I G Fleetwood, seconded by Councillor W S Webb, it was

RESOLVED (unanimous)

That planning permission be granted subject to the conditions detailed in the report.

57 To vary condition 10 of planning permission reference S35/2956/11 for the redevelopment of the Priory Ruskin Academy, Rushcliffe Road, Grantham - S35/1534/13

Since the publication of the report a response to consultation had been received as follows:-

South Kesteven District Council – no objection to raise.

On a motion by Councillor I G Fleetwood, seconded by Councillor D McNally, it was –

RESOLVED (unanimous)

That planning permission be granted subject to all other conditions, except condition 10 as set out in the Council's Decision Notice reference S35/2965/11 dated 29 August 2012, so far as the same are still subsisting and capable of taking effect and subject to the new condition to replace condition 10 as detailed in the report.

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PLANNING AND REGULATION COMMITTEE
15 JULY 2013

The meeting closed at 4.30pm

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors D Brailsford, D C Hoyes MBE, M S Jones, Ms T Keywood-Wainwright, S Palmer, N H Pepper, C L Strange and T M Trollope-Bellew.

Officers in attendance: Communities – Marc Willis (Principal Planning Officer); Performance and Governance – Rachel Wilson (Democratic Services Officer).

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Hunter-Clarke, D C Morgan, Mrs H N J Powell, C J Underwood-Frost and W S Webb.

2. To retain the waste transfer station/materials recycling facility with extended hours of opening and an increase in the variety of waste types to include general, commercial and industrial permitted within the building at Bowmans Business Park, Mill Road, Addlethorpe - Bowmans Waste to Recycling Ltd (Agent: GP Planning Ltd) - (E)S2/0941/13

Following the decision of the Committee at its meeting on 15 July 2013, a site visit took place on 29 July 2013 to Bowmans Waste Recycling at Addlethorpe, to examine the site.

The applicant met the Committee and together with officers took the Committee on a tour of the site. The local member, Councillor C J Davie, and the adjoining local member, Councillor C Pain were also in attendance at this site.

The Principal Planning Officer explained the process which would be carried out on the site, in relation to the buildings on site and also noted the proximity of other properties in the area.

The officer and the applicant responded to a number of questions made by the Committee:

- It was proposed that the tonnage handled by the site would be 30,000 tonnes per year;
- An odour modelling report had been submitted since the last meeting of the Committee, which was now out for consultation;
- Additional measures would be put in place to control odours if necessary, such as an airlock for vehicles entering the building;
- It was expected that there would be up to 66 vehicle movements per day at the site;
- The proposal was to expand what the site collected from just dry recyclables to black bags, including residual waste;
- All operations would be carried out within the buildings;

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- No food waste would be accepted, any food waste which was brought in would be removed from site within two days;
- Hours of operation would be 7am to 7pm Monday to Friday, and 7am to 1pm on Saturday;
- It was proposed to operate on bank holidays as well, but only to receive waste, not to process it;
- 18 new jobs would be created, with 38 jobs in phase one, rising to 52 in phase 2;
- Were there any projections of what times during the day vehicles were expected to be arriving? Concerns were expressed about the possibility of all vehicles arriving at the same time and the impact this would have on the area.

3. Louth Waste Transfer Station and Household Waste Recycling Centre

The Committee received a tour of the Waste Transfer Station at Louth and the processes for tipping and sorting of waste. A tour of the adjoining Household Waste Recycling Centre was also undertaken to explain to members the way that recyclable materials were sorted at the site.

4. To continue use of a site for a green waste deposit processing and recycling centre at the Former Pea Vining Station, A1173 Riby Road, Riby - Mr S Clarke (Agent: Walker Resource Management Ltd) - W81/129802/13

(Councillor C L Strange was only in attendance at this site)

Following a decision of the Committee at its meeting on 15 July 2013, a site visit took place to the green waste deposit processing and recycling centre at Riby. Councillor A Turner MBE JP, the local member, was also in attendance at this site.

The Committee received a tour of the site, and asked a number of questions regarding the layout of the site and the methods used in the processing of the green waste.

On leaving the site, the Committee visited the nearest properties to determine whether the site was producing exceptional smells. It was also noted that the level of the site was lower than the surrounding land and appeared to be well screened.

The meeting closed at 4.30pm.



Report Reference:
Regulatory and Other Committee

Open Report on behalf of Executive Director for Communities

Report to:	Planning and Regulations
Date:	02 September 2013
Subject:	Wragby Road Lincoln - Proposed Alterations to Waiting Restrictions and Pedestrian Crossing Facilities

Summary:

This report details the objections received to the proposed alterations to pedestrian crossing facilities and waiting restrictions in connection with the expansion of the Tesco site on Wragby Road, Lincoln.

Recommendation(s):

That the objections in respect of the pedestrian crossing facilities are overruled and the crossing as advertised be implemented.

In light of the objections the proposed changes to the waiting restrictions be withdrawn and a revised scheme be re- advertised and consulted upon.

Background

1. In connection with the expansion of an existing supermarket on Wragby Road, funds have been secured via a Section 106 Agreement with the developer for highway improvement works in the area to mitigate the anticipated increase in traffic accessing the site.

EXISTING CONDITIONS

2. Wragby Road (A15) forms a main arterial route in and out of the city and carries in the region of 18000 vehicles daily. At the junction with the access to the supermarket pedestrian crossing facilities are in place over Wragby Road and the access. A 24 hour waiting restriction applies on both sides of Wragby Road throughout the junction. To the west of the access this ends on the north side at 55m and on the south side at 92m followed by a length of limited waiting bay for a further 58m westwards. On the western approach to the access a dedicated left turn lane is in place, which starts once the end of the limited waiting bay has been passed.

PROPOSALS

3. It is proposed to upgrade both pedestrian crossings facilities to Toucan crossings, which will link the existing off road cycle route on Wragby Road. It is also proposed to extend the existing 'no waiting at any time' waiting restriction on the south side of Wragby Road eastwards for a distance of 35m, into the existing limited waiting bay so that the left turn approach lane may be extended.

CONSULTATIONS

4. Consultations have taken place and the results are as follows:
The Member for the area and Lincolnshire Police support the proposals. City of Lincoln Council, Road Haulage Association, Freight Transport Association, North Lincolnshire Health Authority, Fire & Emergency Planning, Stagecoach, PC Coaches, Lincoln and Lindsey Blind Society and Lincolnshire Association for People with Disabilities have made no representations.
5. The proposals have been advertised in the local press and on site for the pedestrian crossing upgrade and traffic regulation order from 23rd May – 13th June and 6th June – 4th July respectively.

OBJECTIONS

6. Objections have been received the resident at number 191 Wragby Road and two businesses at Nos. 246 and 252 Wragby Road.
7. The resident has concerns about the proposed new layout for the Toucan crossing facility. Currently when approaching their property from the east they are able to turn right into their driveway from Wragby Road. The revised layout for the crossing will prevent this manoeuvre and it will therefore be necessary for the resident to either approach from the west where possible or travel further westwards to a point where they can turn off and re-join the eastbound traffic flow in order to gain access to their property.
8. The businesses object to the loss of a section of the limited waiting bay to a 24 hour restriction, and believe this will be detrimental to their businesses and others as it will limit space available for passing traffic to park and visit nearby shops. They also submitted a 500+ signature petition in support of their objections to the proposals.

COMMENTS

9. An upgrade of the crossing facilities in the area must comply with the most recent advice on the design of pedestrian crossing facilities at signal controlled junctions, set out in the Department for Transport's Traffic Advice Leaflet 5/05. As a result the new staggered crossing over Wragby Road will

cover a wider area. There is insufficient space for it to extend westwards and therefore it will be lengthened eastwards and extend further across the access to No.191.

10. In order to mitigate potential delays to westbound traffic on Wragby Road resulting from traffic queuing to turn left into the supermarket site it is proposed to extend the left turn approach lane in order to increase capacity at the traffic signals. This will require the removal of on some on street parking via an extension of the existing double yellow lines on the south side of Wragby Road by 35m. Approximately 60% of the limited waiting bay will be lost as a result, leaving space for three or four vehicles to park.
11. Unrestricted parking space is available on the north side of Wragby Road with a pedestrian crossing facility opposite the shops and businesses.
12. Negotiations with the affected businesses to find ways to mitigate this loss of on street facility by means of making use of private land in front of the premises have failed to identify an acceptable solution. As there are a number of issues connected with servicing needs, deliveries and those which relate to the residential elements of these properties. A revised scheme of on street parking provision is currently being investigated and discussed with the objectors and will be subject to a formal consultation on revised proposals in due course.

Conclusion

1. The upgrading of the crossing facilities are required to ensure pedestrian safety. There is a simple viable alternative to overcome the restrictions on the singular vehicular access affected by the extended central refuge.
2. Traffic flows into the supermarket site are expected to increase significantly following its expansion. The existing left turn lane on the western approach to the access caters for approximately 11 vehicles whereas the proposed extension of waiting restriction and therefore extension of the dedicated lane will increase this to 17 vehicles. Increasing the capacity of this lane will reduce delay on the major traffic flow into the city.
3. However a revised solution may be able to still cater for an increase in capacity of the left turn lane albeit slightly less than the original proposal whilst minimising the loss of on street parking places serving the businesses.

Consultation

a) Policy Proofing Actions Required

n/a

Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Alan Aistrup, who can be contacted on 01522 782070 or alan.aistrup@lincolnshire.gov.uk.



WRANGBY ROAD, LINCOLN - PROPOSED ALTERATIONS TO WAITING RESTRICTIONS AND PEDESTRIAN CROSSING FACILITIES

Lincolnshire
COUNTY COUNCIL

Scale 1/14258



DIRECTORATE FOR DEVELOPMENT
Director: Richard Wills
City Hall, Orchard Street, Lincoln LN1 1DN

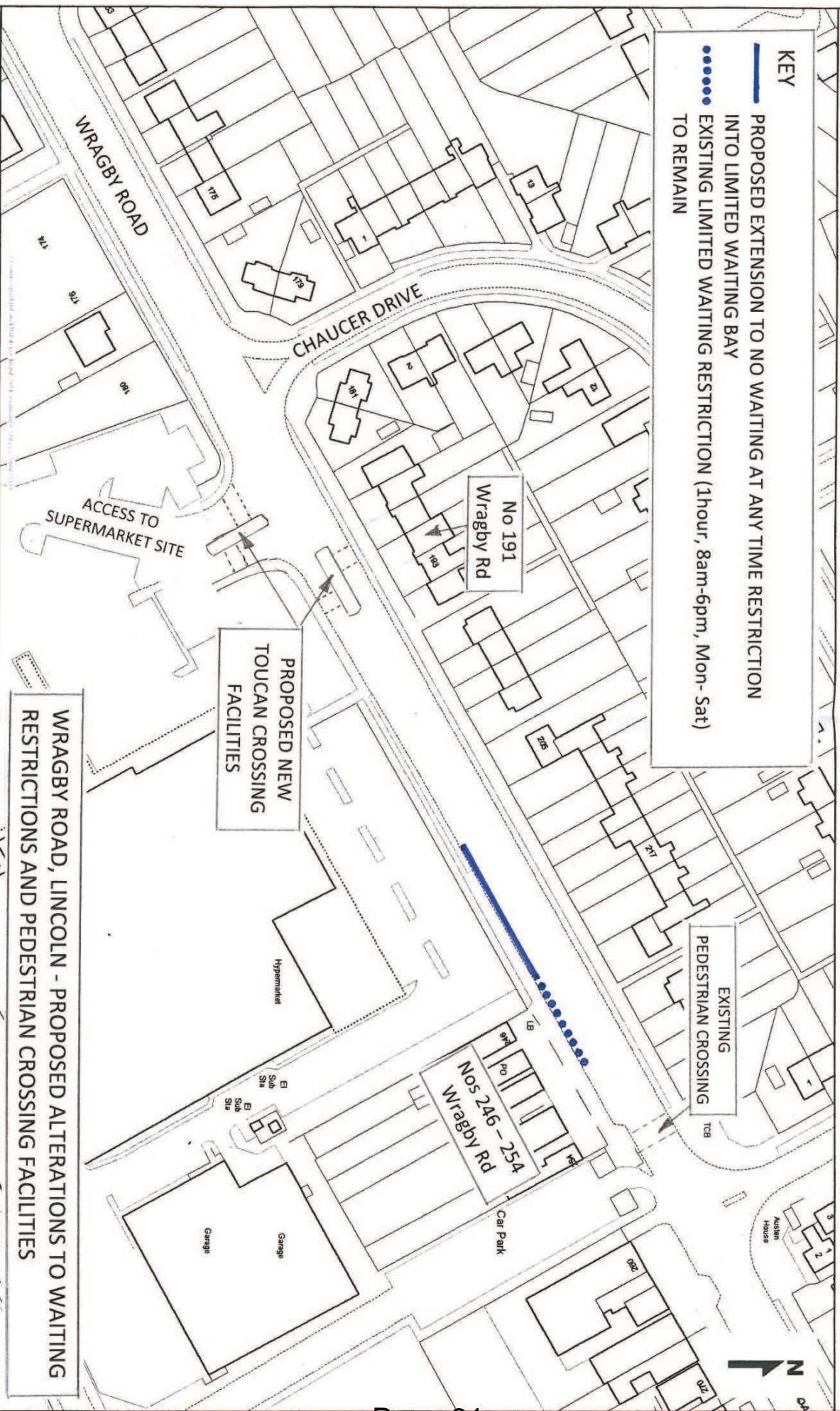
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KEY

-  PROPOSED EXTENSION TO NO WAITING AT ANY TIME RESTRICTION INTO LIMITED WAITING BAY
-  EXISTING LIMITED WAITING RESTRICTION (1hour, 8am-6pm, Mon-Sat) TO REMAIN



WRAGBY ROAD, LINCOLN - PROPOSED ALTERATIONS TO WAITING RESTRICTIONS AND PEDESTRIAN CROSSING FACILITIES



DIRECTORATE FOR DEVELOPMENT
 Director: Richard Wills
 City Hall, Orchard Street, Lincoln LN1 1DN

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Regulatory and Other Committee

**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	2 September 2013
Subject:	County Matter Application- W81/129802/13

Summary:

Supplementary Report

Planning permission is sought to continue to use a site for a green waste deposit processing and recycling centre at the Former Pea Vining Station, A1173 Riby Road, Riby.

At its meeting on 15 July 2013 the Planning and Regulation Committee deferred consideration of the application pending a site visit, which took place on 29 July 2013.

No further representations have been received since the Committee meeting on 15 July 2013 and it is still considered that the application is acceptable for the reasons set out in the report attached hereto as Appendix C.

Recommendation:

It is recommended that conditional planning permission be granted.

The Application

1. At its meeting on 15 July 2013, the Planning and Regulation Committee considered an application to continue use of a site for a green waste deposit processing and recycling centre at the Former Pea Vining Station, A1173 Riby Road, Riby. Following consideration of the application, Members of the Committee resolved to undertake a site visit. The visit took place Monday 29 July 2013.
2. The Committee undertook a tour of the site, and asked a number of questions regarding the layout of the site and the methods used in the processing of the green waste.
3. On leaving the site, the Committee visited the nearest properties to determine whether the site was producing exceptional odours. It was also noted that the level of the site was lower than the surrounding land and appeared to be well screened.

4. A copy of the detailed report on this application is attached hereto as Appendix C.
5. The officer's report, dated 15 July 2013, contains a summary of the comments and responses that were received in response to consultations originally carried out on the development. Since the preparation of the original report no further representations, relating to the application, have been received.

RECOMMENDATIONS

That planning permission be granted subject to the planning conditions and reasons for approval as set out in Appendix C of this report.

Appendices

These are listed below and attached at the back of the report	
Appendix C	Report reference 6.4 to the Planning and Regulation Committee on 15 July 2013 relating to County Matter Application to continue use of a site for a green waste deposit processing and recycling centre at the former Pea Vining Station, A172 Riby Road, Riby
Appendix B	List of Waste Materials Permitted to be Processed on Site as Set Out Under Condition 3
Appendix A	Committee Plan

This report was written by Sandra Barron, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk

**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	15 July 2013
Subject:	County Matter Application - W81/129802/13

Summary:

Planning permission is sought by Mr S Clarke (Agent: Walker Resource Management Ltd) to continue use of a site for a green waste deposit processing and recycling centre at the Former Pea Vining Station, A1173 Riby Road, Riby.

The main issues to consider are if the development would contribute to the waste hierarchy, and whether this is an appropriate location for the development in terms of amenity; specifically in relation to odour and visual impact.

It is concluded that, subject to the imposition of conditions, the development would not have a significant impact on the open countryside or surrounding area and its users, and would be acceptable in terms of odour and visual impact.

Recommendation:

Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

Background

1. Planning permission was granted on 13 September 2006 (application reference W81/0569/06) for a Green Waste Deposit Processing and Recycling Facility Centre at the Old Pea Vining Station, Riby. The permission allowed for the processing of wood waste and the composting of green waste. The planning permission restricted the materials to: green garden waste from trade clearance; plant tissue waste; waste from forestry; waste from wood processing and the production of panels and furniture, pulp, paper and cardboard; waste bark and cork; sawdust, shavings, cuttings, wood, particle board and veneer and garden, park and cemetery waste.
2. Although the planning consent did not impose a limit on the quantity of material to be processed, the Committee Report stated that there would be a maximum of 14 vehicle movements during the peak season and four

vehicle movements during the off season. Based on 11 tonne capacity HGVs it can be assumed that for six months of peak season and six months of off season this would equate to approximately 15,500 and 5,000 tonnes respectively or 20,500 per annum.

3. The permission lapsed due to the applicants' failure to comply with condition 2(b) of planning permission W81/0569/06, which required the southern access to the site to be closed prior to the site being brought into use. The site continued to operate and has been operating without a valid planning permission, since September 2006. This non-compliance was picked up by Enforcement Officers in October 2010, at which point the applicant was invited to make a planning application. Subsequent to a meeting in March 2011 and negotiations between the applicant and the Waste Planning Authority, an application was submitted in October 2012 and following receipt of the necessary documentation it was validated in March 2013. As required by condition 2(b) of planning permission W81/0569/06, the southern access to the site has now been closed.

The Application

4. Planning permission is sought to continue to use a former pea vining station at Riby Road, Riby, for green waste deposit processing and a recycling centre.
5. The application is seeking to re-establish permission to carry out two separate activities; to compost green waste in open windrows and to process waste wood. The total quantity of waste being sought for processing is 25,000 tonnes per annum. Although in reality the applicant has stated that the amounts would be approximately 8000 tonnes per annum for each waste stream (green waste and wood waste).
6. In relation to green waste, these waste materials include biodegradable garden and park waste and street cleaning residues (leaf litter), as well as lenzing fibres that are approved to be included in a PAS100 compost product. In terms of the wood waste materials this would predominantly consist of construction and demolition wood wastes.

Site Operations

7. On arrival at the site all vehicles weigh in at the weighbridge and present the relevant documentation. Vehicles depositing material proceed to the respective waste reception areas, vehicles are weighed again on exit.
8. Any wastes received which are unsuitable for processing, or are not permitted, are stored in closed containers on a designated area at the eastern boundary of the site, and removed from site to an appropriate disposal site on a regular basis. If a load contains a high proportion of non-permitted wastes it is rejected immediately on arrival, following first inspection of the load.

Green Waste

9. All wastes received at the reception area are transferred to the composting pads within 24 hours of receipt. After inspection, waste is transferred to the shredding area. It is then shredded to the appropriate size and may be mixed with screenings or a suitable oversize material and adjusted for moisture before forming a batch. The material is then formed into trapezoidal windrows; 3m high, 19m wide and 25m long. The material is then composted in open windrows for a period of approximately 8-9 weeks, the material is turned on a weekly basis to ensure all material is incorporated and monitored for temperature and moisture content. At the end of this process, the material is then screened to ensure a size no greater than 40mm.
10. The end product is BSI PAS100 compost (British Standards Institution's Publicly Available Specification for composted material). This is the national benchmark for compost, a product that is PAS100 quality is no longer a waste product. The specification was launched in November 2002 and was developed jointly by WRAP (Waste and Resources Action Programme) and the Association for Organics Recycling. The specification covers the entire process, including raw materials and production methods, through quality control and lab testing.
11. Although a Non-Pas100 product has not been produced on a regular basis since 2009, the applicant has confirmed that a small proportion of Non-Pas100 product is produced for the applicants' own requirements, to construct a bund at a site in North Lincolnshire. During the maturation period both of these materials are kept separate to ensure that there is no cross contamination. The PAS100 compost is processed and stored in the northern portion of the site and the small proportion of non-PAS100 product, is processed and stored in the southern portion, next to the wood shredding area.

Wood Waste

12. Wood wastes are delivered to site either as mixed wood loads or wood mixed with green wastes. Consequently, wood is sometimes an integral element of the delivered green waste. Incoming wood waste is inspected and the 'face' is manually picked through to remove any contaminants. Once the contaminants are removed the wood waste is transferred to the wood shredding area, where it is shredded to the appropriate size, using a slow speed shredder.
13. Once a stockpile has been formed a high speed shredder is used to substantially reduce the size and volume of the wood. Depending on the time of year and quality of the green waste available different screens are used in the high speed shredder to produce different grades of wood chip. For example if the green wastes contain lots of grass, a larger grade of wood chip is blended into it to avoid odours and achieve the correct carbon (wood) to nitrogen (grass) ratio.

14. The shredded wood is stockpiled and blended with shredded cardboard and matured. Maturing consists of adding water to the chip blend to reduce the dust content and to start microbial activity, which in turn speeds up the composting process when added to the green wastes. The dimensions of each pile would be approximately 5 metres high, 45 metres wide and 20 metres long. The wood would be sold to a variety of end markets within 48 hours.
15. A stockpile of freshly shred woodchip is kept on site to be used for covering freshly delivered green waste, to prevent any odour releases. It is also sometimes used to cover a freshly turned windrow during the summer.
16. The wood that is left from the picking process is usually chipboard, mdf and less clean wood, which is broken with the slow speed shredder to remove metal contamination and then sent to a panel board manufacturer. A small percentage of clean shredded wood is sent to a nearby horticultural nursery for use in its Biomass boiler.

Meteorological Monitoring

17. Meteorological conditions would be monitored at the site, which would include wind speed and direction, rainfall, barometric pressure and temperature on a daily basis. This assists in managing day to day activities for example, the rainfall data is required to predict the impact on the leachate holding tank capacity and the likely need for pumping off surplus leachate.

Dust and Bioaerosols

18. As a residential property is within 250m of the site a Bioaerosol Risk assessment was submitted. The report concluded that acceptable levels of airborne micro-organisms were estimated at all three of the sample locations, two of which were to the north east of the site and one to the south west. These levels may have been influenced by passing cars and heavy vehicles, and also by agricultural activities in fields around the composting site. The report recommended that a programme of regular monitoring should be considered to ensure airborne micro-organisms remain at acceptable levels.
19. Material in the active composting phases, such as the open windrow composting pad areas would be controlled in terms of moisture to ensure the material does not dry to present a dust and subsequently bio-aerosol issue.
20. In relation to dust, a statement for the control and monitoring of dusts was undertaken. It was recognised that there are several activities on site that have the potential to create dust and cause an amenity nuisance to offsite receptors, including buildings and livestock. To address the risk from dust the sources, pathways and receptors were identified and include; the acceptance and reception of wastes, shredding, blending, turning and

screening. A number of control measures would be implemented including spraying the waste, mixing it with liquids, sludges and/or other feedstocks within one hour of arrival on site and regular sweeping of the site.

21. Vehicles leaving the site would be monitored for any debris which may cause a nuisance on the road. Any vehicles found to have the potential to drop any debris on the road would be cleaned using a high pressure hose before being allowed to leave the site.

Flood Risk Assessment/Surface Water Drainage

22. The site is located within Flood Zone 1, but as it is over 1 hectare in area a Flood Risk Assessment was submitted. This report concluded that the current risk of surface water flooding on site is low and the risk of groundwater flooding is considered to be negligible. The development would have no impact upon conveyance of flood waters and the adoption of risk management recommendations would provide safe storage of liquids within a flood risk zone. The application of the sequential test verifies that the proposed development is acceptable in the current position. Furthermore, sustainable urban drainage systems (SUDS) are in place to ensure rainwater is collected and re-used within the system, or is disposed of at a suitable licensed facility.

Hours of Operation and Employees

23. The proposed hours of operation are the same as the existing hours and are set out below:

Monday to Saturday	08:00 hours to 18:00 hours
Sunday and Bank Holidays	08:00 hours to 13:00 hours

There would be nine full time workers and one part time worker employed at the site.

Access and Traffic

24. The application is seeking permission to process a maximum of 25,000 tonnes per annum of green compostable and wood waste. However, the applicant has stated that in reality the total amount is expected to be approximately 17,000 tonnes per annum. Based on this, the vehicular movements would be a maximum of 30 movements per day, which is in line with the current levels. If this were to be extrapolated to the maximum amount applied for it would equate to approximately 40 vehicular movements per day. Waste is brought to the site predominantly in local authority refuse wagons, skips and 40 tonne lorries. Compost and processed wood leaves the site in 40 tonne lorries and farm trailers.

Noise

25. The fundamental operating processes at the site would not change. All equipment at the site would be appropriately silenced and the shredder and screening equipment would be noise attenuated. All vehicles, equipment and plant would be switched off when not in use. The site is surrounded by 2.4m security fencing and mature trees, which are considered to offer noise attenuation. Any noise monitoring carried out and remedial action taken would be recorded in the site diary and reported to the Environment Agency.

Odour/Sprayer

26. An Odour Management Plan was submitted with the application. The report identifies the potential sources of odour and sets out the odour management procedures and actions that would be taken, including emergency procedures. An odour control/dust suppression line runs around the perimeter of the site and through the centre of the site, close to the site entrance and weighbridge and waste reception area. The system would include spray bars which would release a water based aerosol along all site boundaries and along the central axis of the site. The system would be operational while the site is open and would be switched on prior and during the mixing of waste considered to have a high dust content. It would be programmed to switch on automatically if the wind direction is towards sensitive receptors and during activities being undertaken that could result in dust/odour releases.

Vermin

27. Pest control bait boxes are used around the site and checked on a daily basis and refilled if required. Stored wastes would be routinely monitored for the presence of scavenging animals or birds throughout the working day by the site supervisor, and action taken to deter or remove them from the site.

Litter

28. Waste accepted at site has been pre-segregated at source reducing the risk of contamination from litter. Very little litter is expected within incoming waste, but where present it would be removed to sealed refuse containers, prior to disposal. The site is surrounded by a 2.4m high security fence, which would help to trap any windblown litter. The site, including the perimeter and the fencing, would be monitored daily for litter that may become loose during the waste transfer process, and would then be removed.

Drainage

29. The composting pad is approximately 3,220.sq.m and the wood shredding area is approximately 900.sq.m, both have an engineered fall. Any run off

from the composting pad would be collected by underground storage tanks. This water is then re-applied to the compost when required.

These systems ensure that under all weather conditions no water from the site can escape and it is either re-circulated or removed by tanker.

Buildings, Plant and Equipment

30. The site buildings are grouped together and situated behind the entrance gates. There is a staff room, administration office, weighbridge office and six container units.
 - (i) Staff room, managers' office and site office- these three structures are portacabin buildings and all measure approximately 9.8m x 3m and are approximately 2.8m high. They have flat felt roofs and are painted either grey and blue.
 - (ii) The storage containers are a maximum of approximately 6m x 3m and 2.5m high, they are painted blue. Four of the units are situated in a block, and are bounded by the portacabin buildings on three sides. The fifth unit is positioned between the waste reception area and the stockpile area and the sixth container is positioned on the southern boundary of the site close to the water storage tanks.
 - (iii) Weighbridge- the weighbridge is positioned centrally within the site, opposite the site entrance and adjacent to the waste reception area.
31. In relation to plant and equipment there are two trommels, a high speed shredder and a slow speed shredder, a telescopic handler, a caterpillar mast fork truck and two excavators.

Site and Surroundings

32. The site is located in open countryside. The village of Riby is approximately 1km to the south, Keelby is 2km to the north west and Aylesby is 1.5km to the east. At its' nearest point, the northern boundary of the Lincolnshire Wolds Area of Outstanding Natural beauty is 550m to the south of the site. The nearest residential property to the site is Foreman's Cottage which is approximately 100m to the north and is occupied by the applicant. All other properties are over 250m distance from the site.
33. The site is rectangular in shape and approximately 1.26 hectares in area. It is surrounded by 2.4 m high post and wire fencing and, except where there is a break in the line on the northern boundary, there are mature trees on all sides and the site adjoins a copse on its' eastern boundary. The site entrance is positioned on the western side of the site, with direct access onto the A1173.
34. The northern half of the site is the composting area for the PAS100 material. The site offices and the staff room/mess room are also positioned in this

area, and are to the south of the composting area. The waste reception area, stockpile area and weighbridge are positioned centrally within the site. The Non PAS100 compost area and wood shredding area are located adjacent to each other in the southern portion of the site. The far western boundary of the site stores the quarantined materials.

35. There is an impermeable hard standing covering the whole site. The dimensions of the northern portion of the composting area are approximately 96m long and 28m wide and the dimensions of the southern portion of the composting area are approximately 41m long and 27m wide. The wood shredding area is approximately 54m long and 27m wide. There are seven water storage tanks along the southern boundary of the site.

Main Planning Considerations

National Guidance

36. In respect of the National Planning Policy Framework (NPPF) (March 2012) paragraph 5 notes that it does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England, later this year. However, Local Authorities taking decisions on waste applications should have regard to policies in the Framework so far as is relevant.

A number of paragraphs of the NPPF are of particular relevance to this application:

- Paragraph 28 - states that planning policies should support economic growth in rural areas to create jobs and prosperity by taking a positive approach to sustainable new development. Plans should support the sustainable growth of all types of business and enterprise in rural areas, including through conversion of existing buildings. Promote the development and diversification of agricultural and other land-based rural businesses.
- Paragraph 109 - recognises that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.
- Paragraph 120 - to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

- Paragraph 123 - planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life and recognise that development will often create some noise.

Planning Policy Statement 10 (PPS10) – Planning for Sustainable Waste Management (Revised March 2011)

The overall objective of Government policy on waste is to produce less waste and to use it as a resource wherever possible. The PPS advocates that the treatment of waste should be moved up the ‘waste hierarchy’ which in order of priority is: prevention, preparing for reuse, recycling, other recovery and waste disposal as a last resort. This approach aims to break the link between economic growth and the environmental impact of waste.

The guidance supports the proximity principle when dealing with waste and sustainable waste management techniques and strategies. The guidance states that this will mean a change in the way waste is handled and significant new investment in waste management facilities. The planning system is pivotal to the adequate and timely provision of the new facilities that will be needed.

Paragraph 2 states that positive planning has an important role in delivering sustainable waste management by providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time.

Paragraph 21 of PPS10 states that the following must be considered in the determination of a planning application for proposals for green waste processing and recycling:

- the extent to which they support the policies in this PPS;
- the physical and environmental constraints on development, including existing and proposed neighbouring land uses;
- the cumulative effect of previous waste disposal facilities on the well being of the local community, including any significant adverse impacts on environmental quality, social cohesion, and inclusion or economic potential;
- the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport;
- give priority to the reuse of previously developed land, and redundant agricultural and forestry buildings and their curtilage.

Paragraph 24 gives the following advice on proposals involving unallocated sites:

Planning applications for sites which have not been identified, or are not in an area identified on a development plan document as suitable for new or enhanced waste management facilities should be considered favourably when consistent with:

- the policies in this PPS, including the criteria set out in paragraph 21;
- the waste management authority's core strategy.

Annexe E to PPS10 gives the following relevant criteria, which must be considered in the determination of this planning application:

- Protection of watercourses – proximity of the proposal to vulnerable surface and ground water;
- Visual Intrusion – the setting of the proposal and the need to protect adjoining landscapes which are of national importance;
- Traffic and Access – consideration of the suitability of the road network and access to the site;
- Air Emissions, including Dust – proximity of sensitive receptors to air emissions and dust and whether the effects can be mitigated;
- Odour – proximity of sensitive receptors to odour and whether the effects can be mitigated;
- Vermin and Birds – proximity of sensitive receptors and impact on aeroplanes flying from nearby airports/aerodromes;
- Noise and Vibration – proximity of sensitive receptors and whether the effects can be mitigated;
- Litter;
- Potential Land Use Conflict – Likely proposed development in the vicinity of the location should be taken into account.

Local Plan Context

37. Paragraph 215 of the NPPF states that following 12 months since its publication (March 2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework the greater the weight that may be given). This is of relevance with regard to the Lincolnshire Waste Local Plan (2006).

The following Policies in the Lincolnshire Waste Local Plan (2006) are considered to be relevant and consistent with the NPPF:

Policy WLP1 (Objective of the Plan) of the Lincolnshire Waste Local Plan (2006) states that waste management proposals will be considered in relation to their contribution to the waste management hierarchy. When applying the hierarchy and assessing the need for waste facilities regard will be paid to the proximity principle; regional self sufficiency; waste planning policies and proposals of neighbouring areas and best available techniques and the environmental setting of the facility.

WLP5 (Construction and Demolition Waste Facilities) states that planning permission will be granted for construction and demolition waste recycling facilities provided they are associated with an existing waste management facility and meet the criteria set out in Policy WLP21.

Policy WLP9 (Outdoor Composting (Windrow and Compost Heaps) states that planning permission will be granted for these facilities provided that the proposal is located at a distance from an occupied building (hotels, educational establishments, residential properties and institutions; other than properties in the same ownership as the proposed facility) that will allow any odour impacts upon the use of the occupied building(s) to be sufficiently mitigated against. The distance will be no less than 250m. The application should be accompanied by a satisfactory odour impact assessment and meet the criteria set out in Policy WLP21.

Policy WLP21 (Environmental Considerations) states that planning permission will be granted for waste management facilities in accordance with the following criterion:

- (ii) airfield safeguarding – where there would be a significant risk to aircraft movement from bird strike hazard;
- (xi) dust, odour etc – where the development including its associated traffic movements, visual impact, noise, dust, odour, litter and emissions, and its potential to attract scavenging birds, other vermin and insects would not have an adverse effect on local residential amenity including air quality; and/or other local land uses;
- (xii) transport system – where sufficient capacity is available on the local or wider road system for the traffic that is expected to be generated. Improvements or alternative modes of transport can be implemented and/or where there would not be adverse effect on road safety;
- (xvii) recovery of materials – where possible and appropriate the development proposal contributes to the potential recovery of materials and energy via recycling, energy recovery and composting in reducing the amount of waste for final disposal.

The following policies in the West Lindsey Local Plan (2006) are relevant:

STRAT 1 (Development Requiring Planning Permission) states that all development must take full account of the need to protect the environment

so that present demands do not compromise the ability of future generations to meet their own needs and enjoy a high quality environment.

Development should conserve energy resources and protect the Plan area's character with regard to:

- (ii) the provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems;
- (vi) the impact on the character, appearance and amenities of neighbouring, and where relevant, other land, including visual encroachment into the countryside;
- (viii) the impact of the proposal on neighbouring and, where relevant, other uses;
- (x) the retention and safeguarding of existing trees, woodlands and hedgerows where feasible and the incorporation of landscape measures and/or the utilisation of natural screening in order to maintain the ecological value of the site and the wider environment;
- (xii) any other material considerations properly related to regulating the use and development of land including maximising the use of previously developed land.

STRAT 12 (Development in the Open Countryside) states that planning permission will not be granted for development in the open countryside unless it requires a countryside location, or otherwise meets an objective supported by other Plan policies.

Policy NBE17 (Control of Potentially Polluting Uses) states that development that may be liable to cause pollution will only be permitted if the surrounding land is not put at risk, the quality and enjoyment of the environment would not be damaged or put at risk and adequate protection and mitigation measures are implemented to ensure that any potential environmental receptors are not put at risk.

Results of Consultation and Publicity

38. (a) Local County Council Member, Councillor A Turner - has had concerns expressed by the Chairman of the Parish Council and others that the application is for an increase in height of the stored compost. He requests that the Committee undertake a site meeting before making a decision, because of the extreme concerns of the residents.
- (b) Riby Parish Council - replied with details of the Parish Council meeting held on 27 March 2013 to discuss the planning application. Ten people at the meeting were very much against the application, due to the continuous odorous smell other people, some 30 in total, were concerned at the way the site manager had failed Riby village. The

present 3m height of the compost pile has been abused and a new height of 5m is totally unacceptable. The applicant addressed the meeting and after a debate of 1 hour and 30 minutes a vote was taken with 30 against and no one in favour.

- (c) Environmental Health Officer (EHO), West Lindsey District Council - odour complaints in 2009 appear to have been referred to the Environment Agency as the permit regulator, and as such reference to them would be the most appropriate source of comment. The EHO is not aware of any complaints in relation to noise.
- (d) Environment Agency - have no objection to the application, but comment that the Design and Access statement states that the height of the windrows would be no more than 5m. The applicant applied for the same limit in the previous planning application, but this was subsequently restricted to 3m by way of a condition. There is no condition relating to windrow heights in the Environmental Permit, making a windrow too large has the potential to make turning difficult. Turning is key for ensuring that oxygen is able to penetrate into the compost to prevent it becoming anaerobic and odorous. If permission is granted for an increase in windrow height, then the applicant must ensure that they manage their windrows and associated activities so that they do not cause pollution or impact upon amenity.

Since the Permit was issued there have been seven recorded breaches of the odour condition, three of which occurred in June 2012. As a result the applicant was required to update their Odour Management Plan and review their acceptance procedures. The latter identified that some of the input materials had been stored by a supplier for an extended period before being received, and had subsequently gone anaerobic. Measures were put in place to divert this material away from the site, and as a result the number of odour complaints reduced. The applicant was issued with a formal warning letter for a breach of permit and accepting odorous wastes.

The Environment Agency has confirmed that they have had numerous complaints from local residents in relation to odour. These complaints have been responded to with pro-active monitoring i.e. people on site. The warmer weather increases the frequency of calls, but levels of odour have been within the norm.

- (e) Highways - do not wish to restrict the grant of planning permission.
- (f) Anglian Water Services - do not wish to make any comments on the application.
- (g) Humberside Airport - has assessed the development with regards to aerodrome safeguarding criteria, namely the bird attractant risk in this case. Even though the site has been operational since 2006, it is understood that the waste stock piles are to be increased from 3m to

5m. Even though the height of the waste is not an issue, the potential increase in bird activity is a concern to Humberside Airport.

The proposed development site is within Humberside Airport's 'off airport' bird attractant site assessment area. Humberside Airport would have no objection to the continued use of the site, including the height increase of the stock piles as long as a condition requiring the applicant to comply with the ODPM Circular 1/200317 and how the increased stock heights would keep the bird attractant risk to the current level.

Following clarification of information and details, Humberside Airport (Safeguarding) confirmed that as the heights of the materials have exceeded the permitted 3m since the site first operated, the proposal to keep heights of materials to 3m (with processed materials at 5m) would mean that the bird attractant risk would not increase with the development and therefore they would be happy for the development to proceed.

- (h) Lincolnshire Fire and Rescue - object to the application on the grounds of inadequate water supply for fire fighting purposes. In order to overcome this objection a suitable hydrant should be located a maximum of 90metres from the entrance to all buildings.
- (i) Historic Environment Team, Lincolnshire County Council - have no comments to make on the proposal.
- (j) North Lindsey Internal Drainage Board and Lincolnshire Wildlife Trust - were consulted on 19 March 2013 and 3 June 2013 but had not responded at the time this report was prepared.

39. The application was publicised by site notice and a press notice appeared in the Grimsby Evening Standard on 8 April 2013. Individual properties were also notified. Twenty five copies of the same letter of objection were received, all individually signed, which made the following points:

- Odours emitted from the facility are persistent and often repulsive, leading to restrictive enjoyment of land and premises. Measures taken to prevent odours are insufficient and ineffective.
- Stockpiles constantly exceed the restrictive planning condition of 3 metre in height, therefore increasing the heights further to 5m would potentially lead to further breaches and stockpile heights in excess of the restriction.
- Additional risk of fire and concern of the effects from the event of a fire.
- Noted increase in flies and insects.
- Facility and site not discreet and unsightly with ineffective screening.

- Machinery noise persistent with excessive and often extended working hours.

A further eight letters of objection were received and the issues raised included the following:

Odour

- Odour emissions have been persistent and repulsive and restrict the enjoyment of premises for about a mile around the site, depending on the wind direction. It is not possible to have windows open, relax in the garden or hang washing out to dry, residents have even left their houses for the day when the smell has been particularly bad. The smell has made Riby a less desirable place in which to live and the application has not taken into account the caravan site, which is only metres away.
- Since the site has been running it has been operating above the 3m height restriction and it is considered that this is what is causing the odour, if the height were to be restricted to 3m and implemented, it would prevent much of the smell. One letter points out that during the four months previous to March 2013, the waste and compost were kept to a height of approximately 3m which was a level that the odour management system was almost able to cope with, however there have been days when this system has not been used.
- Over 100 complaints have been made to the Environment Agency; why have the EA/County Council not enforced the planning condition of 3m and reduced the smell.
- There are inconsistencies between the Planning Statement and the Odour Management Plan (OMP), the former states that the odours are only created during short periods of processing, but the latter says the turning of windrows occur for an average of 18 hours a week.
- "Sniff " tests do take place, however the applicants "sniff" testers test in a different direction to where the wind is blowing, thereby stating that no odour is present.
- It is impossible for a judgement to be made on turning if meteorological conditions are unfavourable, as the site has properties on all sides. Depending on which direction you live the nuisance is 360 degrees, 365 days a year for those in the vicinity and is not just detrimental to householders nearby the facility but to those in business in nearby catering, offices and the leisure holiday industry.
- On occasion following visits from waste deliveries the odour has changed to that akin to both sewage and fishmeal.

Visual Amenity

- The site is very visible from the A18 and is an eyesore, especially during the winter months when there is no foliage. The stock piles exceed the height of the perimeter fencing. The landscaping which was implemented upon commencement of the site, has had little success in obscuring and making the site discreet, partly due to the planting not cloaking the facility and due to the stock piles exceeding 3m in height.
- On a daily basis, the large machinery on top of the mounds that turn the compost are visible.
- It is a totally inappropriate site that is surrounded on all sides by houses.

Traffic

- Since the operation of the facility there has been an increase in traffic at Riby Crossroads, which is already a busy junction, due to the lorries going to the site. The open top lorries which take the compost to different sites are heavily loaded with materials, which on occasion spill out onto the road, which could eventually lead to a serious accident. The lorries also appear unsafe with excessive tilting when turning at the junction.
- Tractors have been moving the "so called compost" for up to 13 hours on a Sunday and the material was piled so high it was spilling off the trailer onto the road.

Noise

- The noise from the machinery is a disturbance during the day with the drone of some machines and the clatter of heavy excavation plant moving materials around. This occurs regularly from 07:00 to approximately 16:30 hours six days a week. Sundays and Bank Holidays are the same with the only exception and relief that this finishes at 13:00 hours. There have been times when machinery has been operating beyond these restrictive hours with little regard to nearby residents. It is difficult to comprehend why Sunday and Bank Holiday working is so critical when the only observed operations is to move materials around within the curtilage of the site. No deliveries appear to be made on these days to justify the importance of working at these particular times.

Other Issues

- Residents have been misled- they were originally told it would be no more than a cottage industry.
- Additional risk of fire and the concern of the effect on neighbouring properties.

- An increase in flies and vermin in the area.
- Concern regarding out of hours working.
- Dust - resulting from the break up of the wood waste.
- The site is too close to the village and too small for what is proposed.

Further additional information from the applicant was received, which was sent out to consultation. The following comments were subsequently received (four letters):

- The additional details supplied by the applicant are a rework of the previous statements and plans.
- The applicant says he has complied with the regulations or otherwise the Environment Agency would have prosecuted him. It is felt that the applicant is unable to keep to any of the Plans and Statements made and this is backed by his constant disregard of Planning Regulations for the last seven years. The Environment Agency seem unable to supervise with regard to the correct waste that the site is licensed and when that occurs the smell is intolerable. Lincolnshire County Council seems unable to make the applicant comply with his planning requirements. It is considered that there is no way of making sure he will adhere to the rehashed version or the one previously submitted.
- In relation to the fires, there is concern about the proximity of the northern block valve site for the Theddlethorpe to Killingholme gas pipeline on land which is directly across the road from Clarkesons. Also, the fire service had to refuel their vehicle from the hydrant at the crossroads several times and the nearest water hydrant is 300m away from the site.
- The applicant had permission for green waste only (15 movements a day) and since then it has turned into a recycling yard with between 30 and 40 vehicle movements a day, including the removal of the product to fields. There would appear to be a contradiction as the application originally stated that 10,000 tonnes would not exceed the site capacity, but are now saying that amount is an additional 15,000 tonnes, if the tonnage is increased to 25,000 tonnes there would be more than 40 vehicles per day. The site is too small for 25,000 tonnes and the material is being stockpiled on farm land for at least six months before being used.
- The site is on the east coast with a prevailing wind from the north, north east and east, so that the smell travels all over the village. There are questions about the breach of previous planning conditions and the concerns raised by the Environment Agency about any increase in windrow height, and if an acceptance to now keep the windrow piles to

3m would be practicable, given the intention to increase the volume of material at the site.

- The closest property is approximately 255m from the site, offensive odours do not stop at 250m. Antiquated guidance suggests a distance of 250m should be sufficient however case studies such as Giessen and other European studies have illustrated a more reasonable and preferred distance is a 500m buffer zone.
- The vegetation around the site does not obscure the site, partly due to the height of the windrows and the machinery on top.
- Guard dogs patrolling the site can be very intimidating.
- The effectiveness of the odour abatement system is questioned, as it has no effect on diffusing the offensive odours, possibly due to the height of the sprayers totalling 3m and the windrows exceeding 3m in height. The applicant has suggested, at a public meeting, that these easily deal with heights of 5m, however observing the spray in the wind this is not the case.
- Attention should be brought to the applicants disregard to maintain conditions set by all authorities and continue to be inconsistent when questioned regarding certain issues e.g. it was stated at a Parish meeting that the fire on site had been due to a glass bottle on site, however the addendum planning statement says this was due to machinery mechanical failure.

District Council's Recommendations

40. West Lindsey District Council commented that odour complaints reported in 2009 were forwarded to the Environment Agency. They have no further comments to make.

Conclusions

41. The key test for determining planning applications is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 which states:-

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
42. The development plan comprises the Lincolnshire Waste Local Plan (2006) and the West Lindsey Local Plan (2006). In respect of what is classed as material, in principle, any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within the broad class is material in any given case will depend on the circumstances. A material consideration must

be a genuine planning consideration i.e. they must be related to the development and the use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned.

43. In respect of national planning guidance this is set out in Planning Policy Statement 10 (PPS10) which requires planning authorities to drive waste management up the waste hierarchy, address waste as a resource and looks to disposal as a last option. In 2011, PPS 10 was updated and composting was removed from the waste hierarchy. A new paragraph was inserted in PPS 10 which seeks to achieve more sustainable waste management by moving the management of waste up the 'Waste hierarchy' of prevention, preparing for re-use, recycling, other recovery and disposing only as a last resort. The Government aims to break the link between economic growth and the environmental impact of waste.
44. Policy WLP1 of the Lincolnshire Waste Local Plan, notes that waste management proposals will be considered in relation to their contribution towards the waste management hierarchy. The objective of this policy is to seek to move waste material that would otherwise be disposed by landfill up the waste hierarchy. In terms of the hierarchy, this proposal seeks to treat waste at the second tier of the hierarchy as other recovery; where the material at the end of the composting and the waste wood processes are of a standard that no longer constitutes waste.
45. The key issues that need to be assessed in relation to this application are as follows:-
 - The contribution the application makes in respect of the waste hierarchy
 - Odour
 - Visual Impact
 - Transportation
 - Noise
 - Other Issues.

Waste Hierarchy

46. In order to demonstrate that development is moving waste up the hierarchy, and therefore to provide justification for locating the facility in the open countryside and to be compliant with Policy WLP1 of the Waste Local Plan and STRAT 12 of the West Lindsey Local Plan, the Waste Planning Authority needs to be satisfied that the material produced is no longer classed as waste. In relation to the green waste composting operations, with the exception of a small proportion of material that is solely for the applicants' use, the end product meets the national standard of quality for a compost product i.e. BSI PAS100:2011. As such, the material produced is no longer a waste and the input materials have been moved up the waste hierarchy. Consequently, it is concluded that the development would be in accordance with the waste hierarchy as set out in PPS10 and also the requirements of Waste Local Plan Policy WLP1 and WLP21(xviii).

47. In relation to the wood waste recycling, this must be assessed against Policy WLP5. Amongst other criteria, criterion (ii) states that such facilities will be acceptable provided they are associated with an existing waste management facility and meet the criteria set out in Policy WLP21. The applicant has provided information which demonstrates a link between the wood waste activities and the composting operations. In addition to the wood waste loads, wood also arrives in the green waste loads. Wood waste is chipped and shredded and, depending on the composition of the green waste, is added to the composting material to ensure the correct carbon (wood) to nitrogen (grass) ratio. Wood chip is also used for covering freshly delivered green waste and turned windrows in the summer, to help prevent odour release. Other wood waste, not suitable for shredding and chipping for the composting process, is sent to panel board manufacturers. It is therefore considered that there is an association and connection between the two activities and consequently the development complies with the locational criterion of Policy WLP5.

Odour

48. A significant number of objection letters and representations have cited odour as a major nuisance and cause of concern. Residents state that the smells are so unpleasant that they prevent them from sitting outside and enjoying the amenity of their house and garden. Windrows and waste materials consistently exceed the previous height restriction of 3m. The Environmental Health Officer has raised no concerns in relation to odour at the site, but does comment that complaints received in 2009 were referred to the Environment Agency. The Environment Agency have stated that investigations took place into breaches of the odour condition on the Permit, which identified that some of the input materials had gone anaerobic prior to being received at the site. To address this, the Odour Management Plan was subsequently updated. Other odour complaints have been investigated and found to be within the normal range.
49. The Environment Agency have stated that if a windrow is too large it makes turning difficult, by inhibiting machinery from being able to reach in and break up material at the centre. Turning is crucial in enabling oxygen to penetrate the compost and prevent it from becoming anaerobic and consequently odorous.
50. The applicant has since confirmed that they are now seeking a height of 3m for the composting windrows and 5m for the height of the stored finished product and wood stocks. This restriction in the height of the composting windrows should ensure that machinery is able to properly turn the composting matter, and hence anaerobic conditions should not occur. Furthermore, the odour misting/spray system is set at a height of approximately 3m and it is therefore considered that it would be more effective when used on windrows at a height of 3m as opposed to 5m.
51. Odour is listed at Annex E of PPS10 as one of the locational criteria that needs to be taken into account in determining planning applications. Defra

(Department for Environment, Food and Rural Affairs) produced a 'Good Practice and Regulatory Guidance on Composting and Odour Control for Local Authorities' (March 2009). In piled composting the optimum height, for the control and management of odour is 3m. Therefore, it is considered that if planning permission were to be granted a condition restricting the windrows to 3m in height, would address the odour issues currently experienced at the site. Furthermore, it is considered that by virtue of the fact that the materials being brought to the site are capable of being processed into a PAS100 product, should ensure that odour is not a problem. It appears that odour issues in the past have related to unsuitable materials being brought to the site. Therefore, it comes down to good management and inventory control to prevent such waste materials being brought to the site.

52. Criterion (i) of WLP9 states that, with the exception of properties in the same ownership as the proposed facility, there should be a distance of 250m from a compost facility to the closest occupied building. Foreman's Cottage is the only property within 250m of the application site, at approximately 100m distance from the site, and is occupied by the applicant. The application is also accompanied by an Odour Management Plan identifying under what circumstances odour can become an issue for the proposed activity and listing a number of mitigation points to ensure that such a situation does not arise. The Plan also includes an Emergency Procedure for Offensive Odour from Anaerobic Conditions. In this particular case it is considered that such a Plan is adequate to meet the requirements of criterion (iv) of Policy WLP9 and the application is in accordance with the relevant criteria of West Lindsey Local Plan Policy STRAT 1(viii) and NBE 17 which aims to protect the quality and enjoyment of the environment, and the requirements of Policy WLP21 (xi) in relation to odour.

Visual Impact

53. The site is approximately 550m, at its' nearest point, from the Lincolnshire Wolds Area of Outstanding Natural Beauty, however the site itself is not within an area of formal protection designation. Much of the existing site infrastructure, including the site surface and the holding tanks were in place when the site was a pea vining operation. Taking these factors into account, including the presence of the plant and machinery, the site is not assessed to be out of keeping with the agricultural character of the area.
54. There are open views to the site from all directions and the site is enclosed by security fencing and gates and, with the exception of a break along the northern boundary, there are mature trees around the perimeter of the site. During the summer this all combines to offer extensive screening to the site. However, concerns have been expressed about the visual appearance and impact on the environment. Much of the concerns relate to the height of the windrows which means they are visible from outside of the site and the fact that machinery is often seen on top of the piles.

55. Landscaping and tree planting is well established around the perimeter of the site, although there is a significant gap in the tree line on the northern boundary. This planting helps to screen the site, however the height of the piles and the machinery on top of these piles are obtrusive features in the environment. A condition restricting the permitted height of the materials to 3m to address odour issues, would also help to mitigate the visual impact. In turn, it is considered that a reduction in the height of the waste piles would reduce the height that the machinery can currently be viewed at. The machinery is required to be on top of the material to turn it and break it up, which is a necessary procedure in the composting process. An area in the wood shredding area and the composting area, which is screened by some of the thicker planting, could be allocated for the storage of finished compost and wood product only, to a height of 5m. Furthermore, a condition for a scheme to be submitted for tree planting to shore up the gap, on the northern boundary, would help to achieve more comprehensive screening for the site. It is therefore considered that the application is not contrary to criterion (xi) of Policy WLP21 in relation to visual impact or to Policy STRAT 1 criterion (vi) of the West Lindsey Local Plan (2006), which seeks to protect the impact of visual encroachment into the countryside.

Traffic

56. The information submitted with the application states that the maximum number of vehicular movements would be 40 per day, based on the maximum amount of material applied for, which is 25,000 tonnes. However, in reality the total quantity is expected to be 17,000 tonnes per annum, which would equate to approximately 30 movements per day, or based on a 10 hour day, this would be three vehicles entering or exiting the site every hour.
57. Thirty vehicular movements a day, would be in line with the figures provided by the applicant for the current volumes of material and traffic movements. This is higher than the amount that the application was originally assessed on, which cited 14 vehicular movements. However, the Highways Officer has not raised any concerns in relation to traffic and it is considered that the application would be acceptable under Policy WLP21(xii).

Noise

58. There are various plant and equipment associated with the development. It is considered that if this machinery is limited to operate within the permitted working hours, it is akin to other types of farm related machinery working in the surrounding area. The Environmental Health Officer has confirmed that they are not aware of any reported noise complaints. Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on quality of life, but to recognise that development will often create some noise. It is therefore considered that the development would not be contrary to the NPPF or Policy WLP21(xi) which aims to ensure that development would not have an adverse impact on residential amenity due to noise.

Other Matters

59. The risk of fire and the incidence of fire at the site has been raised as a concern during the public consultation process. The applicant has stated that there have been no recorded instances of fires from materials on site and that a recent fire was caused due to a mechanical equipment failure. The fire and rescue service have advised of the need for improved water supply to the site through the installation of a fire hydrant on site. It is considered that the concerns raised by Fire and Rescue are not planning matters however, the applicant has confirmed their willingness to address these matters and to meet the requirements of Lincolnshire Fire and Rescue, which would be attached to any permission granted as an informative.
60. One representation expressed concern about the proximity of the site to the northern block valve site for the Theddlethorpe to Killingholme pipeline, on land opposite the site. After extensive research, officers have been unable to find information verifying this as a land use constraint.
61. In relation to working hours, there have been concerns expressed about out of hours working. The applicant has stated that the site is required to be open on Sundays to facilitate the contractual requirements of local authorities. It is proposed that a condition would be imposed on any planning permission granted restricting the operating hours to those assessed when the previous planning application was consented.
62. Concerns were originally expressed by Humberside Airport in relation to bird strike, as a result of the original proposal to increase the height of the materials. The heights of the materials have consistently been at 5m since the site was first brought into operation, and confirmation by the applicant that they are now seeking a reduction in heights of material to 3m, provided this would be adhered to and enforced, represents an improvement on the existing situation and consequently the application would not be contrary to Policy WLP21(ii). The Airport has subsequently confirmed they are content with this arrangement.
63. The application is seeking to re-establish the permission to use the site for green waste composting and wood waste processing, thereby moving waste up the waste hierarchy to a useable product. The main issues associated with the development include odour and visual impact. It is considered that a condition restricting the height of the windrows to 3m and only allowing stockpiled material to be at 5m on defined areas of the site will both reduce the odour issues associated with the site and the visual impact concerns. As previously discussed the traffic movements associated with the development are anticipated to be within the existing range. For these reasons the application complies with National Guidance and Policies WLP1, WLP5, WLP9 and WLP21 of the Lincolnshire Waste Local Plan and Policies STRAT1, STRAT12 and NBE17 of the West Lindsey Local Plan.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out strictly in accordance with the details set out in the application received on 4 March 2013 and supporting documents received on 29 October 2012, 22 February 2013 and 31 May, and the accompanying plans:
 - 10/1157-003 Site Layout and Function Plan received on 26 June 2013
 - 10/1157-006 Building Plans and Elevations, Fence and Gate Details received on 29 October 2012
 - 10/1157-005 Drainage Plan received on 29 October 2012.
2. The maximum quantity of waste material brought to the site shall not exceed 25,000 tonnes per annum. All materials to be brought to the site for composting and processing shall be weighed at the site weighbridge. Weighbridge records shall be retained for at least two years and available for inspection by the Waste Planning Authority on request.
3. No waste other than green waste as defined by this permission and wood waste shall be imported to, deposited, processed or stored at the site. For the purposes of this condition and for the avoidance of doubt these waste materials are those specified in Table 2 - Waste Materials Processed October 2011 to September 2012, as set out in the document titled Management System, received by the Waste Planning Authority on 31 May 2013.
4. Any material contained within deliveries to the site which falls outside those defined in Condition 3 above, shall, within 24 hours of such delivery, be moved to the approved quarantine area and stored in a designated covered skip prior to removal from the site. Removal of such waste from the site shall be no later than seven days from delivery of the non-permitted waste.
5. There shall be no retail sales of compost from the site.
6. Other than in the areas defined on Plan W81/129802/13, attached to this Decision Notice, the stockpiling of all waste materials, windrows and finished products shall not exceed 3m in height. In the areas shown on Plan W81/129802 heights of the finished product only, shall not exceed 5m.
7. The use hereby permitted shall cease and all compost, waste, buildings, structures, plant and machinery and any other equipment brought onto the land for the purposes of such use shall be removed from the site within two months of the date of failure to meet any one of the requirements set out below:
 - (i) Within one month of the date of the decision a scheme shall be submitted to the Waste Planning Authority for the following:

- (a) tree planting (indicating inter alia the number, species, heights on planting and positions of all trees) along the northern boundary of the site;
 - (b) weed control;
 - (c) a programme for the maintenance and replacement of dead and dying plant material during the first five years following completion of the planting; and
 - (d) phasing of the scheme.
- (ii) Within six months of the date of this decision the scheme as set out at (i), above shall have been approved by the Waste Planning Authority or, if the Waste Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to and accepted as valid by the Planning Inspectorate.
- (iii) The approved schemes shall have been carried out and completed in accordance with the approved timetables.
8. The development shall be carried out in accordance with the Odour Management Plan, received by the Waste Planning on 31 May 2013. Monitoring results shall be forwarded to the Waste Planning Authority within seven days of any such written request by the Waste Planning Authority. Any subsequent amendment to the monitoring programme shall be approved in writing by the Waste Planning Authority. The monitoring programme outlined above shall be carried out in accordance with the approved programme.
9. The site shall only operate between the following hours:
- | | |
|-----------------------------------|----------------------------|
| Monday – Saturday | 08:00 hours - 18:00 hours |
| Sundays, Bank and Public Holidays | 08:00 hours - 13:00 hours. |
10. Should the site cease to accept waste materials for composting, and wood waste processing or operations are suspended for a period in excess of six months, then all plant, machinery, equipment, buildings, weighbridge, fencing, compost and waste materials shall be removed within a further three month period. All materials that have not been processed to form compost shall be removed from the site to licensed waste disposal facility.
11. Within four weeks of the site ceasing to accept waste materials for composting or the suspension of composting operations, the Waste Planning Authority shall be notified in writing of such cessation or suspension.

Reasons

1. To ensure the development is carried out in accordance with the details submitted.

2. To ensure that the scale of the operation and the number of associated traffic movements are kept within the range put forward by the applicant.
3. To control pollution at the site and to ensure that the development is in accordance with the submitted details.
4. To prevent pollution of soil and groundwater resources.
6. In the interests of visual amenity and amenity.
- 5, 7, 8, 9 & 11
In the interests of the amenity of the area.
10. To ensure the restoration of the site should it cease to operate as a green waste deposit processing and recycling area.

Reasons for Granting Planning Permission

The application is to re-establish permission to accept waste to form compost and to process and recycle waste wood and as such the development would meet the Government's aim of moving waste further up the waste hierarchy and accord with Policy WLP1 of the Lincolnshire Waste Local Plan. Vehicular traffic movements associated with the development are considered acceptable and therefore the aims of Policy WLP21(xii) would not be compromised. The issues associated with odour and visual amenity can be addressed by restricting the heights of materials by planning condition. It is considered that the development would not be out of keeping with the landscape and therefore it would not be contrary to Policy WLP21(xi) and Policy STRAT1 of the West Lindsey District Local Plan. Consequently the application accords with the requirements of Policy WLP9. In conclusion it is considered that the proposed development would not be contrary to the aims and objectives of Policies WLP1, WLP9 and WLP21 of the Lincolnshire Waste Local Plan (2006).

In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by providing pre-application advice on the development and seeking further information and requesting revisions to the application in order to seek solutions and address issues raised during the consideration of this application. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development and is consistent with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework.

Policies Referred To

National Guidance

National Planning Policy Framework (NPPF) (March 2012)
 Planning Policy Statement 10 (PPS10) Planning for Sustainable Waste Management (Revised March 2011)

Lincolnshire Waste Local Plan (2006)
 Policy WLP1 - Objective of the Plan
 Policy WLP5- Construction and Demolition Waste Facilities
 Policy WLP9 – Outdoor Composting (Windrow and Compost Heaps)
 Policy WLP21 - Environmental Considerations

West Lindsey Local Plan (2006)
 Policy STRAT 1 - Development requiring Planning Permission
 Policy STRAT 12 - Development in the Open Countryside
 Policy NBE 17 - Control of Potentially Polluting Uses

Appendices

These are listed below and attached at the back of the report	
Appendix A	Committee Plan
Appendix B	List of Waste Materials permitted to be accepted on site as set out under Condition 3

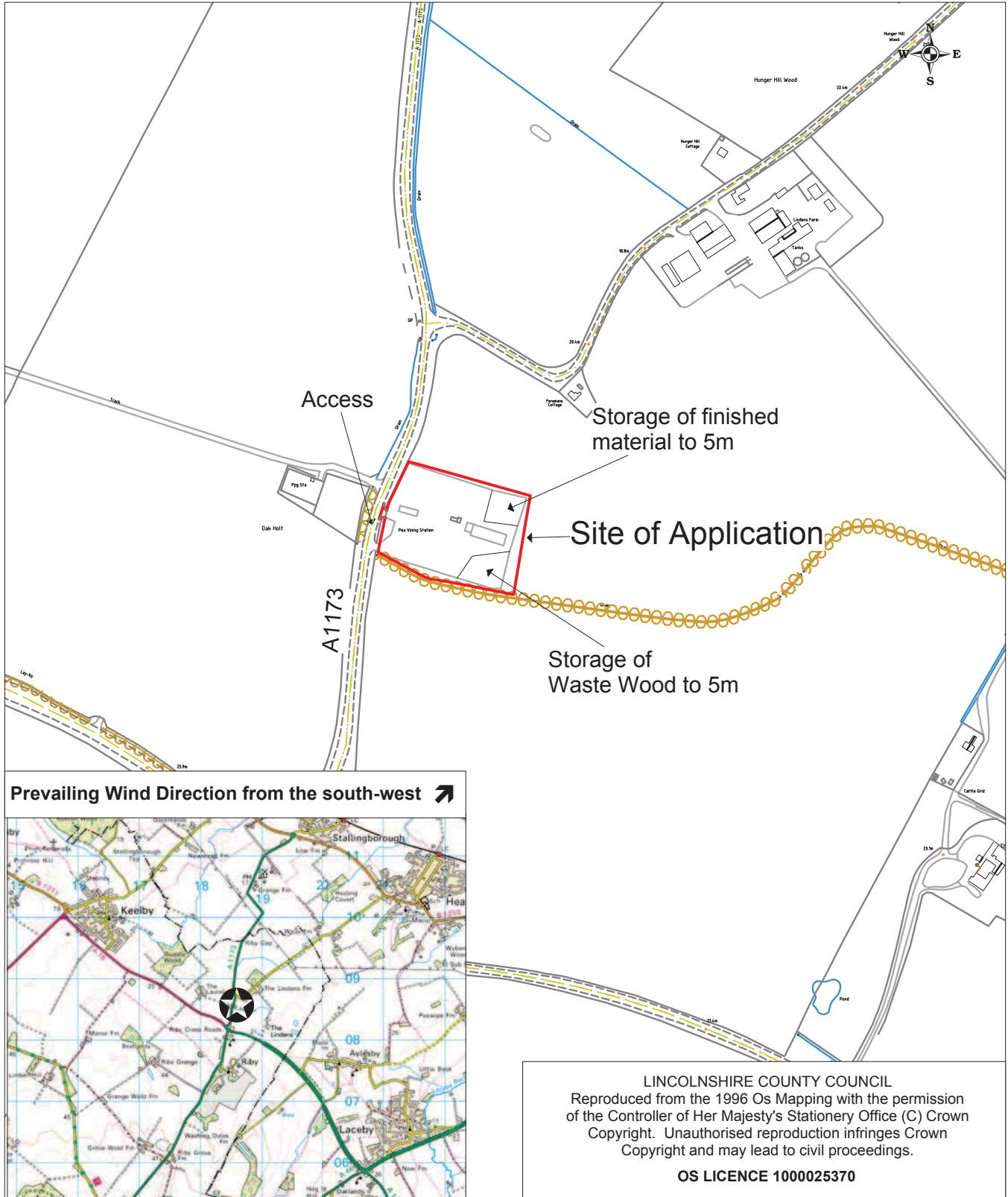
Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File W81/129802/13 W81/0569/06	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Guidance - National Planning Policy Framework (NPPF) (March 2012)	Communities and Local Government website www.gov.uk
Lincolnshire Waste Local Plan (2006)	Lincolnshire County Council website www.lincolnshire.gov.uk
West Lindsey Local Plan (2006)	West Lindsey District Council website www.west-lindsey.gov.uk

This report was written by Sandra Barron, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL Appendix A PLANNING



Location:
Former Pea Vining Station
A1173 Riby Road
Riby

Description:
To continue to use the site for green waste deposit processing and recycling centre

Application No: W81/129802/13
Scale: 1:5 000

Appendix B - List of Waste Materials permitted to be processed on site as set out under Condition 3

- Street Cleaning Residues (leaf litter)
- Biodegradable garden and park waste
- Municipal paper and cardboard
- Construction and demolition wood wastes
- Wood Fibre Rejects
- Construction and Demolition Mixed Rubble
- Gypsum based construction and demolition wastes

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**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	2 September 2013
Subject:	County Matter Application – S24/1752/11

Summary:

Supplementary Report (2)

At its meeting on 15 July 2013, the Planning and Regulation Committee considered an application by Creeton Quarry Ltd (Agent: David Jarvis Associates) to allow for the importation of inert restoration materials to facilitate the restoration of part of Creeton Quarry, Couthorpe Road, Creeton. The land subject of this application lies within the existing permitted boundaries of the quarry and covers an area extending approximately 1.6ha in size. The application proposes that approximately 200,000m³ or 300,000 tonnes of materials be imported and landfilled within the application site in order to facilitate and achieve the final restoration profiles/plans for the wider quarry. The landfilling operations would be limited to a relatively small area of the quarry with the remainder of the quarry being restored using materials (e.g. overburden, waste stone, soils, etc) sourced from within the quarry as part of the on-going mineral extraction operations.

At its meeting on 15 July 2013 the Planning and Regulation Committee resolved that it is minded to approve the application and therefore Officers have now prepared a series of planning conditions which are proposed to be attached to the planning permission once it is issued.

Recommendation:

That planning permission be granted subject to the conditions set out in this report.

Background

1. At its meeting on the 15 July 2013, the Planning and Regulation Committee considered an application by Creeton Quarry Ltd (Agent: David Jarvis Associates) to allow for the importation of inert restoration materials to facilitate the restoration of part of Creeton Quarry, Couthorpe Road, Creeton. The Officer's report (attached as Appendix F) had recommended that planning permission be refused, however, the Planning and Regulation Committee resolved that it is minded to approve the application.

2. In light of the Committee's resolution, Officers have now prepared a series of planning conditions which they recommend be imposed in issuing the decision notice. The planning conditions set out in this report take into account conditions attached to existing permissions affecting the site and best practice advice and guidance in relation to the use of planning conditions.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission. Written notification of the date of commencement should be sent to the Waste Planning Authority within seven days of such commencement.
2. The development hereby permitted shall be carried out in strict accordance with the following documents and plans except where modified by conditions attached to this planning permission or details subsequently approved pursuant to those conditions.

Planning Application, Supporting Statement, Environmental Statement and Environmental Technical Appendices (received 1 July 2011) and Additional Information (received 18 November 2012) and the following drawings/plans:

- Drawing No.1809/IF/2 – Proposed Restoration Infilling
 - Drawing No.1809/ROMP/3A – Indicative Scheme of Working – Phase 1
 - Drawing No.1809/ROMP/4A – Indicative Scheme of Working – Phase 2
 - Drawing No.1809/ROMP/5A – Indicative Scheme of Working – Phase 2
 - Drawing No.1809/ROMP/6 – Indicative Scheme of Working – Proposed Restoration
3. No materials other than clean, naturally occurring soil and mineral materials including topsoil and sub-soils, clays, silts, sands and gravels, underlying geology and made ground comprising of the materials cited in this condition shall be deposited or stored within the site edged red as defined on approved Drawing No.1809/IF/2.
 4. No pre-treatment, including the crushing or screening, of the imported materials hereby permitted (defined by Condition 3 above) shall be carried out on site and all materials shall either be stored or directly placed within the approved tipping area upon arrival at the site.
 5. Before the commencement of any infilling or tipping operations hereby permitted, the lateral limits of the area to be infilled and tipped using imported materials shall be clearly marked out and defined on site. The area shall conform to that shown on Drawing No.1809/IF/2 and be approved by the Waste Planning Authority. Thereafter the lateral limits of the

approved area shall continue to be marked out and defined for the duration of the development hereby permitted.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no building, structure, fixed plant or machinery associated with this development shall be erected, extended or installed on the site without the prior written approval of the Waste Planning Authority.
7. No development shall take place until details of the design, specification and position of wheel cleaning facilities to be installed within the site have been submitted to and approved in writing by the Waste Planning Authority. The approved facilities shall thereafter be installed in accordance with the approved details within three months of the written approval of the Waste Planning Authority and be available in full working order at all times and thereafter maintained for the duration of the development hereby permitted.
8. No commercial vehicle shall leave the site unless its wheels and underside chassis are clean so as to prevent materials, including mud and debris, being deposited on the public highway. Any accidental deposition of such materials shall be removed immediately.
9. No development shall take place until details of the design, specification and position of a proposed system to collect or divert the flow of surface water run-off derived from quarry's site access road/ramp onto Couthorpe Road have been submitted and approved in writing by the Waste Planning Authority. The proposed system shall ensure that all surface waters are appropriately managed and controlled so as to prevent such waters reaching or discharging onto the public highway. The approved system shall thereafter be installed in accordance with the approved details within three months of the written approval of the Waste Planning Authority and be available in full working order at all times and thereafter maintained for the duration of the development hereby permitted.
10. No operations and activities authorised or required in association with this development, including vehicles accessing and egressing the quarry, shall be carried out except between the following hours:

Monday to Friday 07:00 to 18:00 hours
Saturdays 07:00 to 13:00 hours

No operations or activities shall be carried out on Sundays, Public and Bank Holidays.
11. The final landform and surface restoration levels shall accord with the landform and final contour levels shown on approved Drawing No. 1809/ROMP/6.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. To identify the scope of the planning permission, to ensure the development is completed in accordance with the approved details.
- 3 & 4 For the avoidance of doubt and to define the materials permitted to be imported and deposited as part of the development and to reflect the development and operations for which planning permission was sought.
5. To ensure the permitted area for infilling and tipping of imported materials is clearly defined so as to prevent materials being deposited or stored outside the planning permission boundaries.
6. To enable the Waste Planning Authority to adequately control the development and to prevent the intensification of plant and machinery on the site so as to minimise any potential impacts on the amenities of the local area.
- 7, 8 & 9
To prevent mud and other deleterious materials being transferred onto the public highway in the interests of highway safety and to safeguard the local water environment and minimise the risk of pollution to watercourses.
10. To correspond with the existing permitted hours of operation for the wider quarry and in the interests of local amenity and to ensure traffic associated with the development does not detrimentally effect nearby residents.
11. To ensure that final restoration levels reflect those proposed as part of the application and to ensure the proper restoration of the site.

Appendices

These are listed below and attached at the back of the report	
Appendix F	<p>Report reference 6.1 to the Planning and Regulation Committee on 15 July 2013 relating to County Matter Applications:</p> <p>S24/1741/11 - To extend the existing quarry (Part-retrospective)</p> <p>S24/1752/11 - To allow for the importation of inert restoration materials to facilitate the restoration of part of the quarry in accordance with the proposals contained within the First Periodic Review application (S24/1726/11)</p> <p>S24/1726/11 - Application for the determination of new (updated) conditions to which Creeton Quarry is to be subject (Environment Act 1995: First Periodic Review)</p>
Appendix E	<p>Report reference 5.7 to the Planning and Regulation Committee on 10 June 2013 relating to County Matter Applications:</p> <p>S24/1741/11 - To extend the existing quarry (Part-retrospective)</p> <p>S24/1752/11 - To allow for the importation of inert restoration materials to facilitate the restoration of part of the quarry in accordance with the proposals contained within the First Periodic Review application (S24/1726/11)</p> <p>S24/1726/11 - Application for the determination of new (updated) conditions to which Creeton Quarry is to be subject (Environment Act 1995: First Periodic Review)</p>
Appendix A	Reasons for approval and conditions for application S24/1741/11
Appendix B	Reasons for refusal for application S24/1752/11
Appendix C	Amended schedule of conditions in relation to application S24/1726/11
Appendix D	Committee Plan

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File S24/1752/11	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Guidance National Planning Policy Framework Planning Policy Statement 10: Planning for Sustainable Waste Management	Communities and Local Government website www.gov.uk
Lincolnshire Waste Local Plan 2006	Lincolnshire County Council website www.lincolnshire.gov.uk
South Kesteven Core Strategy 2010	South Kesteven District Council website www.southkesteven.gov.uk

This report was written by Marc Willis, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk

**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	15 July 2013
Subject:	<p>County Matter Applications</p> <p>S24/1741/11 - To extend the existing quarry (Part-retrospective)</p> <p>S24/1752/11 - To allow for the importation of inert restoration materials to facilitate the restoration of part of the quarry in accordance with the proposals contained within the First Periodic Review application (S24/1726/11)</p> <p>S24/1726/11 - Application for the determination of new (updated) conditions to which Creeton Quarry is to be subject (Environment Act 1995: First Periodic Review)</p>

Summary:**Supplementary Report**

At its meeting on 10 June 2013 the Planning and Regulation Committee considered a report which dealt with three concurrent applications that have been made by Creeton Quarry Limited (Agent: David Jarvis Associates Limited) relating to the operational limestone quarry known as Creeton Quarry. The three applications are:

- S24/1726/11 (hereafter referred to as the "ROMP application") which is a Periodic Review application made under the provisions of the Environment Act 1995 and which seeks to update and replace those conditions already attached to the mineral planning permissions currently affecting the site.
- S24/1741/11 (hereafter referred to as the "Extension application") which is part retrospective and relates to an extension to the eastern boundary of the quarry.
- S24/1752/11 (hereafter referred to as the "Landfill application") which seeks planning permission to allow the importation of inert wastes to facilitate the restoration of part of the quarry.

During the meeting the Planning and Regulation Committee resolved to defer consideration of the applications and to carry out a site visit to the quarry.

Recommendation:

Following the site visit on 26 June 2013 and having taken into consideration the comments and arguments put forward by the applicant in response to the Officers report and recommendations as contained within the original report dated 10 June 2013, it is recommended that:

S24/1741/11 – That planning permission be granted for the reasons and subject to the conditions as set out in Appendix A of the Executive Director for Communities Report dated 10 June 2013 (hereto attached as Appendix E) with the exception of proposed Condition No.7 which shall be revised to extend the hours of operation to allow operations to continue up to 18:00 hours on Mondays to Fridays and 13:00 hours on Saturdays and to be amended so as to now refer to vehicles accessing and egressing the quarry.

S24/1752/11 – That planning permission be refused for the reasons set out in Appendix B of the Executive Director for Communities Report dated 10 June 2013 (hereto attached as Appendix E).

S24/1726/11 – Subject to the Planning and Regulation Committee resolving to agree with the Officer recommendations in relation to applications S24/1741/11 and S24/1752/11, that the amended schedule of conditions as set out in Appendix C of the Executive Director for Communities Report dated 10 June 2013 (hereto attached as Appendix E) be approved with the exception of proposed Condition 8 which shall be revised to extend the hours of operation to allow operations to continue up to 1800 hours on Mondays to Fridays and 1300 hours on Saturdays and to be amended so as to now refer to vehicles accessing and egressing the quarry.

Introduction

1. At its meeting on 10 June 2013 the Planning and Regulation Committee considered a report which dealt with three concurrent applications that have been made by Creeton Quarry Limited (Agent: David Jarvis Associates Limited) relating to the operational limestone quarry known as Creeton Quarry. The three applications are:
 - S24/1726/11 (hereafter referred to as the "ROMP application") which is a Periodic Review application made under the provisions of the Environment Act 1995 and which seeks to update and replace those conditions already attached to the mineral planning permissions currently affecting the site.
 - S24/1741/11 (hereafter referred to as the "Extension application") which is part retrospective and relates to an extension to the eastern boundary of the quarry.
 - S24/1752/11 (hereafter referred to as the "Landfill application") which seeks planning permission to allow the importation of inert wastes to facilitate the restoration of part of the quarry.
2. Prior to that meeting, the applicant submitted a detailed letter (received

7 June 2013) which raised a number of concerns regarding the Officers report and recommendation to refuse the Landfill application, and which also contained a request that the applications be deferred to allow the applicant time to make detailed representations to address the concerns raised in the Officers report. This letter, along with applicant's deferral request, was reported to the Planning and Regulation Committee during the 10 June 2013 meeting and having considered that request the Committee agreed to defer making a decision on all three applications and to undertake a site visit to the quarry. The site visit was conducted on the 26 June 2013.

3. This report contains a summary of the relevant issues and comments that were raised by the applicant in their letter dated 7 June 2013 and your Officer's response to those concerns and comments. It also contains further clarification regarding the status of the passing places and public highway which lead to the site which was an issue raised by Members of the Planning and Regulation Committee during the meeting on the 10 June 2013. A copy of the detailed Officer's report presented to the 10 June 2013 Planning and Regulation Committee meeting is attached hereto as Appendix E.

Proposed Amendments to the Hours of Operation

Applicants Comments

4. (i) The applicant argues that the proposed amendments to the hours of operation so as to allow HGVs to enter the site prior to 07:00 hours should be allowed as this activity has taken place for a considerable time and was enacted to prevent vehicles queuing on the public highway at the request of the Highways Authority. As such they are disappointed that the Highways Officer has raised concerns about the potential formalisation of this arrangement.
- (ii) It is argued that the proposals to allow vehicles delivering agricultural lime to exit the site from 06:30 hours for a limited eight week period per year should also be allowed. It is stated that farm businesses require these materials to be delivered at specific times of year and by allowing HGVs to exit the site earlier than currently permitted ensures that the agricultural lime can be delivered to meet those businesses needs. The applicant considers that insufficient weight has been given to the needs of the quarry or those of associated rural businesses that utilise those materials and instead too much weight has been placed on the impacts on the amenity of those living along the routes to and from the quarry. This is contrary to the objectives of paragraphs 18, 19, 21, 142 and 144 of the NPPF.
- (iii) Notwithstanding the above, no evidence or reasons have been cited to explain why the additional proposal to extend the permitted hours of operation to allow operations to be carried out up to 18:00 hours Monday to Friday (i.e. an extension of 30 minutes) and up to 13:00 hours on Saturdays (i.e. an extension of one hour) is not acceptable.

- (iv) The proposed hours of operation conditions put forward by Officers appear to try and restrict the movement of traffic outside the quarry site (i.e. "*.....no operations and activities authorised or required in association with this permission, including vehicular traffic to and from the quarry...*". Vehicles are free to traverse the public highway at any time and therefore this condition (as currently worded) is not appropriate or enforceable.

Head of Planning Response

5. (i) The applicants comments are noted, however, as reported in the original Officer report (paragraph 22(e) – attached in Appendix E) regardless of any previous informal agreement that may have been made the Highway Authority, the Highways Officer has responded and advised that a formal extension of operational hours should be refused. It is considered that the issue of queuing and vehicles arriving early should be one of control by the operators and their hauliers if not by condition or appropriate legal agreement (e.g. S106). The Highway Authority considers that the current hours of operation are not restrictive and it is likely that extending the hours would lead to vehicles arriving even earlier to queue at the gates or approaches to the detriment of highway safety and convenience notwithstanding the noise and disruption to local residents.
- (ii) Your Officers have balanced the interests of residents living along the route and the applicants business and other agricultural businesses. Whilst Officers accept they cannot control the times that traffic uses the public highway, such traffic is only in the area as a result of serving that development. Therefore by controlling the hours of operation for the development indirectly affects or reduces the impacts on local residents. Your Officers can see no reason why agricultural lime could not be feasibly transported from the quarry before the end of the working day so it is available for use on site the next day.
- (iii) & (iv) Whilst your Officers do not agree to extending the hours of operation so as to allow vehicles to enter and exit the site prior to 07:00 hours, they have no objection with regard the proposal to extend the hours permitted at the end of the working day as suggested. Officers also accept that the current wording of the hours of operation conditions regarding the restriction of traffic on the public highway is not appropriate and therefore recommend that these be revised so as to instead refer to vehicular traffic accessing or egressing the site. The relevant conditions proposed to be attached to the ROMP and extension applications have therefore been amended accordingly.

Proposed Importation of Restoration Materials (application S24/1752/11)

Applicants Comments

6. (i) The applicant argues that this proposal does not represent a landfill or disposal operation and therefore the Officers assessment and interpretation of the proposal in terms of its compliance with Waste Local Plan Policy WLP1 is incorrect – i.e. that the development sits at the bottom of the waste hierarchy. Instead it is argued that the proposal is for the importation of inert restoration materials which would be directly placed within the site to achieve suitable restoration of the quarry. Therefore even if the imported materials were to be interpreted as 'wastes' then the operations proposed represent a 'recovery' operation and not a 'landfill or disposal' operation and as such should be viewed more favourably in terms of their compliance with Policy WLP1.

To further support the applicant's argument that the proposals should be considered as a 'recovery' rather than a 'disposal' operation, reference is made to the Waste Framework Directive 2008/98/EC which provides an indicative list of activities which may be classed as 'recovery' operations. The applicant states that such operations include those which involve land treatment resulting in benefit to agriculture and ecological improvement. As a result, it is argued that the use of inert materials to restore the quarry could clearly be classed as a land treatment operation resulting in benefit to agriculture or ecological improvement.

- (ii) The applicant argues that whilst the quarry is in a relatively remote area, this is owing to the key principle that, unlike other developments, minerals can only be worked where they are found and this principle does not obviate the need or requirement to satisfactorily restore the site. It is argued that whilst Officers have made reference in the proposed reasons for refusal to the developments failure to comply with the 'proximity principle' this is no longer considered relevant as the term 'proximity principle' is no longer referenced in PPS10 and government policy goes no further than the wording in the Waste Directive which states that wastes should be "*...disposed of in one of the nearest appropriate installation by means of the most appropriate and technologies...*". In any case, the applicant states that the proposals in this case would utilise the backhauling of materials from sites where mineral products a being delivered. This represents sustainable transportation as vehicles delivering material which would otherwise return to the quarry empty can be utilised, instead of vehicles travelling to a site simply to collect materials to deposit at another site.
- (iii) The applicant argues that the restoration proposals have designed through the use of 3D modelling and whilst the definitive amount of materials available on site for use in restoration can only be determined through the actual working of the site, the modelling provides the best

available data for design and assessment purposes. As such the applicant disagrees with the Officers assertion that given that there are large areas of the site remaining to be worked that there may be sufficient materials available to achieve a suitable restoration scheme which is different to that being proposed as part of the application. In fact the applicant argues that there is a greater risk that restoration and aftercare would not be able to be carried out to high environmental standards if the proposals as submitted are not permitted.

- (iv) Related to the above, the applicant considers that the proposed condition 17 in relation to the ROMP application could be considered as restricting the size of the area and/or rate at which minerals from the site could be extracted. By not allowing operations to advance into Phase 2 before a restoration scheme is approved for the site could restrict or prevent the working or parts of the quarry such a scheme is not approved or deemed acceptable within a timely manner and before operations within Phase 1 of the quarry were to cease. As a result, the applicant argues that if the condition were to be imposed then it should be re-drafted so as to require that any revised restoration scheme be submitted for approval prior to the cessation of mineral extraction operations at the site.

Head of Planning Response

- 7. (i) Officers disagree with the applicant's view that the proposed operation should be regarded as 'recovery' rather than 'disposal', however, even if this argument were to be accepted it would only affect how far the proposals are considered to comply with Policy WLP1 (i.e. compliance with the waste hierarchy) and would not change the fact that the development would still need to demonstrate compliance with other policies contained within the Development Plan - the most relevant of which would include Policy WLP13. One of the key criteria that needs to be met in order to comply with Policy WLP13 is that the use of imported inert materials are the most satisfactory method of restoring the quarry and the reasons as to why this is not considered to be the case have already been set out and given in the original Officers Report contained in Appendix E (refer to paragraph 37). Your Officers maintain that those arguments and position remain true and are unchanged despite the applicant comments.
- (ii) Waste Local Plan Policy WLP1 still refers to the 'proximity principle' and forms part of the statutory Development Plan. Therefore notwithstanding the applicants comments this policy and the criterion contained therein are still considered relevant.
- (iii) It is accepted that the potential refusal of the Landfill application may result in a shortfall of suitable restoration materials being available on site to achieve the restoration proposals as submitted as part of the ROMP application. However, it is important to note that the Landfill application only proposes to import materials for use in a limited area of

the wider site and the applications clearly state that the rest of the quarry would be restored using materials sourced from within the quarry (e.g. overburden and waste stone). Therefore if the imported materials are not permitted, based on the information presented within the application, this should not significantly jeopardise or prevent the site from being capable of being restored. In fact the applicant themselves have stated in the application that if the imported materials are not permitted then the restoration levels over the wider quarry would need to be revised and this could mean the levels are reduced by approximately 2m. Your Officers have already acknowledged this potential situation and do not consider such a revised restoration design to be significantly adverse or different in principle to that already proposed. Furthermore, as it is accepted the restoration proposals as submitted may therefore need to be revised, Officers have already recommended that a condition be attached to the ROMP application to ensure revised restoration details for the quarry are secured (see proposed Condition 17 of the ROMP application). This condition would ensure that a suitable restoration scheme can be agreed and secured at an appropriate time and therefore ensure that the quarry can be restored in a timely and progressive manner and to a high environmental standard.

- (iv) Officers disagree with this view. As was report previously, in determining ROMP applications a Mineral Planning Authority is able to impose conditions which differ from those submitted by the applicant and a claim can be made for compensation where those conditions effect or result in a restriction of working rights. However, conditions relating to restoration or aftercare are not subject of such a claim and therefore your Officers are confident that this condition would not fall within one of the examples or types of restriction eligible for claiming compensation.

Existing Highway/Passing Places

- 8. During the meeting on the 10 June 2013, Members of the Planning and Regulation Committee questioned the number, adequacy and condition of the existing vehicular passing places that exist along Couthorpe Road which leads to the quarry. Members questioned whether or not these passing places were formal arrangements and whether measures should be taken to improve their condition and size.
- 9. As the Members of the Planning and Regulation Committee observed during their site visit, there are already a number of passing places/laybys present along the length of Couthorpe Road. Your Officers can confirm that these were constructed and implemented as part of an earlier S278 Agreement which was secured in association with one of the existing planning permissions relating to the quarry (now subject of the ROMP application). The Highways Officer has confirmed that those works were completed to the satisfaction of the Highways Authority and have therefore been formally adopted as public highway. Consequently, it is confirmed that the passing

places are formal arrangements, are of a suitable size and design for their intended use and any costs or works required in relation to their maintenance and repair are now the responsibility of the Highways Authority.

10. In light of the above, given that the Extension application does not give rise to any significant new traffic as mineral is still being extracted from the existing quarry and as such the Highways Officer has raised no objection to the development or indicated that further highway infrastructure or improvement works within the public highway are necessary. It is your Officers view that there is no requirement for any additional highway infrastructure or improvement works in the determination of these applications and therefore a further S278 Agreement could not be justified.
11. Similarly, in the event that the Planning and Regulation Committee should instead seek to secure a financial contribution from the applicant to cover the costs for maintaining and repairing the existing passing places, the Committee should note such monies could only be secured via a S106 Planning Obligation. Again, it is your Officers view that such an obligation would not be appropriate given that the responsibility for maintaining the public highway rests with the Highways Authority and there is no clear additional or quantifiable additional impact on the highway as a result of these proposals. Additionally, and in any case, such an obligation should only be used where they meet the tests set out in paragraph 204 of the NPPF being that they should only be used where they are necessary to make the development acceptable in planning terms; they are directly related to the development, and; are fairly or reasonably related in scale and kind to the development. Those tests are not considered to have been met in this case.
12. Taking into account all of the above, the comments and arguments put forward by the applicant in response to the Officers report and recommendations as contained within the original report dated 10 June 2013, other than the proposed amendments to the hours of operation conditions (as discussed above) your Officers recommendation in relation to each of the three applications remains unchanged.

RECOMMENDATIONS

It is recommended that:

- A. This report (including appendices) forms part of the Council's Statement pursuant to Regulation 21 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 – which requires the Council to make available for public inspection at the District Council's offices specified information regarding the decision. Pursuant to Regulation 21(1)(c) the Council must make available for public inspection a statement which contains:

- the content of the decision and any conditions attached to it;
- the main reasons and consideration on which the decision is based;
- including, if relevant, information about the participation of the public;
- a description, when necessary, of the main measures to avoid, reduce and if possible offset the major adverse effects of the development;
- information recording the right to challenge the validity of the decision and the procedures for doing so.

B. Application S24/1741/11 (the 'Extension application')

That planning permission be granted for the reasons and subject to the conditions as set out in Appendix A of the Executive Director for Communities Report dated 10 June 2013 (hereto attached as Appendix E), with the exception of Condition No.7 which shall be revised to read as follows:

Except in emergencies to maintain safe quarry working and essential maintenance which shall be notified to the Mineral Planning Authority as soon as practicable and other than water pumping or pollution prevention measures, no operations and activities authorised or required in association with this development, including vehicles accessing and egressing the quarry, shall be carried out except between the following hours:

Monday to Friday	07:00 to 18:00 hours
Saturdays	07:00 to 13:00 hours

No operations or activities shall be carried out on Sundays, Public and Bank Holidays.

The above cited hours shall not apply to the use of the administration facilities, quarry workshops and ancillary buildings, which may be used at any time, nor the maintenance of plant and machinery, which may be carried out until 17:30 hours on Saturdays.

C. Application S24/1752/11 (the 'Landfill application')

That planning permission be refused for the reasons set out in Appendix B of the Executive Director for Communities Report dated 10 June 2013 (hereto attached as Appendix E).

D. Application S24/1726/11 (the 'ROMP application')

Subject to the Planning and Regulation Committee resolving to agree with the Officer recommendations set out in relation to A and B above, that the amended schedule of conditions as set out in Appendix C of the Executive Director for Communities Report dated 10 June 2013 (hereto attached as Appendix E) be approved, with the exception of Condition No.8 which shall be revised to read as follows:

Except in emergencies to maintain safe quarry working and essential maintenance which shall be notified to the Mineral Planning Authority as soon as practicable and other than water pumping or pollution prevention measures, no operations and activities authorised or required in association with this development, including vehicles accessing and egressing the quarry, shall be carried out except between the following hours:

Monday to Friday 07:00 to 18:00 hours
 Saturdays 07:00 to 13:00 hours

No operations or activities shall be carried out on Sundays, Public and Bank Holidays.

The above cited hours shall not apply to the use of the administration facilities, quarry workshops and ancillary buildings, which may be used at any time, nor the maintenance of plant and machinery, which may be carried out until 17:30 hours on Saturdays.

Appendix

These are listed below and attached at the back of the report	
Appendix E	<p>Report Reference 6.7 to the Planning and Regulation Committee on 10 June 2013 relating to County Matter Applications:</p> <p>S24/1741/11 - To extend the existing quarry (Part-retrospective)</p> <p>S24/1752/11 - To allow for the importation of inert restoration materials to facilitate the restoration of part of the quarry in accordance with the proposals contained within the First Periodic Review application (S24/1726/11)</p> <p>S24/1726/11 - Application for the determination of new (updated) conditions to which Creeton Quarry is to be subject (Environment Act 1995: First Periodic Review)</p>

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File(s) S52/180/84 S24/877/93 S24/744/94/IDO S24/1726/11 S24/1741/11 S24/1752/11	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
Planning and Regulation Committee Meeting Minutes – 10 June 2013	Lincolnshire County Council website www.lincolnshire.gov.uk

This report was written by Marc Willis, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk

**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	10 June 2013
Subject:	<p>County Matter Applications</p> <p>S24/1741/11 - To extend the existing quarry (Part-retrospective)</p> <p>S24/1752/11 - To allow for the importation of inert restoration materials to facilitate the restoration of part of the quarry in accordance with the proposals contained within the First Periodic Review application (S24/1726/11)</p> <p>S24/1726/11 - Application for the determination of new (updated) conditions to which Creeton Quarry is to be subject (Environment Act 1995: First Periodic Review)</p>

Summary:

This report deals with three concurrent applications that have been made by Creeton Quarry Limited (Agent: David Jarvis Associates Limited) relating to the operational limestone quarry known as Creeton Quarry.

Under the provisions of the Environment Act 1995 all mining sites are subject to Periodic Review which takes place at 15 year intervals. The purpose of the Periodic Review process is to update and modernise the old mining permissions and their conditions to ensure that quarries operate to modern standards. One of the applications (ref: S24/1726/11 referred to as the "ROMP application") is such a Periodic Review application and seeks to update and replace those conditions already attached to the mineral planning permissions currently affecting the site.

The second application (ref: S24/1741/11 referred to as the "Extension application") seeks an extension to the existing permitted boundaries of the quarry. The extension area extends approximately 1.9ha and comprises of a roughly triangular area of agricultural land which abuts the eastern boundaries of the quarry. The extension area is estimated to contain around 540,000 tonnes of additional limestone reserves which would be worked and restored progressively in accordance with the wider phased working/restoration scheme proposed as part of the concurrent ROMP application.

The third application (ref: S24/1752/11 referred to as the "Landfill application") seeks planning permission to allow for the importation and landfilling of inert materials within a 1.6ha area of land lying within the permitted lateral boundaries of

the quarry. It is estimated that approximately 200,000m³ (approx. 300,000 tonnes) of materials would be imported and landfilled within the area subject of this application in order to achieve the restoration profiles/plans contained within the concurrent ROMP application.

All three applications are subject of an Environmental Impact Assessment submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and an Environmental Statement has been submitted which assesses the potential impacts of the development together with the mitigation measures proposed to avoid, reduce and if possible remedy an significant adverse impacts.

The key issues to be considered in relation to these proposals are the planning policy context, the appropriateness and acceptability of the proposed conditions put forward within the ROMP application and, an assessment of any potential adverse environmental and amenity impacts arising from both the continued mineral extraction operations within the existing permitted quarry boundaries and as a result of the proposed extension and landfill proposals.

Recommendation:

S24/1741/11 – That planning permission be granted subject to the conditions set out in Appendix A.

S24/1752/11 – That planning permission be refused for the reasons set out in Appendix B.

S24/1726/11 – Subject to the Planning and Regulation Committee resolving to agree with the Officer recommendations set out in relation to applications S24/1741/11 and S24/1752/11, that the amended schedule of conditions as set out in Appendix C be approved.

Background

1. Creeton Quarry is an operational limestone quarry which produces limestone (block) for building and masonry purposes, a wide range of limestone aggregate products and a premium agricultural lime. There are three key planning permissions currently affecting the site operations and activities and these are as follows:
 - S52/180/84 (dated 13 February 1985): To extract limestone
 - S24/877/93 (dated 2 August 1994): To extend the existing quarry through the extraction of limestone at land to the north of Creeton Quarry
 - S24/744/94/IDO (dated 12 September 1994): Determination of conditions to which IDO permission is to be subject (ref:S24/291/92/IDO)

2. Under the provisions of the Environment Act 1995 all mining sites are subject to Periodic Review which takes place at 15 year intervals. The purpose of the Periodic Review process is to update and modernise the old mining permissions and their conditions to ensure that the site operates to modern standards. The applicant has therefore made an application (ref: S24/1726/11 – hereafter referred to as the “ROMP application”) for the

determination of new conditions which would update and replace those attached to the existing planning permissions (identified above).

3. In addition to the ROMP application, the applicant has also submitted two concurrent applications which seek to extend the quarry eastwards (part-retrospective) (ref: S24/1741/11 – hereafter referred to as the “Extension application”) and to allow for the importation of wastes to facilitate the restoration of part of the quarry (ref: S24/1752/11 – hereafter referred to as the “Landfill application”). Given the size of the existing quarry and the interrelationship between the ROMP, Extension and Landfill applications, the applicant has submitted an Environmental Statement which assesses the potential impacts associated with all three applications/proposals and sets out the findings of these assessments and any proposed mitigation measures to be implemented as part of the development. This report therefore deals with all three applications submitted in relation to Creeton Quarry and includes details of each of the applications, a summary of the supporting information and Environmental Statement and the Officer recommendation and any proposed conditions relating to each application (set out in separate Appendices).

The Applications

S24/1726/11 - Application for the determination of new (updated) conditions to which Creeton Quarry is to be subject (the “ROMP application”)

4. In accordance with Schedule 14 of the Environment Act 1995, Creeton Quarry Limited has made an application for the determination of new (updated) conditions to which the Creeton Quarry is to be subject (the “ROMP application”). The purpose of the review process is to update and modernise the old mining permissions and their conditions to ensure that quarries operate to modern standards. The ROMP application therefore seeks to update and replace those conditions attached to the planning permissions currently affecting the site (refs: S52/180/84; S24/877/93; S24/744/94). Whilst it is open to the Mineral Planning Authority to issue conditions that differ from those proposed by the applicant, it is not an option to refuse the application. Therefore, for the avoidance of doubt, the Planning and Regulation Committee is not being asked to consider whether or not to grant planning permission for the existing operations affecting the land subject of the ROMP application (as permission for those activities already exists) but are instead are being asked to consider whether the proposed revised conditions set out in this report are acceptable.
5. The application itself includes a description of the existing permitted operations and includes a schedule of 15 planning conditions which the applicant proposes would modernise and replace the existing conditions attached to the current planning permissions relating to the site. The conditions cover a range of topics/matters and would ensure that the operations can be carried out and controlled so as to not have adverse impacts on the area or amenity of nearby users.

6. As part of the ROMP application the applicant is also seeking to amend and extend the current hours of operation relating to the site. Conditions attached to the quarry's existing permissions already define the permitted hours of operation which are as follows:

Monday to Friday	07:00 to 17:30 hours
Saturday	07:00 to 12:00 hours
Sundays and Bank Holidays	No mineral extraction operations

7. The above hours do not, however, apply to the use of the administration facilities, quarry workshops and ancillary buildings, which may be used at any time, nor to the maintenance of plant and machinery which may be carried out until 17:30 hours on Saturdays.
8. The applicant is seeking to revise the current permitted hours of operation so as to allow mineral extraction operations to take place up to 18:00 hours Monday to Friday and up to 13:00 hours on Saturdays; to allow HGVs to enter the quarry from 06:00 hours Monday to Saturday; and for an eight week period from 20 July to 20 September each year, to allow vehicles carrying agricultural lime to exit the site from 06:30 hours Monday to Saturday. The applicant states that these revised hours would allow HGVs to enter the site prior to 07:00 hours and therefore prevent them from parking or queuing on the public highway and also would enable the applicant to supply premium agricultural lime to the farming community during the period and timings when they are needed by farmers.

S24/1741/11 – Proposed extension to existing quarry (Part-retrospective) (the 'Extension application')

9. Planning permission is sought for an extension to Creeton Quarry. The southern half of the proposed extension area has already been worked out and therefore the application is part retrospective. The extension area extends approximately 1.9ha and comprises of a roughly triangular area of agricultural land which abuts the eastern boundaries of the permitted quarry. The extension area is estimated to contain around 540,000 tonnes of additional limestone reserves and would produce around 15,000 tonnes of blockstone and 5,000 tonnes of walling stone per annum. Unsuitable/waste stone excavated would be processed on site and sold as aggregate products and agricultural lime.
10. The extension area would be worked and restored progressively in accordance with the wider phased working/restoration scheme proposed as part of the concurrent ROMP application. This means the extension area would be worked as part of Phase 1 and, in general, would be worked from south to north. As each bench progresses to the north the position of the crest of the bench below would be set out. Currently the eastern face of the permitted quarry is not benched and therefore the proposed benching of this area would not only enable access to be gained to additional limestone reserves but also facilitates safe working access to existing permitted reserves in the north-east corner of the site which may otherwise be

sterilised. The benching of the faces along the eastern face also ensures that the land can be safely incorporated into the wider restoration proposals for the quarry which, for this part of the site, would comprise of an area of woodland in the southern half of the extension area with exposed benched rock faces and associated grassland.

S24/1752/11 – Importation of inert wastes to facilitate restoration (the ‘Landfill Application’)

11. Planning permission is sought to allow for the importation and landfilling of inert materials within part of Creeton Quarry. The land subject of this application lies within the existing permitted boundaries of the quarry and covers an area extending approximately 1.6ha in size. It is estimated that approximately 200,000m³ (approx. 300,000 tonnes) of materials would be imported and landfilled within the area subject of this application in order to achieve the restoration profiles/plans contained within the concurrent ROMP application. The landfilling operations would therefore be limited to a relatively small area of the quarry with the remainder of the quarry being restored using materials (e.g. overburden, waste stone, soils, etc) sourced from within the site as part of the on-going mineral extraction operations.
12. The application states that the imported materials would be inert and suitable for direct placement within the site and therefore not require any pre-treatment such as crushing or screening (in line with the Environment Agency’s Position Statement on the CL:AIRE (Contaminated Land: Applications in Real Environments). Upon arrival at the site all loads would be inspected to ensure they meet the CL:AIRE criteria before being accepted and placed within the quarry. The proposed landfill area (identified as Stages C, D and E) would be restored progressively as part of the wider phased restoration plans for the quarry (as contained within the concurrent ROMP application).
13. The applicant states that the imported materials are required as the quarrying operations are highly efficient and therefore there is little waste generated within the site to supplement the overburden and soils that are already present and which will be used to restore the wider quarry. It is therefore stated that without the imported materials the proposed restoration levels over the wider quarry could not be achieved and this would mean the levels across the site would need to be reduced by approximately 2m. This would result in the creation of a less satisfactory restoration scheme in terms of local landscape characteristics, effects on visual amenity and the deliverability of viable agricultural land.

Environmental Statement

14. The Environmental Statement (ES) accompanies all three applications submitted in relation to Creeton Quarry. The ES contains a description of the current and proposed operations, assesses the potential impacts associated with all three proposals and sets out the findings and any mitigation measures to be implemented as part of the development. Further

information (hereafter referred to as Additional Information) was submitted to support that contained within the original ES in accordance with Regulation 19 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999. The Additional Information contained details relating to archaeology, noise, surface water drainage, hydrology and flood risk management and ecology.

15. The ES sets out the results/findings of the Environmental Impact Assessment under a series of headings (which includes the Additional Information) which is summarised as follows:

Chapter 1 outlines the legal basis and need for the Environmental Statement and its scope and format.

Chapter 2 briefly describes the current and proposed quarrying operations, the stone products that are derived from the quarry and outlines the key alterations/differences between the current site operations and those that are proposed as a result of the ROMP review and concurrent Extension and Landfill applications.

Chapter 3 identifies the topic/subject areas which have been considered by the Environmental Statement and Chapters 4 to 13 summarise the potentially significant environmental effects arising from the development on each of these topic/subject areas. Each chapter considers a different topic/subject area and contains a description of the potential impacts and how any identified impacts are to be minimised or mitigated (e.g. through planning conditions or adoption of specific mitigation measures/works). Where relevant and necessary, detailed technical assessments support each chapter and a summary of each chapter/topic is given below:

Chapter 3: Phasing, Direction and Depth of Working – this chapter explains that the revised phasing design and sequence has been informed by the findings of a geotechnical assessment which aims to ensure that the quarry is worked to modern geotechnical requirements (i.e. to create safe working benches), to enable safe access to be gained to the remaining areas of working and to allow for progressive restoration to take place.

The proposed area of mineral working would differ from that currently consented in as much as it would extend the site eastwards into an area of farmland (subject of the Extension application). Mining operations have already commenced in part of the Extension area and therefore this element of the development is part-retrospective. The eastern extension is stated as necessary to allow the formation of safe quarry benches both for the duration of the mining operations but also to ensure the long-term stability and safety of the quarry following its restoration.

In addition to the eastern extension, as part of the ROMP application the applicant has also proposed a revised phasing and working scheme which alters the proposed extraction boundaries for that part of the site already

permitted. In terms of the extraction boundaries, the revised scheme retracts the permitted extraction boundary in the south-east corner of the site (e.g. near to the site entrance and offices) but extends the current boundary in the north by removing a peninsula of land which extends into the quarry from the sites northern boundary. This peninsula of land was previously proposed to be retained as part of the restoration proposals, however, the applicant argues that the removal of this peninsula would ensure that these reserves are not unduly sterilised and also helps to create a more appropriate restored landform which is more sympathetic to local landscape context.

In terms of phasing, the applications propose to work the whole of the quarry (including the Extension area) in two distinct phases rather than several smaller phases as currently permitted. Phase 1 would see mineral extraction operations continue in the west of the site (within the ROMP application area) as well as in the proposed eastern extension area (subject of the Extension application). In the west, mineral extraction operations would advance in a north-west to south-east direction and in the Extension area operations would advance northwards. Phase 2 would see the land within the existing quarry to the north, which includes the peninsula of land now proposed to be removed, being worked in a general northerly direction.

Finally, the revised working scheme put forward within the ROMP also proposes to slightly reduce the maximum depth of working across the site from around 42m Above Ordnance Datum (AOD) to around 44m AOD. Conditions attached to the existing planning permissions relating to the quarry do, however, allow for working in part of the site to extend to a level of 42m AOD.

The ES states that the additional area of extraction within the proposed eastern extension area will not have any undue impacts that would preclude the inclusion of this area within permitted area of mineral working. It is stated that the short and medium term effects arising from the continued extraction of the existing permitted reserves (subject of the ROMP application) and those associated with the proposed extension area (subject of Extension application) are considered to be temporary and largely neutral with the proposed on-going phased restoration, landscape mitigation and management measures and aftercare proposals providing longer-term positive effects.

In relation to the landfill proposals (subject of the concurrent Landfill application), the imported wastes (approx. 200,000m³ or 300,000 tonnes) would be used to restore an area of land lying within the permitted boundaries of the quarry (approx. 1.6ha in size). The imported wastes would be used to create the levels/profile proposed for this part of the site as proposed within the restoration proposals set out in the concurrent ROMP application. It is stated that without the imported materials the proposed restoration levels over the wider quarry could not be achieved and this would mean the levels across the site would need to be reduced by approximately 2m. The applicant states that this would result in the creation

of a less satisfactory restoration scheme in terms of local landscape characteristics, effects on visual amenity and the deliverability of viable agricultural land. Finally, as the landfill area would be restored progressively as part of the wider phased restoration plans the applicant argues that the landfill operations would not delay or impede the proposed restoration of the site.

Chapter 4: Geology, Geotechnics and Hydrology – in terms of geology and mineral reserves (at the time the applications were submitted) it was estimated that the total recoverable reserve within the currently consented quarry (subject of the ROMP application) and including those within the proposed eastern extension area (subject of Extension Application) equated to approximately 3.6 million tonnes. Based on previous sales, the output proportions for each product produced from the quarry range from 5 to 7.5% for building stone; 65 to 70% for general purpose aggregate, and; 25 to 30% for agricultural lime. These figures indicate that the quarry primarily produces limestone aggregate, however, the ES states that this is largely due to the quarry having been worked by blasting and as the quarry faces have been exposed for long periods of time resulting in damage to the integrity and quality of the rock.

The ES states that proposed eastern extension and revised scheme of working would enable access to be gained to better quality reserves including existing permitted reserves in the north-east corner of the site which have been left inaccessible due to the way the site has previously been worked. The proposed extension and revised working scheme would therefore prevent the sterilisation of permitted reserves and also yield a better quality of stone appropriate for building/blockstone purposes.

Chapter 5: Landscape and Visual Impact (LVIA) – the LVIA considers the impacts of the existing permitted quarrying operations and proposed extension on the landscape character and visual amenity of the locality. The assessment also evaluates the permitted landscape mitigation measures to determine their suitability in relation to the proposed scheme of working and, where appropriate, proposes new mitigation measures to address or minimise any new impacts arising from the revised proposals. Finally, the LVIA also assesses the impacts associated with the revised restoration proposals which take into account the revised scheme of working, the proposed extension area and the use of imported waste materials.

The main visual receptors are identified as being the users of public rights of way within the area, the residents of any nearby properties and users of local roads and national rail network. Views of the quarry and the significance of any impacts on each of these receptors varies and can be reduced as a result of changes in topography or the nature of any intervening vegetation, buildings and existing landscape screening mounds.

During the operational phases of the quarry, the potential visual impacts are assessed as being greatest for the users of the public footpath lying to the north of the site (ref: COUN/1/1). Under the current permitted scheme, no

screening measures have been proposed along this northern boundary and so the upper levels of the consented quarrying operations (i.e. soil stripping, initial extraction phase) would be visible to these users. Under the revised proposals put forward as part of the ROMP and Extension applications, the mineral extraction operations would be brought closer to this footpath as the quarry extends north and eastwards. Therefore in order to reduce the visual impacts of both the consented operations and those associated with the working of the extension area, new landscape screening and mitigation measures have been proposed. These include the planting of a hedgerow along the northern boundary of the site (during Phase 1) and the construction of a 3m high grassed soil screening bund which would be installed behind the hedgerow (prior to Phase 2).

During Phase 2 the existing woodland which is present on the peninsula of land within the quarry would also be removed and whilst this would adversely affect views of this woodland it is not identified as being a major feature of the area and therefore the net effect is assessed as being beneficial in the longer-term. No additional mitigation measures have been identified as necessary in relation to the other visual receptors as any impacts or changes in views are assessed as being moderate to slight in terms of their significance and/or would continue to be screened by the intervening landform, vegetation, buildings and the existing and proposed boundary landscape screening mounds.

In terms of the restoration stages of the development, the revised restoration proposals put forward as part of all three applications is broadly similar to the existing consented scheme and provides for a low lying mix of agricultural grassland, woodland and a water body set against retained quarry faces. However, the revised scheme does propose modifications which, despite the inclusion of an additional area of land to the eastern margins of the site, the LVIA considers represent an improvement in terms of its visual impact and landscape characteristics. These modifications include the removal of the peninsula of land leading from the quarry's northern boundary and a reduction in the extent of exposed quarry faces and benches which are considered to be uncharacteristic and a local detracting feature by the LVIA.

Whilst it is accepted that the full integration of the quarry within the surrounding landscape is not possible, taking into account the additional proposed landscape mitigation measures and the phased working and revised restoration proposals, when compared with the existing consented schemes, the revised schemes are considered to provide significant benefits in the long term and would create a less artificial landform which is more sympathetic to the local landscape context.

Finally, with regard to the ROMP Review, the applicant has proposed a new updated planning condition which would require full details relating to the landscape management, nature conservation and aftercare details for the site to be submitted for the approval of the MPA. Such details would also include a requirement for an annual monitoring visit to be carried out and

(where necessary and as informed by monitoring visit) for such details to be updated and submitted for the approval of the MPA.

Chapter 6: Noise – the ES does not contain a detailed noise assessment to determine the impact of the existing mineral operations or those associated with the proposed extension and landfill proposals. However, the ES acknowledges that there are already conditions attached to the existing planning permissions relating to the quarry (subject of the ROMP application) and these impose maximum noise level limits which ensure that any noise arising from the site are within acceptable limits and therefore protect the amenity of any nearby residents. It is stated that the importation and placement of inert restoration materials proposed as part of the Landfill application would utilise the same on site plant as the existing mineral operations and the vehicles would also be similar to those on which minerals are exported from the site. The time periods over which these operations would take place would also be the same. The area associated with the deposit of this material is also located within the central void and therefore, both at a lower level and further distance from the dwelling to the east which is the nearest noise sensitive receptor to the site.

In terms of the proposed Extension application, at present, the dwelling to the east of the quarry is approx. 330m from the existing quarry works and if the quarry is extended, the dwelling would be approximately 320m from the nearest boundary of the extended extraction area. The proposed development provides for a perimeter screen bund which would help to attenuate noise as well as a cluster of existing farm buildings which are located between the proposed quarry extension and the dwelling. The applicant states that existing noise conditions attached to the current planning permissions could be re-imposed as in relation to the ROMP application and also extend to cover the developments proposed by the Landfill and Extension applications. It is submitted that given the minimal reduction of 10m in the existing, substantial stand-off between the nearest noise sensitive dwelling and the quarry, and subject to the imposition of noise conditions that are the same or similar to those already attached to planning permission relating to the site, the operations are Creeton Quarry would not have an unacceptable adverse impact on the amenity of local residents.

Chapter 7: Blasting – the ES does not contain a detailed assessment of the potential environmental and amenity impacts associated with the carrying out of blasting operations at the site. This is because whilst blasting has historically been used to extract mineral from the site it is not intended to be used in the future - especially given the advancements in mineral extraction plant and machinery and the impacts blasting can have on stone quality (i.e. blast damage and fractures).

In relation to the currently permitted operations (subject of the ROMP application), although there is no specific restriction which prevents the use of blasting, the ES states that conditions are attached to the site's existing permissions and these control the timing of any blasting operations and

specify the maximum ground peak particle velocity at inhabited properties with which blasts are designed to be compliant. The ES argues that such conditions are adequate to protect the amenity of nearby residents, whilst ensuring existing working rights are not affected, and therefore the existing conditions should be retained and replicated on any new schedule of conditions relating to the ROMP application. With regard the proposed Extension application, similarly blasting is not proposed to be carried out within the site and therefore an assessment of any environmental and amenity impacts has not been undertaken as it falls outside the scope of the ES.

Chapter 8: Dust – the ES does not contain a detailed assessment of the potential impacts of dust associated with the continued and proposed operations at the site. However, the ES states that the quarry is relatively remote from nearby residential properties and that given that the majority of the site operations take place within an existing void, the scope for dust leaving the site is limited. Furthermore, any dust particles inadvertently emitted from the site are likely to be relatively large in size (i.e. greater than 30um) and therefore, typical of other mineral workings, would largely deposit within 100m of their source. The concentrations and impact of any dust emitted from the site would therefore decrease rapidly with distance from its source.

In terms of the existing permissions and consented operations (subject of the ROMP application), conditions attached to the existing permissions required a scheme for the suppression of dust to be submitted for the approval of the MPA. Such a scheme has been approved by the MPA and is adopted on-site and includes measures such as: ensuring plant and equipment is operated appropriately; the use of water suppression in the event of high volumes of dust; vehicular speed restriction; and, the regular sweeping of haul roads to prevent the build-up of dust. No complaints have been received with regard the current permitted quarrying activities, including the removal of soils and creation of bunds, and therefore the applicant states that the existing on-site practices and mitigation measures adopted are adequate.

With regard the proposed Extension and Landfill applications operations, the same plant and equipment would be utilised as is currently used for the permitted mineral extraction operations and these operations would also largely take place within the existing quarry void. Although the applicant proposes to extend the lateral boundaries of the quarry as a result of the proposed eastern extension, the site is still relatively remote from any residential properties with existing agricultural land and vegetation in the intervening landscape. As a result, the ES considers there to be limited scope for increased dust emissions and nuisance to nearby residents and any dust that does arise could be controlled and mitigated by the existing dust management and mitigation practices employed on-site.

Given the above, the applicant proposes that a new condition be imposed on the ROMP application which would ensure that the existing permitted

operations continue to be carried out in accordance with the previously approved dust suppressions/management scheme. In terms of the Extension and Landfill Applications, it is proposed that the same existing approved scheme also be extended to cover these additional site operations and activities (by the imposition of suitability worded conditions).

Chapter 9: Ecology – the ES contains an extended Phase 1 habitat survey of the proposed extension area and assessments for individual species (including legally protected species) such as breeding birds, badgers, bats, amphibians and reptiles.

In terms of flora, the survey confirms that the majority of the proposed extension area is occupied by arable farmland and therefore is generally of low ecological or wildlife interest. Part of the proposed extension area has also already been stripped of soils and therefore its ecological value has been further reduced. Other habitat types identified within the survey area include small areas of semi-natural woodland, grassland (neutral/calcareous, unimproved) and boundary hedgerows. These habitats are common and widespread and are relatively small in size and recent in origin so are also assessed as being of limited ecological or wildlife value. In terms of the existing consented mineral working area (subject of the ROMP application), this area has not been surveyed in as much detail although the ES notes that there has been extensive quarrying of limestone within the site which has left a largely bare void with a complex topography of inland cliffs, steep slopes and areas of bare ground at a number of different levels. Similar habitats to those around the proposed extension area occur around the periphery of the existing site and again these are considered to be of limited value.

In terms of fauna, an assessment and/or surveys for a number of species (e.g. badgers, bats, breeding birds, reptiles and amphibians) have been carried out and the presence or potential of the site to support such species has been identified. A summary of the findings of these surveys, the predicted impacts and mitigation measures proposed to minimise and/or offset any adverse impacts are set out below:

Badgers - confirmed as being present within the locality although the setts identified are largely confined to periphery of the existing quarry and lie outside the permitted and proposed mineral extraction areas. As a result, the continued quarrying of the site (including the proposed extension area) is considered to be unlikely to have any significant effect on the badger population. However, the ES does recommend that additional (update) surveys be carried out on an annual basis to check the current status of the population particularly in respect of works proposed for the following season.

Bats – there are no buildings or mature trees within the existing quarry that are considered suitable to support roosting bats and the general open nature of the habitats within the quarry and proposed extension area (apart from around the edges) are of limited value to foraging bats. However, there is evidence to suggest that bats may use some of the crevices in the

previously worked quarry faces (within the existing permitted site) although given the nature and height of these faces it has not been possible to access and survey them. Similarly, there is a single ash tree close to the boundary of the proposed eastern extension area which has the potential to support bats and which would be removed as the mineral extraction operations advance northwards. In order to minimise any impacts or disturbance to roosting/hibernating bats the ES therefore recommends that this tree and existing quarry faces should be examined and checked for the presence of bats prior to operations taking place. However, it is stated that this requirement would need only apply to those faces which have not been worked for an extended period as faces which are already continuously being worked are unlikely to be support bats.

Birds – 18 species of birds were recorded as being heard or present within the survey area. The majority of these species are assessed as being of ‘Parish/Neighbourhood’ importance although there is some circumstantial evidence to suggest that Peregrines may also breed within the site which are of ‘County’ importance. Given the existing conditions of the quarry and the arable nature of the proposed extension area, the majority of the site is assessed as having limited potential to support breeding and nesting birds. The scrub and woodland habitats around the periphery of the site, however, do have the potential to support a range of nesting birds although all of those recorded are considered to be quite common.

In terms of potential impacts, continued mineral working within the existing permitted quarry could result in the loss of quarry faces which may support nesting Peregrines. The removal of the woodland and peripheral scrub would also result in the loss of habitats. To mitigate and off-set any impacts, replacement habitats would be provided as part of the restoration proposals and this includes the retention of some open faces. Some working faces would also be left undisturbed during the working of the quarry so that these are available for nesting Peregrines. To minimise disturbance to nesting birds, any works affecting areas considered suitable to support nesting birds (e.g. quarry faces and periphery scrub/hedgerows) would only take place outside the bird nesting season unless they have first been checked and assessed to ensure that birds are not present.

Reptiles/Amphibians – there are strips of grassland around the edge of the quarry which have limited potential to support reptiles. However, no reptiles were identified during the Phase 1 survey. In terms of amphibians, no protected amphibian species were recorded and any ponds/waterbodies within the existing quarry working area were assessed as having poor potential to support great crested newts. No specific mitigation is therefore proposed in relation to the continued working of the existing quarry or the proposed extension area and any habitat lost as part of the development would be compensated through the creation of new habitats as part of the site's restoration scheme.

Overall, this section of the ES concludes that the continued working of the existing quarry and proposed extension area would not likely have a

significant effect on local ecology as long as the mitigation measures identified are adopted. The proposed restoration of the site, including retained quarry faces and benches, woodland and a wetland base has the potential to provide a significant enhancement to the local ecology, particularly through the development of calcareous grassland.

Chapter 10: Archaeology – this chapter comprises of a desk-based assessment which considers the potential archaeological implications and impacts of the proposed development (both the continued working of the existing permitted quarry and the proposed extension area). The assessment confirms that the site has been identified as being within an area of archaeological sensitivity with Bronze Age, Iron Age and Roman sites in close proximity. Previous assessments and evaluations of the site were carried out in 1993-5 and have showed that there are some areas and features which are of national importance. However, archaeological activity and the intensity of archaeological features across the site does vary.

With regard the existing permitted quarry (subject of the ROMP application), the majority of the site has already been excavated and thus any previously identified archaeological features have been lost. However, an area of land to the north of the site (which is permitted to be worked) has yet to be excavated and therefore any archaeological features present within this area remain in-situ. With regard to the proposed extension area (subject of the Extension Application), the southern part of this site has already been stripped of topsoils and subsoils and has been excavated. Therefore, again any features that would have been present have already been lost. However, a triangular area of land in the northern half of the proposed extension area remains unaffected and therefore a desk-based assessment of this area has been carried out and, following the request for further information from the Mineral Planning Authority, further investigations (e.g. geophysics and trial trenching) have also been carried out to assess the potential archaeological value of the site. Three trial trenches were excavated (their location informed by the findings of a geophysical survey), however, those investigations found no archaeological features within the remaining part of the proposed extension area. Therefore no further archaeological elevations or conditions are proposed to be carried out whether in relation the existing working (subject of the ROMP application) or within the proposed extension area (subject of the Extension application).

Chapter 11: Transportation and Highways – the ES confirms that access to the quarry would continue to be gained via the existing access onto Couthorpe Lane. The existing planning permissions relating to the quarry (subject of the ROMP application) do not contain any restrictions in respect of vehicle movements and as such no such restrictive condition has been proposed by the applicant as part of the ROMP application (to do so could restrict the existing working rights for the site and therefore could lead to a possible claim for compensation).

No changes are proposed to the existing access arrangements however (as set out earlier in this report) the applicant is seeking to revise the current

permitted hours of operation so as to allow HGVs to enter the quarry from 06:00 hours Monday to Saturday and to allow vehicles carrying agricultural lime to exit the site from 06:30 hours Monday to Saturday for an eight week period from 20 July to 20 September each year. The applicant states that these revised hours would allow HGVs to enter the site prior to 07:00 hours and therefore prevent them from parking or queuing on the public highway which has previously been an issue at the site and which the Highways Authority has discouraged due to the potential impacts of such practices on the function of the highway and safety of other road users.

Chapter 12: Reclamation, Restoration and Aftercare - the restoration proposals put forward as part of all three applications provides for the restoration of the site to a mixture of agriculture, nature conservation and geological interests which is similar to the existing consented scheme. The proposals include the planting of approximately 1.7km of new hedging and hedgerow trees, the creation of a waterbody and approximately 11.38ha of agricultural grassland. Scrub margins would be allowed to develop over rollover slopes and areas of suitable exposed rock face would be retained to support habitat for bats and bird nesting species such as peregrine falcon as well as providing geological interest. Despite the inclusion of the Extension area to the east (as described above) the LVIA considers the inclusion of this land and the proposed removal of the peninsula of land leading from the quarry's northern boundary, would result in the creation of a more sympathetic restored landform which reflects the local landscape context.

Whilst the applications all include an indicative drawing showing the proposed restoration design and uses for the site, as part of the ROMP application the applicant has proposed a new updated planning condition which would require full details for the final restoration and aftercare of the site to be submitted for the approval of the MPA. This would accompany the landscape management, nature conservation and aftercare plan which the applicant has also proposed to be secured and agreed with the MPA pursuant to a condition and which would include a requirement for an annual monitoring visit to be carried out and (where necessary and as informed by monitoring visit) for such details to be updated and submitted for the approval of the MPA.

Site and Surroundings

16. Creeton Quarry is located approximately 10km due west of Bourne, 18km south east of Grantham and 15km north of Stamford. The village of Castle Bytham is situated approximately 1.8km to the south-west of the quarry and the villages of Creeton (1.2km to the east) and Swinstead (2.2km to the north-east) also lie within the locality. Creeton and Swinstead villages sit along the route of the B1176 which runs between Corby Glen and Ryhall and is the main route taken by vehicles accessing/egressing the quarry on their way towards the A151 and A1. To the east of the quarry lie the main east coast railway line and a Public Right of Way (Counthorpe 1/1) whose route, whilst unaffected by the quarry, does run immediately adjacent to the most north-easterly boundary of the proposed extension area.

17. The existing quarry (subject of the ROMP application) extends to approximately 27ha and is currently operational. The land subject of the Extension application extends approximately 1.9ha and is a roughly triangular area of land which immediately abuts the eastern boundary of the quarry. The southern half of the proposed extension has already been worked out and therefore this aspect of the development is retrospective. The land subject of the Landfill application is 1.6ha in size and lies in the north-west corner of the existing quarry.
18. The nearest properties to the quarry are Black Spring Farm, Black Spring Barn and Black Spring Bungalow which are all located approximately 0.25km to the north-west, Cabbage Hill Farm approximately 0.6km to the south-west, Elmtree Farm approximately 0.3km to the east and Couthorpe House approximately 0.35km to the south-east.
19. There are no internationally or nationally designated sites of nature conservation or historic importance within or immediately adjacent to the quarry, however, part of the existing quarry has been designated as a Local Geological Site (LGS). An LGS does not receive any statutory protection but is usually offered some protection where they are subject of policies contained with Local Plans.

Main Planning Considerations

National Guidance

20. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England. The main policies and principles set out in the NPPF which are of relevance to this proposal are as follows (summarised):

Paragraph 32 – states that all development that generates significant amounts of movements should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether, amongst other things, safe and suitable access to the site can be achieved for all people.

Paragraph 103 – states that when determining applications, local planning authorities should ensure flood risk is not increased elsewhere.

Paragraph 109 – states that the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of the ecosystem;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent

ecological networks that are more resilient to current and future pressures;

- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 118 - states, amongst other things, that when determining applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles. In particular, opportunities to incorporate biodiversity in and around developments should be encouraged.

Paragraph 120 – states that to prevent unacceptable risks from pollution and land instability, decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area of proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

Paragraph 122 – states that local planning authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

Paragraph 123 – states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Decisions should also aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

Paragraph 128 – states that when determining applications, local planning authorities should ensure that the potential impacts of development on heritage assets is properly assessed using appropriate expertise where necessary. Where a site includes or has the potential to include heritage assets with archaeological interest, developers should submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 135 – states that the effect of a development on the significance of non-designated heritage assets should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be

required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 142 – states that minerals are essential to support sustainable economic growth and our quality of life and therefore it is important to ensure that there is a sufficient supply of materials to provide the infrastructure, buildings, energy and goods that the country needs. Minerals are a finite natural resource and can only be worked where they are found so it's important to make best use of them to secure long-term conservation.

Paragraph 144 – states that when determining planning applications, local planning authorities should, amongst other things:

- give great weight to the benefits of mineral extraction, including the economy;
- ensure, in granting planning permission, that there is no unacceptable adverse impact on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emission and any blasting vibrations are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional cases.

Paragraph 145 – states that mineral planning authorities should plan for a steady and adequate supply of aggregates by, amongst other things, making provision for the maintenance of a landbank of at least 10 years for crushed rock. It is also stated that longer periods may be appropriate to take account of locations of permitted reserves relative to markets and productive capacity of permitted reserves.

Paragraphs 186 and 187 – state that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicant to secure developments that improve the economic, social and environmental conditions in the area.

Paragraph 215 - states that after 12 months since the publication of the NPPF (March 2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework the greater the weight that may be given). This is of relevance to the Lincolnshire Minerals Local Plan 1991, Lincolnshire Waste Local Plan 2006

and South Kesteven Core Strategy 2010. The policies in these plans which are relevant to this application and confirmed as being in conformity with the NPPF are set out below.

The NPPF is accompanied by Technical Guidance that includes a section on minerals policy. This section provides guidance on a number of issues including dust, noise and restoration and aftercare. In terms of dust, in general good practice dust mitigation measures should be sufficient to minimise any nuisance or impacts arising from mineral workings. Measures to control dust should be specified and described as part of any application and, if necessary, secured through the use of conditions.

On noise, the NPPF Technical Guidance advises that, subject to a maximum of 55dB(A)LAeq,1h (freefield), mineral planning authorities should aim to establish noise limits at noise sensitive properties that do not exceed the background level by more than 10dB(A). It is recognised, however, that in many circumstances it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the operator. In such cases, the limit set should be as near that level as practicable during normal working hours (07:00 -19:00) and should not exceed 55dB(A). The NPPF then goes on to advise that certain short term activities (such as soil stripping, baffle mound construction/removal) may be particularly noisy but may bring longer term environmental benefits. For these activities, increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (freefield) for periods of up to eight weeks in a year at specified noise sensitive properties should be considered.

MPG14: The Environment Act 1995: Review of Mineral Planning Permissions (1995)

MPG14 offers advice on the periodic review of all mineral planning permissions. Periodic review is designed to ensure that the conditions attached to sites do not become outdated over time. The advice states that if the Mineral Planning Authority determines conditions that are different from those submitted by the applicant, and the effect of those conditions is to restrict working rights further than before the review, then a liability for compensation may arise. The exception to this is where conditions relate to restoration and aftercare. Other than in those circumstances, conditions restricting working rights should be imposed only in exceptional circumstances.

Planning Policy Statement 10 (PPS10) "Planning for Sustainable Waste Management" remains in force despite the recent introduction of the NPPF (above). PPS10 reiterates the principles of sustainable waste management and the waste hierarchy and states that in considering planning applications for new or enhanced waste management facilities, waste planning authorities should consider the likely impact of the development on the local environment and amenity.

Annex E of PPS10 sets out the locational criteria which must be considered in relation to the suitability of proposed sites. Of particular relevance to the Landfill application are the issues relating to the protection of the water environment, traffic and access, air emissions (including dust), noise and vibration and potential land-use conflict.

Local Plan Context

21. The Lincolnshire Minerals Local Plan 1991 forms part of the Development Plan and therefore, as confirmed by the NPPF, due weight should be given to relevant policies within the Plan according to their degree of consistency with the policies of the NPPF. The following policies are considered to be generally consistent with the NPPF and are of relevance to this proposal (summarised):

Policy M3 (Aggregate Minerals – Extensions to Existing Workings) states that every application for the working of aggregate minerals will be considered on its merits. There will however be a presumption in favour of extensions to existing workings with any new quarry normally only permitted where this replaces an existing quarry which has become worked out. This approach aims to avoid a proliferation of sites, to enable the County Council to exercise control of the release of reserves, and to provide the opportunity for higher overall standards of restoration.

Policy M4 (Mineral Working on Agricultural Land) states that in considering such applications regard should be paid to the agricultural quality of the land, the need to protect the environment for its own sake rather than just for its productive value of the land. In addition environmental and economic (particularly locally) impacts should be considered.

Policy M7 (Surface Mineral Working – Landscape Impacts) indicates that mineral working in areas recognised as having special landscape value will only be granted permission where the proposal represents an extension to existing workings or replacement to existing workings and that working can be carried out without undue detriment to the appearance and amenities of the area.

Policy M9 (Planning Applications for Surface Mineral Working) requires applications for mineral workings to be accompanied by a full supporting statement which contains information on a range of issues, including (inter alia) a statement for the need for the development, an assessment and appraisal of the environmental and amenity impacts of the development (e.g. traffic, noise, wildlife, archaeology, etc) and details of the proposed landscaping and restoration proposals.

Policy M10 (Surface Mineral Working - Working Requirements) indicates that planning permission for mineral workings shall only be permitted where the operations can be carried out in such a manner as they will minimise disturbance during working and that satisfactory restoration to an appropriate after-use can be achieved. In order to minimise the effects of the

development the County Council will impose conditions to address and control any such impacts including, hours of operations, landscaping, appropriate restoration etc.

Policy M12 (Surface Mineral Working - Traffic) indicates mineral workings will only be granted where the local highway network is adequate to accommodate the traffic that the proposed development is likely to generate.

Policy M14 (Surface Mineral Working - Restoration) seeks to ensure that restoration proposals for mineral workings are accompanied by a detailed scheme for the restoration of the worked out site to agriculture, forestry or recreation/amenity use.

Policy M15 (Surface Mineral Working - Aftercare Conditions) states that, where appropriate, the County Council will also impose after-care conditions on planning permissions for mineral workings which are subject to restoration conditions.

The Lincolnshire Waste Local Plan 2006 forms part of the Development Plan and therefore, as confirmed by the NPPF, due weight should be given to relevant policies within the Plan according to their degree of consistency with the policies of the NPPF. The following policies (summarised) are of relevance to the consideration of the Landfill application:

Policy WLP1 (Objective of the Plan) states that waste management proposals shall be considered in relation to their contribution towards the waste management hierarchy and assessed in terms of their accordance with the proximity principle, regional self-sufficiency, waste planning policies and their compatibility with neighbouring land uses and any environmental implications of the development on its setting.

Policy WLP13 (Landfill/Landraising) states that proposals for new landfill or landraise will be permitted if the available void space in the proximity of the waste source to be serviced by the site falls below 10 years at projected disposal rates, except where inert landfill represents the most satisfactory method of restoration. It would be expected that facilities for recycling will be made available on site if appropriate. Such proposals would have to meet the criteria set out in Policy WLP21.

A supporting paragraph to this policy recognises that some inert materials are of beneficial use for site reclamation. However, it goes on to state that a balance has to be drawn and operators should be encouraged to take measures that ensure the amount of inert waste tipped is kept to an absolute minimum.

Policy WLP21 (Environmental Considerations) states that planning permission for waste management facilities will be granted where a number of environmental considerations are met. Of particular relevance to this application are:

- (v) Drainage, Flood Protection and Water Resources – supports proposals which would not adversely affect local land drainage systems, groundwater resources or be at an unacceptable risk of flooding or create an unacceptable risk of flooding elsewhere;
- (vi & vii) Nature Conservation – supports proposals where the development would not adversely affect a site of national importance for nature conservation (e.g. Sites of Special Scientific Interest), a local site of nature conservation importance, or a protected species and/or their habitat;
- (viii) Historic Environment – supports proposals where the development would not adversely affect archaeology or historic buildings of importance;
- (x) Public Rights of Way – supports proposals where they would not adversely affect public rights of way unless adequate arrangements can be made to safeguard existing routes or to provide acceptable alternatives;
- (xi) Dust, Odour, etc - where the development including its associated traffic movements, visual impact, noise, dust, odour, litter, and emissions, and its potential to attract scavenging birds, other vermin and insects would not have an adverse effect on local residential amenity including air quality, and/or other land uses;
- (xii) Transport System – where sufficient capacity is available on the local or wider road system for the traffic that is expected to be generated. Improvements or alternative modes of transport can be implemented and/or where there would not be adverse effect on road safety;
- (xv) Mineral Resources – where proven minerals resources would not be sterilised;
- (xvii) Recovery of Materials – supports proposals where they contribute to the potential recovery of materials and energy via recycling, energy recovery and composting in reducing the amount of waste for final disposal.

The South Kesteven Core Strategy 2010 forms part of the Development Plan and therefore, as confirmed by the NPPF, due weight should be given to relevant policies within the Plan according to their degree of consistency with the policies of the NPPF. The following policies are considered to be of particular relevance (summarised):

Policy EN1 (Protection and Enhancement of the Character of the District) sets out a number of criteria against which all development proposals are required to be assessed. Relevant criteria include:

- statutory, national and local designations of landscape features, including natural and historic assets;
- local distinctiveness and sense of place;
- the condition of the landscape;
- biodiversity and ecological networks within the landscape;
- remoteness and tranquillity;
- visual intrusion;
- noise and light pollution;
- impact on controlled waters.

Policy EN2 (Reducing the Risk of Flooding) states that all planning applications should be accompanied by a statement of how surface water is to be managed and in particular where it is to be discharged. On-site attenuation and infiltration will be required as part of any new development wherever possible.

Results of Consultation and Publicity

22. (a) Local County Council Member, Councillor T M Trollope-Bellew - who is also a Member of the Planning and Regulation Committee, has been notified of all three applications but reserves his position until the meeting of the Committee.
- (b) Counthorpe and Creeton Parish Council – no objection to all three applications.
- (c) Swinstead Parish Council (neighbouring Parish) – acknowledge that the quarry does not lie within their Parish, however, a large proportion of traffic travelling to and from the quarry does pass through Swinestead village and therefore have objected to the proposals from a highways perspective. In particular, the Parish Council are opposed to the proposed extended hours of operation for HGV traffic which, if granted, would allow HGVs to enter the site from 06:00 Monday to Saturday and for vehicles carrying agricultural lime to be allowed to leave the site after 06:30 for an eight week period (20 July to 20 September). The Parish Council considers that such hours would be totally unreasonable and would dramatically affect the quality of life of the inhabitants of Swinstead.
- (d) Environmental Health (South Kesteven District Council) – has no objection to all three applications but has made the following comments:
- it is recommended that the existing noise condition attached to the quarry's planning permission be maintained which states that noise emitted from the site shall not exceed 50dB LAeq (1 hour) as measured one metre from the facade of the residential properties surrounding the quarry;

- the applicant has stated that no further blasting is intended to be carried out within the site. It is recommended that a planning condition be imposed to ensure this is secured;
- no comments to make in respect of the revised hours of operation, except that the eight week extension must be for the access and egress of HGVs only for the collection/removal of agricultural lime and that no work operations are to take place on site during these additional hours. The enforcement of noise from the highway is not under the remit of Environmental Protection.

- (e) Highways (Lincolnshire County Council) – has no objections but has made the following comments (summarised).

The area in the immediate locale of the site access is subjected to unacceptable amounts of mud and detritus being deposited on the public highway. This is exacerbated in that the access falls towards the highway and surface water naturally flows from the site and down the access to reach the lower lying interface with the public highway. It is therefore requested that conditions requiring the provision of a wheelwash facility and a means of catching or diverting the flow of surface water to outfall/collect to an approved system before it reaches the highway be attached to any grant of permission.

In respect of the applicant's request to revise the permitted hours of operation, it is noted that the applicant refers to a request from the Highway Authority that vehicles be permitted to enter the site prior to 07:00 hours Monday to Saturday. This was specifically to overcome evidential queuing on the approaches to the site prior to the permitted hours of operation. However, the Highway Authority requests that a formal extension of operational hours be refused. It is considered that the issue of queuing and vehicles arriving early should be one of control by the operators and their hauliers if not by condition or appropriate legal agreement (e.g. S106). The Highway Authority considers that the current hours of operation are not restrictive and it is likely that extending the hours would lead to vehicles arriving even earlier to queue at the gates or approaches to the detriment of highway safety and convenience notwithstanding the noise and disruption to local residents.

- (f) Historic Environment (Lincolnshire County Council) – following the submission of further information and assessments carried out in relation to archaeology (contained within the Additional Information), has confirmed that the continued extraction of mineral within the ROMP application and proposed Extension application are unlikely to impact on any underlying archaeological remains and therefore confirm no further archaeological input is required.
- (g) Environment Agency – has no objection to all three applications but has advised that the proposed landfilling operations (subject of Landfill Application) would require an Environmental Permit (issued by the

Environment Agency). This advice could be appropriately dealt with by way of Informative.

- (h) Lincolnshire Wildlife Trust - have advised that they in general support the restoration of the quarry to nature conservation and geological after uses, however, have made a number of comments/recommendations regarding the restoration proposals which are summarised as follows:
- Creeton Quarry is considered to be of geological value as it shows an almost complete section through the entire Lincolnshire Limestone beds. The quarry has been surveyed and nominated as a Local Geological Site and so LWT supports the proposals to retain open rock faces as part of the restoration proposals. Retained open rock faces would be important, not only for geological values, but also as a biodiversity resource providing variable conditions for plants and animals. LWT suggests that a member of the Lincolnshire Geodiversity Team therefore be invited to visit the site at the appropriate time to ensure that the most important areas would be left exposed.
 - whilst LWT welcomes the inclusion of calcareous, or limestone, grassland in the restoration plan, they are disappointed to note that the proposal is to restore the majority of the site to agricultural land. The restoration of the quarry could provide an excellent opportunity to develop a large area of limestone grassland habitat. Creeton Quarry is located in a priority area for calcareous grassland re-creation and its re-creation at this site would help to meet targets in the UK and Lincolnshire Biodiversity Action Plan. LWT therefore recommends that topsoil is not spread back across the site and that some areas of limestone are left exposed and not covered with quarry spoil or soils so as to facilitate the establishment of calcareous grassland.
 - with regard to ecology, LWT welcomes the proposed strategy to minimise the potential for adverse effects on bats which includes carrying out additional bat surveys prior to entering previously undisturbed areas of the site and/or the current exposed rock faces which have not been worked for an extended period. LWT also support the applicant's proposal to submit a Landscape Management, Nature Conservation and Aftercare Plan for the site and Natural England's recommendation that such a plan includes a detailed method statement for bats based on the precautionary approach as explained above.
- (i) Natural England - initially responded advising that additional ecological information should be provided in support of the applications as the potential impact of the continued and proposed new areas of mineral working on protected species (including bats) could not be adequately assessed.

Following the submission of the Additional Information, Natural England has confirmed that they are satisfied with the proposed strategy and

mitigation measures proposed by the applicant to prevent any adverse impacts on the bat population and therefore have no objections to the proposals. Natural England also support the applicants proposal to prepare a Landscape Management, Nature Conservation and Aftercare Plan for the site and recommend that such a plan includes a detailed method statement for bats based on the precautionary approach as explained above and also be used to further improve the nature conservation value of the site.

(j) Ministry of Defence (Safeguarding) – has advised that the quarry is located approximately 8.2km north-east of RAF Cottesmore and therefore their principal concern is the potential for the restored site to attract large numbers of bird species which could be hazardous to aircraft. The MOD note that the proposed restoration plans show the quarry being restored to agricultural land including a lake/waterbody. Measures should therefore be taken to minimise potential bird-strike risk which include removing any proposals for islands within the proposed lake/water body; ensuring areas of open water have steep bank sides and are planted with a continual border of dense marginal vegetation (i.e. common reeds) so as to deter bird use, and; the use of goose proof fencing until vegetation becomes established. Subject to such measures being incorporated, the MOD has no objections to the proposals from a safeguarding perspective.

(k) Campaign to Protect Rural England - has no objection.

23. All three applications have been publicised by site and press notices and the nearest residents to the quarry have been individually notified by letter. Two representations/letters have been received as a result of this publicity/ notification and the following comments/issues have been raised:

- concerns raised regarding the volume of HGV traffic using Couthorpe Lane and the adequacy of the existing passing places. Due to the existing vegetation (i.e. roadside hedges and trees) along this route visibility can be restricted and the existing passing places need to be extended to take account of the articulated vehicles now accessing the site.
- concerns and complaints received regarding the impact and disturbance that HGV traffic during the early hours of the morning have on residents living along the main routes to the quarry. Although the permitted hours of operation for the quarry do not allow HGVs to enter the site until 07:00 hours residents have complained that HGVs have been known to pass their properties to and from the quarry much earlier (e.g. 05:50 hours, 06:09 hours).
- it is commented that only inert materials should be allowed to be landfilled at the quarry and not any other types of waste.

District Council's Recommendations

24. South Kesteven District Council, in principle, has no objection to all three applications but has recommended that due consideration be given to the potential increased impacts on the amenities of local residents due to the proposed increase in the movement of HGVs to and from the site during the eight week period from 20 July to 20 September.

Conclusions

25. The key issues to be considered in relation to these proposals are the planning policy context, the appropriateness and acceptability of the proposed conditions put forward within the ROMP application and, an assessment of any potential adverse environmental and amenity impacts arising from both the continued mineral extraction operations within the existing permitted quarry boundaries and as a result of the proposed extension and landfill proposals.
26. The applications are all subject of an Environmental Impact Assessment submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and an Environmental Statement has been submitted which assesses the potential impacts of the development together with the mitigation measures proposed to avoid, reduce and if possible remedy any significant adverse impacts. It is considered that the Environmental Statement submitted meets the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

S24/1741/11 - Extension Application

27. The NPPF recognises that minerals are essential to support sustainable economic growth and our quality of life and therefore it is important to ensure that there is a sufficient supply of materials to provide the infrastructure, buildings, energy and goods that the country needs. Therefore it is stated that great weight should be given to the benefits of mineral extraction, however, this must be balanced against any potential negative environmental or amenity impacts and should be released to maintain a steady and adequate supply.
28. Policy M3 of the MLP is also of relevance and states that applications for the working of aggregate minerals shall be considered on their merits and that there will be a presumption in favour of extensions to existing workings rather than the development of new quarries. It is added that new quarries will normally only be permitted where they would replace an existing quarry which has become worked out. Although Creeton Quarry has historically been considered to be limestone/building stone quarry and the applicant has indicated that the proposed extension would release additional building stone reserves, the information presented within the application does indicate that the principal outputs of the current quarry are limestone aggregate (approx. 65 to 75% of the total outputs). Therefore, as well as

other policies identified within the Development Plan, it is considered appropriate that this application also be assessed against Policy M3 of the Minerals Local Plan (MLP).

29. At the time the planning application was submitted the applicant estimated that within the currently permitted boundaries of Creeton Quarry (i.e. excluding the proposed Extension area) there were approximately 3.1 million tonnes of reserves remaining to be worked. The extension would release an additional 540,000 tonnes of limestone reserves (some of which have already been worked out) and has been/would be worked simultaneously with the extraction operations already permitted within the wider quarry. The proposed extension is not allocated as a potential future working area within the Minerals Local Plan and there is already a significant landbank of permitted limestone aggregate reserves within the County. As a result, there is no need for new limestone aggregate reserves to be released at this time. However, in this case, whilst it is accepted that there may be a higher proportion of limestone aggregate released during the initial phases of extraction within the extension area (due to the damage and fractures incurred to the reserves as a result of historical blasting operations) as operations advance it is anticipated that access to better quality stone would be gained resulting in the recovery of a higher proportion of blockstone/building stone. The extension is considered to represent a small-scale lateral extension to the existing wider quarry and not only would the working of this area allow access to be gained to new reserves of building/blockstone, it would also facilitate safe access to be gained to existing permitted reserves that exist to the north of the quarry which, at present, cannot be easily worked due to the way the site has historically been worked and therefore may otherwise be potentially sterilised. Therefore the proposed development is not considered to significantly conflict with the wider principles of Mineral Local Plan Policy M3.
30. In terms of landscape and visual impacts, during the operational phases grassed screening bunds would be constructed along the northern and eastern boundaries of the site as the extraction operations advance. As the extraction operations are also to be carried out at depth, views of the mineral workings would also be restricted due to a combination of the topography and the screening mitigation measures therefore minimising the visual impacts of the development on the local landscape and views into the quarry from nearby public vantage points (e.g. the footpath running to the north). In terms of longer-term impacts, the extension area would be restored to complement and integrate into the wider restoration proposals for the site proposed as part of the concurrent ROMP application. The restoration scheme put forward in the ROMP application proposes to restore the quarry to a mixture of agricultural land, open water bodies and woodland planting. Those areas of land subject of this application would largely be restored by rolling over parts of the working benches and allowing scrub grassland to develop. Some of the exposed quarry faces would also be retained as part of the restoration proposals. Overall, it is considered that the working of the extension area would have a limited or marginal detrimental impact upon the quality and character of the surrounding

landscape and the proposed restoration for this part of the site would not conflict with the wider landscape character and management objectives for the area. Therefore the development does not conflict with the objectives of Minerals Local Plan Policies M7, M10 and M14 and South Kesteven Core Strategy Policy EN1.

31. In terms of traffic and highways considerations, the extension area has been/would continue to be worked as part of the wider quarrying operations and therefore would not give rise to any significant new traffic over and above that associated with the existing permitted quarry. Traffic associated with the quarry is already subject of an existing Routeing Agreement (secured by a previous S106 Planning Obligation) which requires all HGVs to only approach the site via Couthorpe Road. All vehicles would continue to access the site via the existing access off Couthorpe Road and (as discussed later in this report in relation to the ROMP application) would be carried out within the existing permitted hours of operation. However, in considering this application it is noted that the quarry does not have a wheelwash or effective wheel cleaning facilities on site and this has historically led to incidences of mud and other materials being tracked out of the site and being deposited upon the public highway (as witnessed by the Monitoring Team during their site visits and as also acknowledged by the comments of the Highways Officer). This not only poses a highway safety risk but could also potentially lead to the contamination and pollution of nearby watercourses where mud or other such deleterious materials arising from the quarry interact with uncontrolled surface water run-off from the quarry's site access ramp. As a result, and in order to improve the environmental standards and maintain highway safety, it is recommended that a condition be imposed which requires the applicant to install new wheel cleaning facilities within the site and for details of its specification and location to be submitted for the approval of the Mineral Planning Authority. A condition is also recommended that requires the applicant to submit details of a system to control and manage surface water run-off from the sites access road/ramp so as to prevent currently uncontrolled surface water run-off from reaching the public highway (e.g. a collection sump/drain within the access road ramp). This is considered necessary as historically the lack of any such system has led to problems of flooding on the public highway which poses a highway safety risk and would also help to ensure that any accidental mud or materials deposited on the access ramp do not interact with surface waters which could result in them being washed onto the public highway and/or contaminating nearby watercourses. Subject to such conditions it is considered that the development is unlikely to have any additional undue disturbance to local residents or pose unacceptable impact upon the highway network and therefore would not have conflicted with the objectives of Minerals Local Plan Policy M12.
32. In respect of ecology, the extension area has already partially been worked out and that which remains comprises largely of arable agricultural land which has been intensively farmed for a number of years. As a result, the land is considered to be of limited ecological value or interest and given the relatively small size of the area to be lost would not be significant. The

proposed restoration of the wider quarry (and the land subject of this application) site proposes for the site to be returned in part to agricultural uses whilst also increasing the biodiversity and ecological value of the site. Therefore, on balance, whilst the loss of this agricultural land is unfortunate it is not significant and does not outweigh the opportunities and benefits for habitat creation to be gained through the restoration proposals and therefore does not conflict with the principles of Policies M10 and M14 of the Minerals Local Plan.

33. In terms of other potential environmental and amenity impacts (i.e. noise and dust) it is accepted that Creeton Quarry is not located in close proximity to any noise sensitive dwellings or receptors and no complaints have been received with regard to noise or dust levels arising from the previous mineral operations or those which are currently on-going in other permitted areas of the quarry. The extension has been/would continue to be worked as part of the wider (permitted) workings which are already subject to conditions and/or approved schemes to minimise and control the potential nuisances such as noise and dust. It is considered that subject to the imposition of conditions and/or a requirement for the applicant to adopt these same existing measures and practices to cover the operations within the extension area any impacts are unlikely to be any more adverse than those associated which are associated with the wider permitted workings (therefore not contrary to the objectives of MPS2, Mineral Local Plan Policy M10 or South Kesteven Local Plan Policy EN1).
34. Having taken into account the assessment and findings of the ES and subject to the imposition of suitable conditions reflecting those which already control the existing operations within the wider quarry (which are to be updated and modernised via the concurrent ROMP application) and conditions to address the matters discussed above, it is considered that the proposed extension would not conflict with the objectives of Policy M3 of the Mineral Local Plan and the operations could be carried out without giving rise to any significant or unacceptable adverse environmental or amenity impacts. Therefore, on balance, the development is not considered to be contrary or in conflict with the relevant cited paragraphs of the National Planning Policy Framework or objectives and principles of Policies M3, M4, M7, M9, M10, M12, M14, M15 and of the Lincolnshire Mineral Local Plan 1991 or Policies EN1 and EN2 of the South Kesteven Core Strategy 2010.

S24/1752/11 - Landfill Application

35. This application seeks planning permission to import inert waste for use in the restoration of part of Creeton Quarry covering an area of approximately 1.6 ha.
36. The main thrust of national and local policy is to move the management of waste up the “waste hierarchy” of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort. The utilisation of waste within the restoration of the site therefore lies at the bottom of the hierarchy. WLP Policy WLP1 reflects this position and also states that proposals will be

considered in relation to a number of criteria including the “proximity principle” which requires waste to be disposed of (or otherwise managed) close to the point at which it is generated. In this case, although the applicant has not specified where the material to be imported to the site would originate, given the remote location of Creeton Quarry such materials are likely to have to be transported some distance from their source and therefore it is your Officers view that the disposal of waste at the site would not accord with the "proximity principle". As a result, this aspect of the proposed development does not comply with WLP Policy WLP1.

37. WLP Policy WLP13 is also of relevance as it is the main policy for assessing applications for new landfill. This policy states that proposals for new landfill or landraise sites will be permitted if the available void space in the proximity of the source to be served falls below 10 years. As indicated above, it is questionable whether the site is located in close proximity of the source of the waste source and in any event the landfill capacity available in this area is considered to be over 10 years and therefore this proposal fails to meet these two aspects of the policy. Whilst Officers do note that WLP Policy WLP13 does allow an exception where inert landfill represents the most satisfactory method of restoration, in this case, the imported wastes would be used to achieve the restoration of only a small part of the wider quarry which is to be restored using materials sourced within the quarry (e.g. overburden and waste stone). The reliance on imported materials to achieve the restoration levels proposed within the concurrent ROMP application, even for part of the site, could therefore potentially delay the restoration of the wider quarry which is to be progressively restored as the mineral extraction operations advance. As there are significant mineral reserves remaining within the quarry which have yet to be worked, which include additional reserves now to be released through the working of the eastern extension area and the removal of the peninsula of land in the north, it is your Officers view that there is still likely to be a significant quantity and volume of suitable restoration materials available within the site to achieve a suitable restoration and beneficial after-use for the quarry without relying upon the importation wastes. Furthermore, by only allowing the quarry to be restored utilising materials sourced within the quarry is reflects the original conditions attached to the existing mineral planning permissions relating to the quarry and also reduces the risks of the site not being progressively restored should suitable wastes and materials not be available in the future.
38. Having regard to the above, it is considered that the proposals to import and landfill materials within the site are contrary to the objective of moving the management of waste up the waste hierarchy and do not represent the most satisfactory method of restoration and could potentially delay or jeopardise the progressive and phased restoration of the site. As a result, the proposals are considered to be contrary to the objectives and principles of PPS10 and Policy WLP1 of the Lincolnshire Waste Local plan and do not comply with Policy WLP13 the Waste Local Plan and contrary to the National Planning Policy Framework (NPPF) which states that restoration and aftercare should be carried out at the earliest opportunity to high environmental standards.

S24/1726/11 - ROMP application

39. This application is for the approval of a new scheme of conditions for Creeton Quarry updating those attached to the existing mineral permissions relating to the site. The application presents an opportunity to update the existing planning conditions that might be out of date and, if necessary, impose new conditions to ensure the quarry operates to more modern standards.
40. Where a Mineral Planning Authority determines conditions different from those submitted by the applicant and the effect of those conditions, other than restoration or aftercare conditions, as compared with the effect of the existing conditions is to impose a restriction on working rights then the applicant is entitled to claim compensation. Working rights in respect of a mining site are deemed to have been restricted if any of the following is restricted or reduced:
- (a) the size of the area which may be used for the winning and working of minerals or the depositing of mineral waste;
 - (b) the depth to which any operations for the winning and working of minerals may extend;
 - (c) the height of any deposit of mineral waste;
 - (d) the rate at which any particular mineral may be extracted;
 - (e) the rate at which any particular mineral waste may be deposited;
 - (f) the period at the expiry of which any winning and working of minerals or the depositing of mineral waste is to cease;
 - (g) the total quantity of mineral which may be extracted from, or of mineral wastes may be deposited on, the site.
41. The conditions proposed by the applicant cover a range of topics and are generally acceptable. However, amendments have been made to some of the suggested conditions in order to improve their enforceability and (where necessary) additional conditions recommended to secure further details and/or address matters including the need to retain the existing hours of operation, to secure further and revised details for the restoration and aftercare of the site and to retain the permitted depth of working.
42. With regard the hours of operation, Officers do not consider the revised hours put forward by the applicant to be appropriate and therefore it is recommended that the hours currently cited by conditions attached to the existing permissions be retained. If the existing hours of operation were to be extended this could have an indirect adverse impact on local residents living along the routes leading to the quarry as HGVs would, in effect, be encouraged to use these routes in the early hours of the morning and this could lead to increased disturbance to those residents. The existing hours of operation are therefore considered acceptable and a reasonable balance between maintaining the operational requirements and interests of the applicant whilst protecting the amenity of residents living both close to the quarry and along the routes used by HGVs travelling to and from the quarry. As the same hours of operation are therefore recommended to be re-

imposed there would be no impact upon the applicants existing working rights.

43. With regard restoration and aftercare, should the Planning and Regulation Committee agree with the Officer recommendation to refuse planning permission for the Landfill application then there will be a need for the indicative restoration plans contained within the ROMP and Extension application to be revised. This is because the restoration levels shown on the submitted drawing have been prepared on the basis that waste materials would be imported and utilised as part of the restoration works. Consequently, the refusal of the Landfill application could impact upon the ability of the applicant to restore the quarry to this currently proposed design and level (either in part or across the whole of the quarry) and therefore needs to be revised. A planning condition has therefore been imposed which requires the applicant to submit a revised restoration scheme for the approval of the Mineral Planning Authority which again is not considered to fall within one of the examples or types of restriction listed above (i.e. (a) to (g)) and which could therefore result in a claim for compensation.
44. Finally, whilst the revised working scheme proposed as part of this ROMP application has been prepared on the basis that the maximum depth of working would be reduced to 44m AOD instead of 42m AOD (as currently permitted), it is not considered appropriate to vary or confirm this revised depth restriction by way of a planning condition. This is because to do so could be considered as impacting or reducing the applicant's existing working rights. Although the revised working scheme does propose to reduce the area of extraction in the south-east corner of the site, the revised scheme does, however, also include proposals to remove the peninsula of land which lies within the centre of the quarry. This peninsula of land (and the reserves contained therein) was not previously identified to be worked as part of the existing approved working scheme and so by including them as part of this revised proposal it is considered that, on balance, the total size of the area which is currently consented to be used for the winning and working of minerals or the depositing of mineral remains unaffected from that currently permitted. Therefore the applicant's existing working rights would again remain unaffected by the determination of this ROMP application.
45. Overall, it is your Officer view that the amended and additional conditions recommended to be imposed in approving the ROMP application are not considered to unduly restrict working rights further than the current conditions attached to permissions S52/0180/84, S24/877/93 and S24/744/94/IDO and therefore the Council is not likely to be at risk of a claim for compensation.

RECOMMENDATIONS

It is recommended that:

(A) This report (including appendices) forms part of the Council's Statement pursuant to Regulation 21 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 – which requires the Council to make available for public inspection at the District Council's offices specified information regarding the decision. Pursuant to Regulation 21(1)(c) the Council must make available for public inspection a statement which contains:

- the content of the decision and any conditions attached to it;
- the main reasons and consideration on which the decision is based, including, if relevant, information about the participation of the public;
- a description, when necessary, of the main measures to avoid, reduce and if possible offset the major adverse effects of the development;
- information recording the right to challenge the validity of the decision and the procedures for doing so.

B. Application S24/1741/11 (the 'Extension application')

That planning permission be granted for the reasons and subject to the conditions as set out in Appendix A.

C. Application S24/1752/11 (the 'Landfill application')

That planning permission be refused for the reasons set out in Appendix B.

D. Application S24/1726/11 (the 'ROMP application')

Subject to the Planning and Regulation Committee resolving to agree with the Officer recommendations set out in relation to A and B above, that the amended schedule of conditions as set out in Appendix C be approved.

Policies Referred To

National Planning Policy Framework – March 2012

Mineral Planning Guidance 14: The Environment Act 1995: Review of Mineral Planning Permissions

Planning Policy Statement 10 - Planning for Sustainable Waste Management

Lincolnshire Mineral Local Plan 1991

Policy M3 - Aggregate Minerals – Extensions to Existing Workings

Policy M4 - Mineral Working on Agricultural Land

Policy M7 - Surface Mineral Working - Landscape Impacts

Policy M9 - Planning Applications for Surface Mineral Working
 Policy M10 - Surface Mineral Working - Working Requirements
 Policy M12 - Surface Mineral Working - Traffic
 Policy M14 - Surface Mineral Working - Restoration
 Policy M15 - Surface Mineral Working - Aftercare Conditions

South Kesteven Core Strategy 2010

Policy EN1 – Protecting and Enhancement of the Character of the District
 Policy EN2 – Reducing the Risk of Flooding

Appendices

These are listed below and attached at the back of the report	
Appendix A	Reasons for approval and conditions for application S24/1741/11
Appendix B	Reasons for refusal for application S24/1752/11
Appendix C	Amended schedule of conditions in relation to application S24/1726/11
Appendix D	Committee Plan

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File(s) S52/180/84 S24/877/93 S24/744/94/IDO S24/1726/11 S24/1741/11 S24/1752/11	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Guidance - National Planning Policy Framework & Technical Guidance (2012) Mineral Planning Guidance 14: The Environment Act 1995: Review of Mineral Planning Permissions (1995) Planning Policy Statement 10 – Planning for Sustainable Waste Management	Communities and Local Government website www.gov.uk
Lincolnshire Mineral Local Plan 1991 Lincolnshire Waste Local Plan 2006	Lincolnshire County Council website www.lincolnshire.gov.uk
South Kesteven Core Strategy (2010)	South Kesteven District Council website www.southkesteven.gov.uk

This report was written by Marc Willis, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk

S24/1741/11 - To extend the existing quarry (Part-retrospective) (the 'Extension application')

Conditions

1. The conditions set out in this decision relate to the progressive winning and working of limestone and progressive restoration of the land as outlined in red on Drawing No.1809/PA/2.
2. The winning and working of minerals shall be limited to a period expiring 21 February 2042.
3. The development and operations authorised by this determination shall be carried out in strict accordance with the following documents and plans except where modified by conditions attached to this notice or details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:

Planning Application, Supporting Statement, Environmental Statement and Environmental Technical Appendices (received 30 September 2010) and Additional Information (received 18 November 2012) and the following drawings/plans:

Drawing No.1089/PA/2 – Existing Conditions
Drawing No.1089/PA/3A – Indicative Scheme of Working - Phase 1
Drawing No.1089/PA/4A – Indicative Scheme of Working - Phase 2
Drawing No.1089/PA/5A – Indicative Scheme of Working - Phase 2
Drawing No.1089/PA6 – Indicative Scheme of Working - Proposed Restoration

4. Nothing in this decision shall be construed as permitting the importation of materials for any purpose including achieving landscaping or restoration of the site.
5. Nothing in this decision shall be construed as permitting the removal of topsoil, subsoil or overburden from the site.
6. No materials, including excavated and processed mineral, overburden and soils or plant and equipment shall be stored above the level of the surrounding land except that shown on the southern boundary on Drawing No.1809/PA/2.
7. Except in emergencies to maintain safe quarry working and essential maintenance which shall be notified to the Mineral Planning Authority as soon as practicable and other than water pumping or pollution prevention measures, no operations and activities authorised or required in association

with this development, including vehicular traffic to and from the quarry, shall be carried out except between the following hours:

Monday to Friday 07:00 to 17:30 hours
Saturdays 07:00 to 12:00 hours

No operations or activities shall be carried out on Sundays, Public and Bank Holidays.

The above cited hours shall not apply to the use of the administration facilities, quarry workshops and ancillary buildings, which may be used at any time, nor the maintenance of plant and machinery, which may be carried out until 17:30 hours on Saturdays.

8. Within six months of the date of this decision details of the design, specification and position of wheel cleaning facilities to be installed within the site shall be submitted for the written approval of the Mineral Planning Authority. The approved facilities shall thereafter be installed in accordance with the approved details within three months of the written approval of the Mineral Planning Authority and be available in full working order at all times and thereafter maintained for the duration of the development hereby permitted.
9. No commercial vehicle shall leave the site unless its wheels and underside chassis are clean so as to prevent materials, including mud and debris, being deposited on the public highway.
10. The surfacing of the access and internal site roads shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times for the duration of the development so as to prevent such materials being deposited on the public highway. Any accidental deposition of mud, debris or other deleterious materials onto the public highway shall be removed immediately.
11. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls or shall be stored in an approved double skin proprietary tank(s). The volume of any bunded compound shall be at least equivalent to the capacity of the tank(s) and other containers plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata.
12. Within six months of the date of this decision details of the design, specification and position of a proposed system to collect or divert the flow of surface water run-off derived from site access road/ramp shall be submitted for the written approval of the Mineral Planning Authority. The proposed system shall ensure that all surface waters are appropriately managed and controlled so as to prevent such waters reaching or discharging onto the public highway. The approved system shall thereafter

be installed in accordance with the approved details within three months of the written approval of the Mineral Planning Authority and be available in full working order at all times and thereafter maintained for the duration of the development hereby permitted.

13. The dust suppression, mitigation and monitoring practices as set out in the letters dated 8 November 1996 and 30 December 1996 which were previously submitted and approved pursuant to permission S24/744/94/IDO (as confirmed by the letter from the Mineral Planning Authority dated 15 January 1997) shall be extended to cover the development hereby permitted and continue to be implemented for the life of the development.

In the event of any substantiated complaint being notified to the operator by the Mineral Planning Authority relating to dust arising as a result of the operations undertaken at the site, the operator shall provide the Mineral Planning Authority with a revised scheme of dust suppression for its written approval. Following the written approval of the Mineral Planning Authority the revised dust suppression scheme and any additional suppression measures shall be implemented for all future operations in accordance with the approved scheme.

14. Except for temporary operations and that attributable to any blasting operations, noise levels emitted from the site associated with the winning and working of minerals shall not exceed 50dB LAeq (1 hour, free-field) at any noise sensitive property.
15. During temporary operations, which includes soil stripping, overburden removal and the construction of overburden mounds/screening bunds, noise levels shall not exceed 70dB LAeq (1 hour, free-field) at any noise sensitive property.

In the event of any substantiated complaint being notified to the operator by the Mineral Planning Authority relating to noise arising as a result of the operations undertaken at the site, the operator shall provide the Mineral Planning Authority with a scheme of noise monitoring for its written approval. Following the written approval of the Mineral Planning Authority the noise monitoring scheme shall be carried out within one month of this written approval and the results of the survey and details of any additional mitigation measures to be implemented as part of the development shall be submitted for the attention of the Mineral Planning Authority. Any additional mitigation measures identified as part of the survey shall be implemented within one month of the survey and thereafter implemented for the duration of the development.

16. Except in an emergency, which shall be notified to the Mineral Planning Authority within 72 hours including the reason for such, no blasting shall be carried out at the site other than between the hours of 09:00 and 15:00 Monday to Friday. No blasting shall take place on Saturdays, Sundays or any Public or Bank Holidays.

17. The ground vibration level from any blasting operations shall not exceed a ground peak particle velocity of 8mm per second at, or near, the foundations of any inhabited building. In the event of a substantiated complaint being notified to the operator by the Mineral Planning Authority relating to blasting at the site, the operator shall provide the Mineral Planning Authority with such details as may be required to identify the form of the blast and a scheme of monitoring of the blasting operations for the written approval of the Mineral Planning Authority. Subsequent blasts shall be monitored in accordance with the approved scheme for the duration of the development.
18. No mineral extraction operations shall take place within Phase 2 as shown Drawing No.1089/PA/3A until proposals for the final restoration of the quarry and a landscape management, nature conservation and aftercare scheme have been submitted to and approved in writing by the Mineral Planning Authority. The final restoration proposals shall be in general accordance with the indicative proposals shown on Drawing No.1089/PA/6 and the landscape management, nature conservation and aftercare scheme shall make provision for and/or include details to cover the following:
- i) details of the final levels of the restored land;
 - ii) details for the removal of all buildings and structures and treatment of hard surfaced areas;
 - iii) details of the boundaries of any lake(s) to be left on conclusion of workings;
 - iv) details of the nature of the intended afteruses for the site which shall seek to maximise the nature conservation opportunities of the restored land;
 - v) full details of the grass/tree/shrub/hedge planting to be carried out as part of the restoration works which shall include details of the species, densities, heights and means of protection;
 - vi) include provision for an annual monitoring visit to be carried out and a commitment for the restoration and management plan to be reviewed and, where necessary, updated proposals to be submitted for the written approval of the Mineral Planning Authority;
 - vii) a scheme of aftercare detailing the steps to be implemented to bring the restored quarry to the required standard for each of the specified uses as shown as part of the final restoration proposals for the quarry. This shall include provision to avoid the need to use herbicides or fertilisers in the creation and management of those areas of the quarry to be restored to agricultural afteruses so as to ensure that there is no long-term threat to the quality of underlying groundwaters;
 - viii) a timetable for the restoration and aftercare of each phase of the development. The aftercare period shall be a minimum of five years from the date that restoration works within each phase of the development have been completed to the satisfaction of the Mineral Planning Authority.

All restoration and aftercare works shall thereafter be carried out and implemented in accordance with the approved details (or any updated or revised details subsequently approved by the Mineral Planning Authority).

19. All plant, machinery, buildings and equipment erected or stationed at the site shall be removed within 12 months of the cessation of mineral working and the land restored and maintained in accordance with the approved restoration scheme and aftercare requirements.

Reasons

1, 3, 4, 5, 6

To identify the scope of the planning permission, to ensure that the development is completed in accordance with the approved details and that materials remain on site for use for restoration purposes.

2. For consistency with the timeframe and conditions imposed by the First Periodic Review of Creeton Quarry.

7. In the interests of local amenity and to ensure traffic associated with the development does not detrimentally effect nearby residents.

8 to 10

To prevent mud from the access being transferred onto the public highway in the interests of highway safety and safeguarding the local environment.

11 & 12

To minimise the risk of pollution of watercourses and aquifers and in the interests of highway safety.

13 to 17

To minimise the disturbance from operations and avoid nuisance to local residents from the effects of dust.

18 & 19

To ensure the satisfactory restoration, management and aftercare of the site.

Reasons for Granting Planning Permission

The extension would release an additional 540,000 tonnes of limestone reserves (some of which have already been worked out) and would be worked simultaneously with the extraction operations already permitted within the wider quarry. The development is considered to represent a small-scale lateral extension to the existing quarry and not only would the working of this area allow access to be gained to new reserves of building/blockstone it would also facilitate access to the existing permitted reserves which, at present, cannot be easily worked and therefore may otherwise be potentially sterilised.

Subject to the imposition of suitable conditions reflecting those which already control the existing operations within the wider quarry it is considered that the proposed extension would not conflict with the objectives of Policy M3 of the

Mineral Local Plan and the operations could be carried out without giving rise to any significant or unacceptable adverse environmental or amenity impacts. Therefore, on balance, the development is not considered to be contrary or in conflict with the relevant cited paragraphs of the National Planning Policy Framework or objectives and principles of Policies M3, M4, M7, M9, M10, M12, M14, M15 and of the Lincolnshire Mineral Local Plan 1991 or Policies EN1 and EN2 of the South Kesteven Core Strategy 2010.

In line with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework the Mineral Planning Authority has worked with the applicant in a positive and proactive manner by seeking further information and requesting revisions to the application in order to seek solutions and address issues raised during the consideration of this application. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development.

Informative

The validity of the grant of planning permission may be challenged by judicial review proceedings in the Administrative Court of the High Court. Such proceedings will be concerned with the legality of the decision rather than its merits.

Proceedings may only be brought by a person with sufficient interest in the subject matter.

Any proceedings should be brought promptly and within three months from the date of the planning permission. What is prompt will depend on all the circumstances of the particular case but promptness may require proceedings to be brought at some time before three months have expired. Whilst the time limit may be extended if there is a good reason to do so, such extensions of time are exceptional. Any person considering bringing proceedings should therefore seek legal advice as soon as possible. The detailed procedural requirements are set out in the Civil Procedure Rules Part 54 and the Practice Directives for those rules.

APPENDIX B

S24/1752/11 - To allow for the importation of inert restoration materials to facilitate the restoration of part of the quarry in accordance with the proposals contained within the First Periodic Review application (the 'Landfill application')

Reasons for Refusal of Planning Permission

1. Planning Policy Statement 10 and Policy WLP1 of the Lincolnshire Waste Local Plan 2006 support proposals that move the management of waste up the “waste hierarchy” which in order of priority is prevention, preparing for reuse, recycling, other recovery, and only disposing of wastes as a last resort. Policy WLP1 also states that proposals will be considered in relation to a number of criteria including the “proximity principle” which requires waste to be disposed of (or otherwise managed) close to the point at which it is generated. The proposed utilisation of waste as part of the restoration of the quarry lies at the bottom of the "waste hierarchy" and although the applicant has not specified where the material to be imported to the site would originate, given the remote location of the quarry such materials are likely to have to be transported some distance from their source. As a result, the proposed development does not accord with the objectives or principles of PPS10 and Policy WLP1 of the Waste Local Plan.
2. The Mineral Planning Authority considers that the available landfill void space capacity in this part of the County exceeds 10 years and whilst new inert landfill proposals may be acceptable, this is only where they represent the most satisfactory method of restoration. In this case, the imported wastes would be used to achieve the restoration of only a small part of the wider quarry, however, the potential reliance on the availability of waste materials to restore even a small part of the quarry would not only conflict with conditions attached to the existing mineral planning permissions relating to the site but could also potentially delay the progressive restoration of the wider quarry should suitable waste materials not be available in the future. As there are significant mineral reserves remaining within the quarry which have yet to be worked the Mineral Planning Authority considers that there is still a significant quantity and volume of suitable restoration materials available within the site to achieve a suitable restoration and beneficial after-use for the site without relying upon the importation wastes. As a result, the proposed development is considered to be contrary to the National Planning Policy Framework (NPPF) that states that restoration and aftercare of quarries should be carried out at the earliest opportunity to high environmental standards and the objective of moving the management of waste up the waste hierarchy and therefore contrary to Planning Policy Statement 10 (Planning for Sustainable Waste management (PPS10) and Policy WLP1 of the Lincolnshire Waste Local plan (2006).

In line with paragraphs 186 and 187 of the National Planning Policy Framework, the Mineral Planning Authority has worked with the applicant in a positive and proactive manner by seeking further information and requesting revisions to the

application in order to seek solutions and address issues raised during the consideration of this application. However, on balance, the proposed development is not considered to improve the economic, social and environmental conditions of the area and therefore is contrary to the principles and policies of the NPPF and Development Plan as set out above.

APPENDIX C

S24/1726/11 - Application for the determination of new (updated) conditions to which Creeton Quarry is to be subject (Environment Act 1995: First Periodic Review) (the 'ROMP application').

1. The conditions set out in this decision relate to the progressive winning and working of limestone together with the storage of mineral products, site administration facilities, quarry workshops and ancillary buildings and progressive restoration of the land as outlined in red on Drawing No.1809/ROMP/2.
2. The winning and working of minerals and use of ancillary site buildings shall be limited to a period expiring 21 February 2042.
3. The development and operations authorised by this determination shall be carried out in strict accordance with the following documents and plans except where modified by conditions attached to this notice or details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:

Planning Application, Supporting Statement, Environmental Statement and Environmental Technical Appendices (received 30 September 2010) and Additional Information (received 18 November 2012) and the following drawings/plans:

Drawing No.1089/ROMP/2 – Existing Conditions
Drawing No.1089/PA/3A – Indicative Scheme of Working - Phase 1
Drawing No.1089/PA/4A – Indicative Scheme of Working - Phase 2
Drawing No.1089/PA/5A – Indicative Scheme of Working - Phase 2
Drawing No.1089/PA6 – Indicative Scheme of Working - Proposed Restoration

4. Nothing in this determination shall be construed as permitting the importation of materials for any purpose including achieving landscaping or restoration of the site.
5. Nothing in this determination shall be construed as permitted the removal of topsoil, subsoil or overburden from the site.
6. No materials, including excavated and processed mineral, overburden and soils or plant and equipment shall be stored above the level of the surrounding land except that shown on the southern boundary on Drawing No.1809/ROMP/2.
7. Notwithstanding the extraction depths shown on Drawing Nos. 1089/PA/3A, 1089/PA/4A and 1089/PA/5A, mineral extraction shall not proceed below a level of 42m AOD in the area as outlined by the brown hashed line on the above cited Drawings.

8. Except in emergencies to maintain safe quarry working and essential maintenance which shall be notified to the Mineral Planning Authority as soon as practicable and other than water pumping or pollution prevention measures, no operations and activities authorised or required in association with this development, including vehicular traffic to and from the quarry, shall be carried out except between the following hours:

Monday to Friday 07:00 to 17:30 hours

Saturdays 07:00 to 12:00 hours

No operations or activities shall be carried out on Sundays, Public and Bank Holidays.

The above cited hours shall not apply to the use of the administration facilities, quarry workshops and ancillary buildings, which may be used at any time, nor the maintenance of plant and machinery, which may be carried out until 17:30 hours on Saturdays.

9. No commercial vehicle shall leave the site unless its wheels and underside chassis are clean so as to prevent materials, including mud and debris, being deposited on the public highway.
10. The surfacing of the access and internal site roads shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times for the duration of the development so as to prevent such materials being deposited on the public highway. Any accidental deposition of mud, debris or other deleterious materials onto the public highway shall be removed immediately.
11. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls or shall be stored in an approved double skin proprietary tank(s). The volume of any banded compound shall be at least equivalent to the capacity of the tank(s) and other containers plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata.
12. The dust suppression, mitigation and monitoring practices as set out in the dated 8 November 1996 and 30 December 1996 which were previously submitted and approved pursuant to permission S24/744/94/IDO (as confirmed by the letter from the Mineral Planning Authority dated 15 January 1997) shall continue to be implemented for the life of the development.

In the event of any substantiated complaint being notified to the operator by the Mineral Planning Authority relating to dust arising as a result of the operations undertaken at the site, the operator shall provide the Mineral Planning Authority with a revised scheme of dust suppression for its written approval. Following the written approval of the Mineral Planning Authority the revised dust suppression scheme and any additional suppression

measures shall be implemented for all future operations in accordance with the approved scheme.

13. Except for temporary operations and that attributable to any blasting operations, noise levels emitted from the site associated with the winning and working of minerals shall not exceed 50dB LAeq (1 hour, free-field) at any noise sensitive property.
14. During temporary operations, which includes soil stripping, overburden removal and the construction of overburden mounds/screening bunds, noise levels shall not exceed 70dB LAeq (1 hour, free-field) at any noise sensitive property.

In the event of any substantiated complaint being notified to the operator by the Mineral Planning Authority relating to noise arising as a result of the operations undertaken at the site, the operator shall provide the Mineral Planning Authority with a scheme of noise monitoring for its written approval. Following the written approval of the Mineral Planning Authority the noise monitoring scheme shall be carried out within one month of this written approval and the results of the survey and details of any additional mitigation measures to be implemented as part of the development shall be submitted for the attention of the Mineral Planning Authority. Any additional mitigation measures identified as part of the survey shall be implemented within one month of the survey and thereafter implemented for the duration of the development.

15. Except in an emergency, which shall be notified to the Mineral Planning Authority within 72 hours including the reason for such, no blasting shall be carried out at the site other than between the hours of 09:00 and 15:00 Monday to Friday. No blasting shall take place on Saturdays, Sundays or any Public or Bank Holidays.
16. The ground vibration level from any blasting operations shall not exceed a ground peak particle velocity of 8mm per second at, or near, the foundations of any inhabited building. In the event of a substantiated complaint being notified to the operator by the Mineral Planning Authority relating to blasting at the site, the operator shall provide the Mineral Planning Authority with such details as may be required to identify the form of the blast and a scheme of monitoring of the blasting operations for the written approval of the Mineral Planning Authority. Subsequent blasts shall be monitored in accordance with the approved scheme for the duration of the development.
17. No mineral extraction operations shall take place within Phase 2 as shown Drawing No.1089/PA/3A until proposals for the final restoration of the quarry and a landscape management, nature conservation and aftercare scheme have been submitted to and approved in writing by the Mineral Planning Authority. The final restoration proposals shall be in general accordance with the indicative proposals shown on Drawing No.1089/PA/6 and the landscape management, nature conservation and aftercare scheme shall make provision for and/or include details to cover the following:

- i) details of the final levels of the restored land;
- ii) details for the removal of all buildings and structures and treatment of hard surfaced areas;
- iii) details of the boundaries of any lake(s) to be left on conclusion of workings;
- iv) details of the nature of the intended afteruses for the site which shall seek to maximise the nature conservation opportunities of the restored land;
- v) full details of the grass/tree/shrub/hedge planting to be carried out as part of the restoration works which shall include details of the species, densities, heights and means of protection;
- vii) include provision for an annual monitoring visit to be carried out and a commitment for the restoration and management plan to be reviewed and, where necessary, updated proposals to be submitted for the written approval of the Mineral Planning Authority;
- vi) a scheme of aftercare detailing the steps to be implemented to bring the restored quarry to the required standard for each of the specified uses as shown as part of the final restoration proposals for the quarry. This shall include provision to avoid the need to use herbicides or fertilisers in the creation and management of those areas of the quarry to be restored to agricultural afteruses so as to ensure that there is no long-term threat to the quality of underlying groundwaters;
- vii) a timetable for the restoration and aftercare of each phase of the development. The aftercare period shall be a minimum of 5 years from the date that restoration works within each phase of the development have been completed to the satisfaction of the Mineral Planning Authority.

All restoration and aftercare works shall thereafter be carried out and implemented in accordance with the approved details (or any updated or revised details subsequently approved by the Mineral Planning Authority).

18. All plant, machinery, buildings and equipment erected or stationed at the site shall be removed within 12 months of the cessation of mineral working and the land restored and maintained in accordance with the approved restoration scheme and aftercare requirements.

Reasons

- 1, 3, 4, 5, 6 & 7

To identify the scope of the planning permission, to ensure that the development is completed in accordance with the approved details and that materials remain on site for use for restoration purposes.

2. Imposed by virtue of Schedule 5(1) of the Town and Country Planning Act 1990.
8. In the interests of local amenity and to ensure traffic associated with the development does not detrimentally effect nearby residents.

9 & 10

To prevent mud from the access being transferred onto the public highway in the interests of highway safety and safeguarding the local water environment.

11. To minimise the risk of pollution of watercourses and aquifers.

12 to 16

To minimise the disturbance from operations and avoid nuisance to local residents from the effects of dust.

17 & 18

To ensure the satisfactory restoration, management and aftercare of the site.

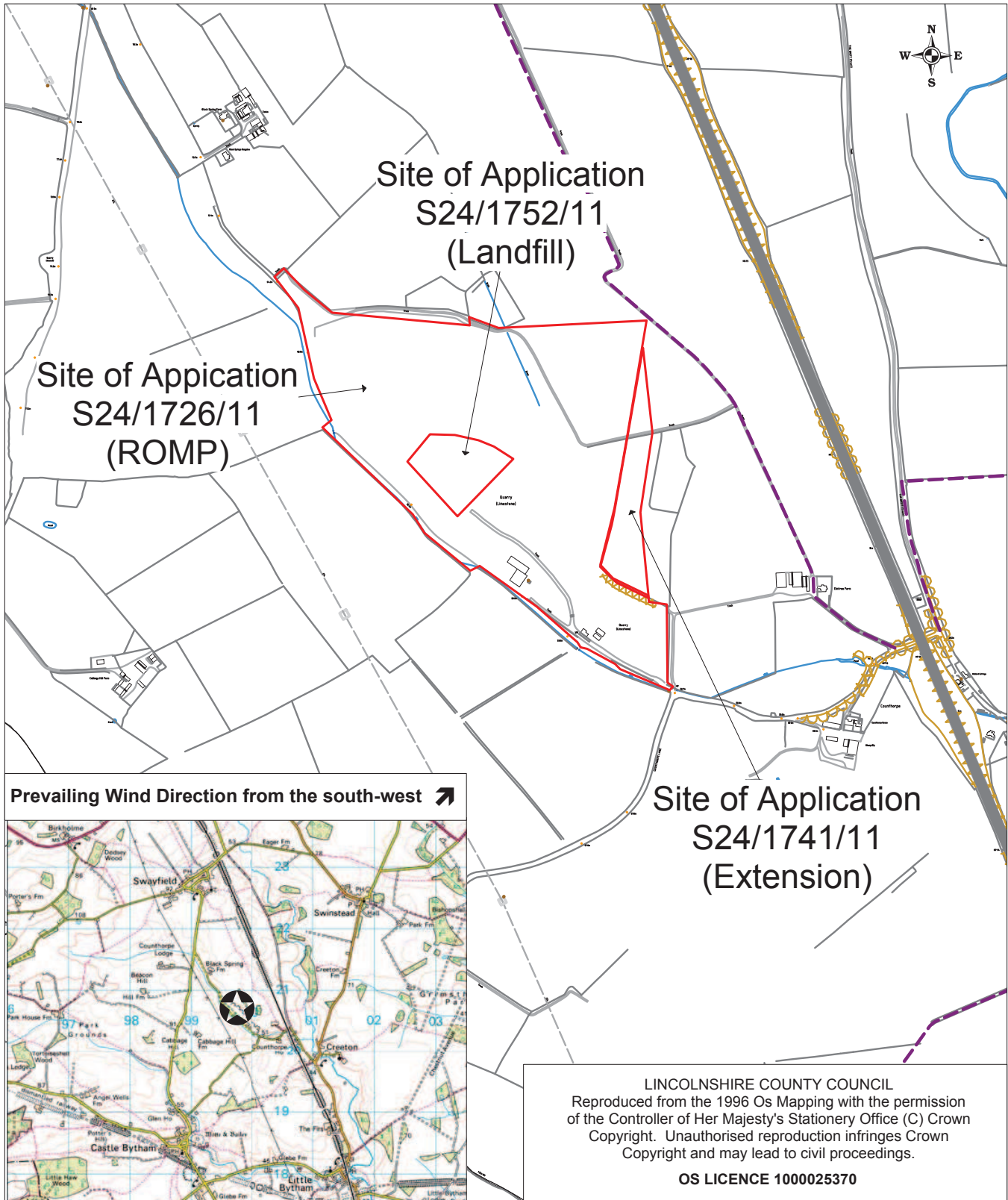
Informatives

The routing of traffic associated with the quarry and development authorised by this decision is also subject of a Section 106 Planning Obligation dated 2 August 1994 and therefore this decision should be read in conjunction with that agreement.

The validity of the grant of planning permission may be challenged by judicial review proceedings in the Administrative Court of the High Court. Such proceedings will be concerned with the legality of the decision rather than its merits.

Proceedings may only be brought by a person with sufficient interest in the subject matter.

Any proceedings should be brought promptly and within three months from the date of the planning permission. What is prompt will depend on all the circumstances of the particular case but promptness may require proceedings to be brought at some time before three months have expired. Whilst the time limit may be extended if there is a good reason to do so, such extensions of time are exceptional. Any person considering bringing proceedings should therefore seek legal advice as soon as possible. The detailed procedural requirements are set out in the Civil Procedure Rules Part 54 and the Practice Directives for those rules.



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<p>Location: Creton Quarry Little Bytham</p>	<p>Description: To: extend the existing quarry; allow importation of inert restoration materials to restore part of the quarry; to determine new (updated) conditions</p>
<p>Application No: S24/1752/11</p>	<p>Scale: 1:10 000</p>
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**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	2 September 2013
Subject:	County Matter Application – H16/0483/13

Summary:

Planning permission is sought by AAV Exports (Agent: Robert Doughty Consultancy Ltd) to change the use of buildings from shot blasting and metal fabrication uses (Use Class B2) to the depollution and recycling of end-of-life vehicles at Units 3-6 Lowfield Nurseries, Fulney Drove, Spalding.

Recommendation:

Following consideration of the development plan policies and comments received through consultation and publicity it is recommended that planning permission be granted.

Background

1. This application relates to land and buildings which lie within the site of the former horticultural nursery known as Lowfields Nurseries, Fulney Drove, Spalding. A number of planning permissions and industrial uses have been carried out at the site over the years. The most recent and relevant of which include planning permissions granted by South Holland District Council (ref: H16/0270/99) which permitted the change of use of the existing buildings from light industrial (Use Class B1) to general industrial uses (Use Class B2) and H16/0269/99 which allows part of the yard to be used as a HGV parking area. This current application relates to the existing buildings within the site and the land which immediately leads up to and within the curtilage of those buildings.

The Application

2. Planning permission is sought for the change of use of existing buildings from shot blasting and metal fabrication uses (Use Class B2) to the depollution and recycling of end-of-life vehicles at Units 3-6 Lowfield Nurseries, Fulney Drove, Spalding.
3. The application states that vehicles (predominately cars) would be either driven to the site under their own power or brought to the site on a single

recovery truck. Upon arrival at the site the vehicles would be transferred to Unit 3 where the de-pollution and dismantling process would begin. The de-pollution process involves draining the vehicles of all fluids (e.g. fuel, engine oil, brake fluids, coolants, etc) and the removal of various components (e.g. batteries, airbags, etc). The various fluids would be stored in relatively small quantities in suitable containers (e.g. bunded tanks/containers) located inside Unit 3. Once depolluted, the vehicles would then be dismantled and stripped of parts using a combination of hand tools (e.g. screwdrivers and sockets) as well as oxyacetylene torches and disc cutters. Dismantling operations are also proposed to be carried out within Unit 6 with the recovered and stripped car parts that are suitable for export being stored within Units 4 and 5 with some additional storage within Unit 6. The applicant confirms that all operations would be carried out inside the buildings and no external storage is proposed other than immediately prior to the removal of a container for export and a skip which would be used for the storage of wastes (which would be removed periodically by an approved contractor).

4. The proposed hours of operation are cited as being between 08:00 and 18:00 hours Monday to Friday and between 08:00 and 18:00 hours on Saturdays. No operations or activities are proposed to take place on Sundays, Public and Bank Holidays. These hours are the same as those currently approved for the metal fabrication use.
5. The proposed operations are small in scale with the anticipated throughput of the site being no more than 1,000 tonnes per annum. Approximately, once or twice a month a container lorry would visit the site to remove the salvaged parts which are to be exported abroad. In terms of new employment, it is anticipated that the facility would employ five members of staff who would only be present on site during the proposed hours of operation.

Site and Surroundings

6. The application site (0.29ha) comprises of land and two buildings which form part of the wider Lowfields Industrial Estate, Fulney Drove, Spalding. The Industrial Estate was a former horticultural nursery and therefore lies within the open countryside (as shown on the South Holland Local Plan Proposals Map) and is largely surrounded by agricultural fields. The two buildings (subject of this application) are positioned along the western boundary of the site which fronts Fulney Drove. This boundary is also marked by a conifer hedgerow and landscaped earth bund (approx. 2-2.5m high) which fill the gaps between the two buildings and which also extend in part along the sites southern boundary.
7. Building 1 (which contains Unit 3) is a steel portal framed building (approx. 22m long x 7m wide x 8m high) which has a single span domed roof. The building is clad with corrugated steel panels with the exception of the eastern elevation which is light grey in colour. The main entrance/door to the building is located on the northern elevation of the building. Building 2

(which contains Units 4 to 6) also comprises of a largely steel portal framed building (approx. 26m long x 22m wide x 10m high) and has a pitched roof. A single storey red brick building (approx. 13m long x 5m wide x 3m high) is attached to this northern elevation of the building and provides dedicated office space.

8. Access to the buildings is gained via the site's main entrance off Fulney Drove which lies to the north of the buildings. The nearest residential properties to the site are the landowners own property which is located close to the site's entrance (approx. 60m from the Building 1) with other residential properties being those which adjoin the site's southern boundary (Sandarosa and Honeysuckle Cottage) approx. 30m between Building 2 and these properties) and Green Acres which lies to the west of the site on the opposite side of Fulney Drove (approx. 38m from the Building 2).

Main Planning Considerations

National Guidance

9. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. The NPPF does not contain specific waste policies as these will be published as part of the National Waste Management Plan for England. In the interim, national waste planning policy continues to be set out in Planning Policy Statement 10 'Planning for Sustainable Waste Management' and decisions on waste applications should have regard to policies in the NPPF so far as they are relevant.

The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 28 - To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land based rural business...;

Paragraph 103 - When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential and Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and

- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including emergency planning; and it gives priority to the use of sustainable drainage systems.

Paragraph 120 - To prevent unacceptable risks from pollution and land stability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the areas or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 122 - Local planning authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where they are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

Paragraphs 186 and 187 – Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicant to secure developments that improve the economic, social and environmental conditions in the area.

Paragraph 215 - states that 12 months after the publication of the NPPF (March 2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework the greater the weight that may be given). This is of relevance to the Lincolnshire Waste Local Plan 2006 and South Holland District Local Plan 2006. The policies in these plans which are relevant to this application and confirmed as being in conformity with the NPPF are set out below.

Planning Policy Statement 10 (PPS10) “Planning for Sustainable Waste Management” remains in force despite the recent introduction of the NPPF (above). PPS10 reiterates the principles of sustainable waste management and the waste hierarchy and states that in considering planning applications for new or enhanced waste management facilities, waste planning authorities should consider the likely impact of the development on the local environment and amenity.

Annex E of PPS10 sets out the locational criteria which must be considered in relation to the suitability of proposed sites. Of particular relevance to this application are the issues relating to protection of water resources, visual intrusion, traffic and access, air emissions (including dust), noise and vibration and potential land-use conflict.

Local Plan Context

10. The Lincolnshire Waste Local Plan 2006 (WLP) forms part of the Development Plan and therefore, as confirmed by the NPPF, due weight should be given to relevant policies within the Plan according to their degree of consistency with the policies of the NPPF. The following policies are considered to be generally consistent with the NPPF and of relevance to this proposal:

Policy WLP1 (Objective of the Plan) states that waste management proposals shall be considered in relation to their contribution towards the waste management hierarchy and assessed in terms of their accordance with the proximity principle, regional self-sufficiency, waste planning policies and their compatibility with neighbouring land uses and any environmental implications of the development on its setting.

Policy WLP3 (Scrapyards) states planning permission will be granted for new sites for the handling, processing, transfer or storage of scrap vehicles and other forms of scrap metal if they are located in areas identified in the development plan as suitable for general industrial uses (B2) and meet the criteria set out in Policy WLP21.

Policy WLP21 (Environmental Considerations) states that planning permission for waste management facilities will be granted where a number of environmental considerations are met. Of particular relevance to this application are:

- (v) Drainage, Flood Protection and Water Resources – supports proposals which would not adversely affect local land drainage systems, groundwater resources or be at an unacceptable risk of flooding or create an unacceptable risk of flooding elsewhere.
- (xi) Dust, Odour, etc – supports proposals where they would not have an adverse impact on local amenity including air quality and/or other landuses as a result of traffic movements, visual impact, noise, dust, odour, litter and emissions, etc.
- (xii) Transport System – supports proposals where there is sufficient capacity on the local or wider road network to accommodate traffic associated with the development and/or results in improvements or alternative modes of transport that can be implemented and/or would not have an adverse effect on road safety.
- (xvii) Recovery of Materials – supports proposals where they contribute to the potential recovery of materials and energy via recycling, energy recovery and composting in reducing the amount of waste for final disposal.

The South Holland Local Plan 2006 (SHLP) forms part of the Development Plan and therefore, as confirmed by the NPPF, due weight should be given

to relevant policies within the Plan according to their degree of consistency with the policies of the NPPF. The following policies are considered to be generally consistent with the NPPF and of relevance to this proposal:

Policy SG1 (General Sustainable Development) states that planning permission for development will be granted where the Council is satisfied that the proposal is consistent with the principles of sustainable development, and where:

- 1) the quality of life for residents is unimpaired or enhanced;
- 2) reasonable measures have been taken to conserve energy and natural resources; and
- 3) South Holland's essential character and main environmental assets are not damaged.

Policy SG2 (Distribution of Development) states that all proposals for development must be located having regard to sustainable development principles. They should:

- 1) adopt a sequential approach which gives priority to the use of previously developed land and buildings within defined settlement limits, then to greenfield land within defined settlement limits and finally to land adjacent to defined settlement limits;
- 2) make efficient use of land;
- 3) ensure that, wherever possible, development is served by a choice of transport modes including existing public transport or by improvements to public transport infrastructure linked directly to the development and the existing highway network; and;
- 4) ensure that the development is acceptable in terms of traffic generation and road safety in the surrounding area.

Policy SG4 (Development in the Countryside) states that planning permission will only be granted for development in the open countryside which is essential in the proposed location and cannot reasonably be accommodated within defined settlement limits. Development proposals that would result in an unacceptable impact upon the landscape character of an area, either individually or cumulatively will only be permitted where:

- 1) the need for the development in that location outweighs its impact; and
- 2) no other site or solution exists to accommodate the proposed development.

Policy SG9 (Development and Flood Risk) states that in areas of flood risk planning permission will only be granted where a flood risk assessment has been carried out and proposals shall, where necessary, include details of measures designed to reduce the risk and consequences of flooding. Proposals will need to demonstrate how the proposed development will be defended from flooding for its proposed life, taking into account proposed mitigation measures. Built development that would be at high risk of

flooding, or which may be subject to rapid inundation, will not normally be permitted unless exceptionally required for operational reasons.

Policy SG13 (Pollution and Contamination) states planning permission will only be permitted for development proposals which do not cause unacceptable levels of pollution of the surrounding area by noise, light, toxic or offensive odour, airborne pollutants or by the release of waste products and provide, as necessary, appropriate treatment of land to clean up pollution and contamination.

Policy SG17 (Protection of Residential Amenity) states that planning permission will be granted for development which would not cause material harm to residential amenity. In considering proposals the following is taken into account:

- 3) potential noise nuisance including that associated with vehicular activity; and
- 4) the levels of smell, emissions and pollutants.

Policy EC3 (Existing Employment Areas/Premises) states that proposals for new development, redevelopment and changes of use for employment uses within existing employment curtilages and/or proposals for the expansion of existing employment undertakings will be permitted provided they are acceptable in terms of environmental impact, the level of traffic movement and intrusion into the open countryside. Exceptionally, the redevelopment and/or change of use to non-employment uses will be permitted where the existing use is unsatisfactory or where the benefit of the proposed use outweighs the need to retain the existing use.

Results of Consultation and Publicity

11. (a) Local County Council Member, Councillor A J Jesson – has confirmed he has no observations or comments to make on the proposals.
- (b) Environmental Health Officer (South Holland District Council) – was consulted on the application on the 31 May 2013 but no comments/response had been received at the time of writing this report.
- (c) Environment Agency – has no objection to the proposed development, as submitted, although should there be any changes to the site drainage then the Agency would wish to be consulted.

The Agency has also commented that the development will require an Environmental Permit as required by the Environmental Permitting (England and Wales) Regulations 2010. This advice could be appropriately included as an Informative on any planning permission granted.

- (d) Highways (Lincolnshire County Council) – has commented that the extent or the level of operations described in the application is not

expected to give rise to any materially harmful impact upon the local highway network and accordingly does not wish to restrict the grant of planning consent.

(e) South Holland Internal Drainage Board – were consulted on the application on the 31 May 2013 but no comments/response had been received at the time of writing this report.

12. The application has been publicised by notices posted at the site and in the local press (Spalding Guardian on 6 June 2013) and letters of notification were sent to the nearest neighbouring properties to the site.
13. Two representations have been received which object to the proposed development. A summary of the issues and comments made in these representations is set out below:
 - close proximity of units to residential properties and complaints regarding noise especially during late at night;
 - the area is well known for localised flooding and there is inadequate drainage from the buildings to manage surface waters. Concerns regarding potential contamination and pollution;
 - potential pollution and contamination of watercourses from the dismantled vehicles – e.g. oil, fuels and antifreeze;
 - the roads are unfit for HGV traffic and concerns regarding increased HGV traffic especially as Mill Road North (to the south of the site) is now subject of a 7.5 tonnes weight restriction order;
 - impact on property values;
 - the site has been used for a number of uses over the years and these have all led to problems of odour, noise disturbance and general loss of amenity. The proposed use would exacerbate this situation with increased noise levels and unsightly storage of scrap vehicles which is not in keeping with this rural location;
 - the buildings are old and not suitable for this type of operation as the proposed use/operations are usually done within purpose built buildings. The buildings would need modifying to ensure that they comply with modern environmental standards but concern this cannot be achieved and therefore could lead to high risk of pollution especially to surrounding land and watercourses;
 - concerns regarding storage of highly flammable liquids within the buildings. No indication is given of volumes of such liquids or how long they would be retained on site before being removed;
 - proposal is considered to be contrary to national and local planning policies and in particular Policy SG13 of the South Holland Local Plan.

District Council's Recommendations

14. South Holland District Council has no objection subject to the imposition of a planning condition which restricts the hours of operation to between 08:00 and 18:00 on Mondays to Fridays and between 08:00 and 12:00 hours

Saturdays. No operations should take place on Sundays and Bank Holidays.

Conclusions

15. The main issues to consider in relation to this application are whether the proposed operations are acceptable within this location and whether they can be carried out without having any significant adverse environmental or amenity impacts.

Waste Policy Context and Locational Considerations

16. The aim of policies at the national and local level in relation to waste is to allow waste management operations that move waste up the hierarchy, provided there would be no unsatisfactorily environmental impacts resulting from the development.
17. The proposed development would provide a means to de-pollute and process unwanted waste/scrap vehicles in order to salvage and recover re-useable and saleable parts and equipment prior to the remaining parts of the vehicles being transferred and transported onwards for further processing and recycling at other facilities. Although small scale the development would, nevertheless, contribute towards achieving the objectives of PPS10 and Waste Local Plan Policies WLP1 and WLP21(xvii) by providing a means to assist in the recycling of scrap and, through the stripping and salvaging of vehicle parts, aid in the recovery and re-use of wastes thereby moving the management of these wastes up the waste hierarchy.
18. In terms of location, the application site forms part of a wider site which was formerly a horticultural nursery and which is defined in the SHLP as falling within the open countryside. However, since the nursery closed the site has been used and granted planning permissions for a number of storage and industrial uses. These permissions include the use of the buildings (subject of this application) for B2 general industrial uses and have recently been occupied by a shot blasting and metal fabrication business. Policy WLP3 advocates that activities and operations such as those proposed by this application should be located on sites which are identified as suitable for general industrial uses (Use Class B2). SHLP Policies SG2 and EC3 also support proposals which involve the redevelopment and use of brownfield and existing employment uses and therefore whilst the buildings are located in the open countryside, given the former permitted uses of the site and its general location, the principle of carrying out the operations in this location is considered acceptable and in accordance with the locational criteria of Policy WLP3 and would not conflict or compromise the objectives of Policies SG2, SG4 and EC3.
19. Notwithstanding the above, in considering whether or not planning permission should be granted, the proposals must also be considered in light of their compatibility with other policies within the development plan and demonstrate that the operations would not have any unacceptable adverse

impacts. An assessment of the main potential environmental and amenity implications of this development is therefore given below.

Landscape and Visual Impact

20. In relation to visual amenity the surrounding landscape is flat and is dominated by open farmland. The industrial estate itself is largely comprised of a large open yard and the two buildings subject of this application with some limited soft landscape screening along its frontage with Fulney Drove. Given their former and historic use (i.e. associated with the former horticultural nursery) the two buildings are similar in their design and appearance to that of other agricultural buildings typical of the area. No changes are proposed to the buildings and all operations associated with the development are to be carried out internally. As a result, no parts or scrap vehicles would be stored outside of the building and a planning condition could be imposed to ensure that this is enforced. It is considered that such a condition would address the concerns and objections raised by local residents both in terms of visual amenity and the appearance of the surrounding area as well as also help to further reduce and minimise any potential noise associated with the site operations. Given the nature of the operations and subject to these restrictions, it is considered that the development would not be contrary to the aims of Policies SG1, SG4 and EC3 of the South Holland Local Plan.

Highways and Access

21. Access to the site is gained via the existing entrance onto Fulney Drove. Although the applicant has not specified the anticipated number of vehicle movements associated with this development, given the relatively small size and scale of this operation and the anticipated annual throughput, these are not likely to be significant. No objections have been raised by the Highways Officer and therefore the development is considered unlikely to have an adverse impact on the function or safety of the highway network and therefore accords with SHLP Policies SG2, SG17 and EC3 and WLP Policy WLP21.

Noise

22. When planning permission was granted for existing metal fabrication business, a noise assessment submitted in support of that application recommended that noise levels would be acceptable subject to conditions requiring the doors on southern elevation of building to be closed at all times and especially during the operation of pneumatic tools and equipment. Whilst no noise assessment has been submitted in support of this application the operations and equipment to be used in association with this development are similar (if not the same) to those that are associated with the sites existing permitted use. Therefore whilst objections have been raised regarding historic and potential noise disturbance from the site, it is considered that conditions could be imposed which would help reduce and minimise potential noise levels and disturbance arising from the site. Such

conditions would include restricting all operations to only be carried out within the building, that the doors of the building be closed during the operation of equipment, as well as a condition to define the permitted hours of operation. With regard the proposed hours of operation, South Holland District Council have commented that these should be restricted on Saturdays so that operations do not take place beyond 12:00 hours.

23. It is your Officer's view that subject to such conditions the development would be no more harmful than that which has already been deemed acceptable and has a lawful use at the site and would ensure that the development is not contrary to SHLP Policies SG1, SG13 and SG17 and WLP Policy WLP21.

Flood Risk and Pollution Control

24. The NPPF, SHLP Policy SG9 and WLP Policy WLP21 all seek to ensure that developments are appropriately located so as not to be at risk of flooding or to give rise to flooding and where they are proposed in flood risk areas to include measures to address and reduce such risk.
25. The proposal site lies within Flood Zones 2 and 3 as shown on the Environment Agency's indicative Flood Zone Maps and is therefore categorised as being in an area at medium to high risk and probability of flooding from main rivers or the sea (not taking into account existing defences). However, like the existing permitted use, the proposed use and operations put forward in this application are categorised by the NPPF Technical Guidance (Table 2) as being a 'less vulnerable' form of development in terms of their flood risk vulnerability and therefore this use is considered an appropriate form of development in this zone.
26. Whilst objections and concerns have been raised regarding potential flooding and risks of pollution and contamination, no physical alterations to the buildings or the external yard are proposed as part of this proposal. As such no objections have been raised by the Environment Agency and no comments have been received from the Internal Drainage Board. To prevent the potential contamination and risk of pollution to surface and groundwaters, the site layout has been designed so that all de-pollution activities would only take place within the buildings which have an impermeable surface. All fluids drained from the vehicles would also be stored in bunded tanks which are specifically designed for such uses. No objections have been raised by the Environment Agency regarding these arrangements or the potential flood risk issues and therefore based upon the information contained within the application the development would be unlikely to have an unacceptable adverse impact on the water environment or flood risk and therefore is acceptable and accords with NPPF, PPS10, SHLP Policies SG9 and SG13 and WLP Policy WLP21.

Final Conclusions

27. The facility would handle a relatively small volume/tonnage of wastes per annum and the processing operations are unlikely to be any more adverse than the existing operations and activities permitted to be carried out within the buildings. It is considered that the environmental and amenity issues raised by the development are therefore limited and can be effectively addressed by planning conditions. Consequently, given the nature of the proposed development, the former permitted uses of the site and its general location, subject to suitable conditions the development is not considered contrary to the principles or objectives of the National Planning Policy Framework, South Holland Local Plan Policies SG1, SG2, SG4, SG9, SG13, SG17 and EC3 and Lincolnshire Waste Local Plan Policies WLP1, WLP3 and WLP21.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The use hereby permitted shall be implemented within three years from the date of this permission. Written notification of the date of implementation shall be sent to the Waste Planning Authority within seven days of such commencement.
2. The use hereby permitted shall be carried out in strict accordance with the details contained in the Planning Application Form and Planning Statement and Drawing No. 1068-01-002 (date stamped received 19 April 2013) unless otherwise modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions.
3. All site operations and activities authorised or required in association with this development, including the access and egress of vehicular traffic, shall only be carried out between 08:00 and 18:00 hours Monday to Friday (inclusive) and 08:00 and 12:00 hours on Saturdays. No operations or activities shall be carried out on Sundays, Public or Bank Holidays.
4. All dismantling, depolluting and processing operations shall take place within the buildings hereby permitted and no end of life vehicles, car parts or other materials (other than a skip and container associated with the development) shall be stored or stockpiled outside the buildings or within the yard subject of this permission.
5. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls or be stored within bunded tanks or containers specifically designed for such purposes. If stored within a compound the volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the capacity of interconnected tanks, plus 10%. All filling

points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

6. The doors and windows of the buildings hereby permitted to be used to carry out operations associated with the handling, processing and storage of vehicles shall be kept closed at all times except when required to be opened in connection with the movement and delivery and dispatch and transferal of materials to and from the buildings.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. To define the permission and to ensure the development is implemented in all respects in accordance with the approved details.
3. To define the hours of operation in the interests of limiting the effects of the development on local amenity.
- 4 & 5 To prevent the pollution of the water environment.
6. To minimise the potential nuisances and impacts of noise on nearby residents and the wider area.

Informative

Attention is drawn to the letter from the Environment Agency dated 19 June 2013 attached to this Decision Notice.

Appendices

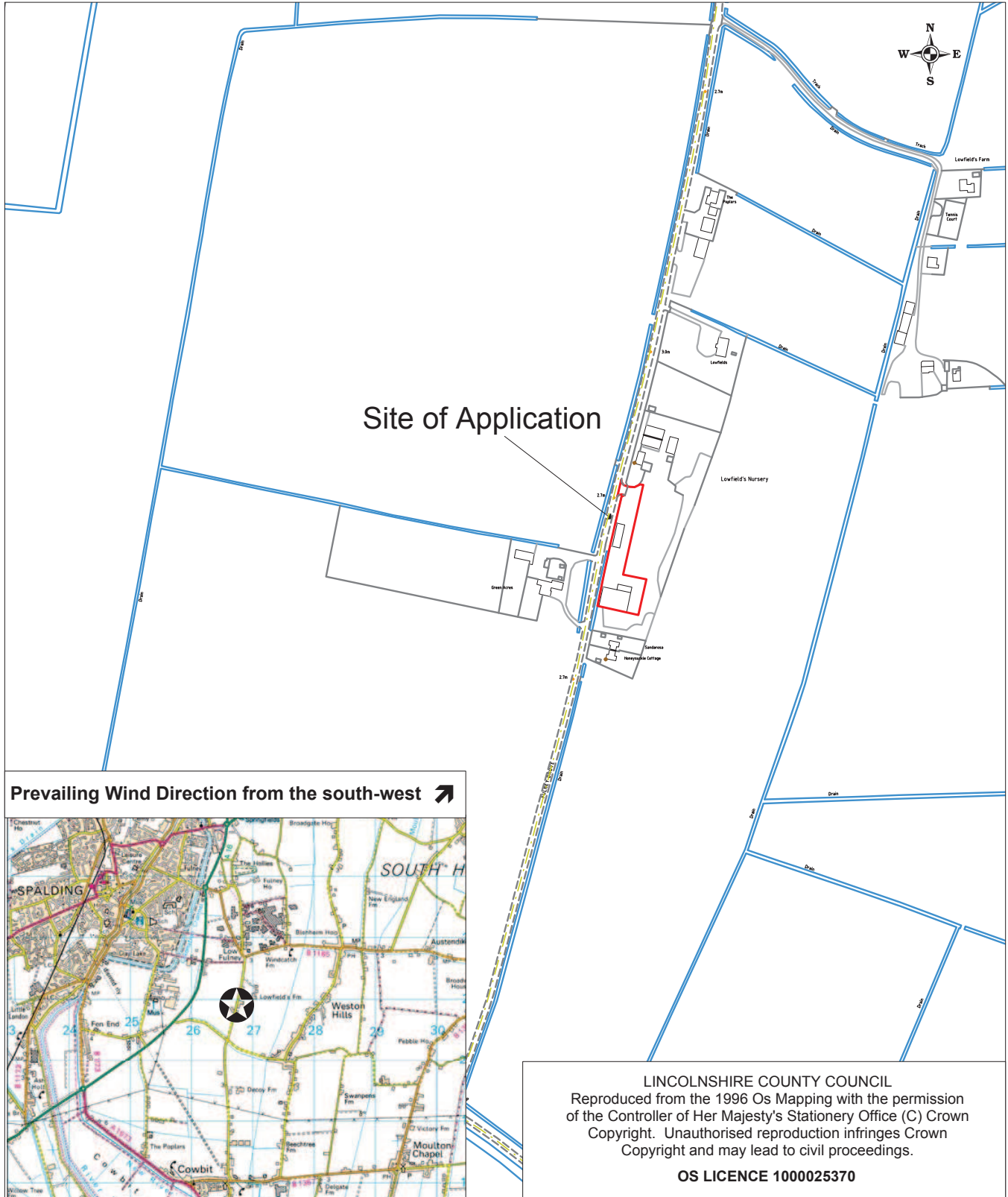
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File H16/0483/13	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Guidance National Planning Policy Framework 2012 Planning Policy Statement 10 - Planning for Sustainable Waste Management	Communities and Local Government website www.gov.uk
Lincolnshire Waste Local Plan	Lincolnshire County Council website www.lincolnshire.gov.uk
South Holland Local Plan (2006)	South Holland District Council website www.sholland.gov.uk

This report was written by Marc Willis, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk



Location:
Units 3 - 6 Lowfield Nurseries
Fulney Drove
Spalding

Application No: H16/0483/13

Scale: 1:5000

Description:

Change of use of buildings from shot blasting and metal fabrication (B2) to the depollution and recycling of end-of-life vehicles

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**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	2 September 2013
Subject:	County Matter Application – N30/0486/13

Summary:

Retrospective planning permission is sought by Harmston Waste Management (agent: Ryland Design Services Ltd) for the erection of new centrifuge plant and machinery.

The key issues to consider in this case are whether the development has an impact on the surrounding area and whether it would have an impact on the restoration of Harmston Quarry.

It is concluded that the development would not have detrimental impacts on the surrounding area or on the restoration of the quarry, subject to conditions limiting the time period in which the operations could take place.

Recommendation:

It is recommended that planning permission be granted.

Background

1. Harmston Quarry is currently used for quarrying limestone as well as an inert waste recycling/landfill operation (construction and demolition wastes including soils, brickwork, concrete and sand). The mineral extraction and waste operations are covered by separate planning permissions, however, these two operations are inter-related as the recycling/landfill operations also provide a means to facilitate the restoration of the quarry.
2. Planning permission was granted in January 2011 for three applications (N30/1210/10, N30/1211/10 and N30/1212/10) which sought to vary conditions attached to the original permissions granted for the minerals extraction (N30/1035/03) and the recycling/landfill and transfer operations (N30/0716/02 and N30/0941/04). As such, an extension of time for the carrying out of the recycling/landfill operations has been granted until 15 September 2018 and that within six months of this date all remaining processed and unprocessed waste and all plant and machinery must be removed from the site and the restoration of the site must be completed. Planning permission reference N30/1211/10 specifies the restoration scheme phases for Harmston Quarry.

3. In February 2012 planning permission was granted to retain and relocate a mobile washing and screening plant, retain settlement lagoons and install a filter press, in association with the existing inert waste recycling operations at the site (N30/0056/12). This permission was granted subject to a condition requiring that the development must cease not later than 15 March 2017 and that all associated structures, plant and machinery must be immediately removed from the site. In the supporting documents to that application, it was stated that permission was sought for the development to this date to allow sufficient time to extract any remaining limestone reserves and complete restoration by 15 September 2018, as required under the permission granted in January 2011.

The Application

4. Retrospective planning permission is now sought by Harmston Waste Management for the erection of new centrifuge plant and machinery. The development has been sited to the south of the permitted washing plant, at the base of the existing quarry.
5. The development consists of a centrifuge and control cabin and associated equipment. The centrifuge tank has a diameter of 6.4 metres and is 3.9 metres high and is sited at ground level (at the base of the quarry). The control cabin is 13.1 metres long by 2.2 metres wide and 3.3 metres high and is sited 3.8 metres above ground level on engineered concrete walls. Access to the top of the centrifuge tank and to the control cabin is via a set of steps.
6. It is proposed to connect the centrifuge to the existing permitted washing plant with 100mm PVC pipework and it is intended that the centrifuge would replace the need for the permitted filter press. It is proposed to use the centrifuge at the end of the washing plant process to finally separate any remaining solid material from the water. The resultant water would then be re-used in the washing plant process, having been piped back from the centrifuge.
7. It is proposed to use the solid material produced as a result of the centrifuge process as a landfill liner, in association with the permitted landfill at the quarry. Any excess solid material would be used as landfill. No material would be taken off site.
8. In additional information submitted by the applicant on 10 and 17 May 2013 it has been stated that the solid material would not be stored on the site but would be used immediately as part of the landfill operation. It is also stated that the centrifuge would only be used in association with the existing washing plant operation and hence would not increase the throughput of commercial and demolition waste processing at the site. As such there would be no increase in vehicle movements associated with this development.

9. An electric motor is proposed to be used to power the centrifuge.

Site and Surroundings

10. Harmston Quarry is located in flat open countryside approximately 1 km to the south of RAF Waddington and 1.5km east of the village of Harmston. Access to the site is off the B1178 (Tower Lane) which links the A607 to the west and the A15 to the east.
11. The proposed location of the centrifuge is within the central area of the quarry site in close proximity to the existing washing plant, on a limestone shelf, approximately 7 metres below the surrounding ground levels.
12. There are no residential properties within close proximity to the quarry, with the nearest residential property being located over 640 metres to the south of the site. A Public Right of Way is located to the north west of the quarry site, however, this would not be affected by the proposed development.

Main Planning Considerations

National Guidance

13. The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's planning policies for England. It is a material consideration in the determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs of the NPPF are of particular relevance to this application:
 - paragraph 28 promotes a positive approach to supporting the rural economy;
 - paragraph 120 seeks to ensure that consideration is given to the potential impacts on the amenities of local residents and other land users as a result of pollution;
 - paragraph 123 seeks to prevent adverse impacts as a result of noise pollution;
 - paragraph 144 in relation to minerals developments states that local authorities should provide for restoration and aftercare of such sites at the earliest opportunity to be carried out to high environmental standards; paragraph 186 requires planning authorities to approach decision taking in a positive way to foster the delivery of sustainable development;
 - paragraph 187 requires planning authorities to look for solutions rather than problems and at every level should seek to approve sustainable development where possible and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area; and

- paragraph 215 states that 12 months after the publication of the NPPF (2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. This is of relevance with regard to the North Kesteven Local Plan and the Lincolnshire Waste Local Plan.

Planning Policy Statement 10 “Planning for Sustainable Waste Management” (2005) (PPS10)

Annex E of PPS10 sets out the locational criteria to be taken into consideration in the determination of waste management planning applications. Of relevance to this application are considerations relating to visual intrusion and noise.

Local Plan Context

14. The following policies of the Lincolnshire Waste Local Plan 2006 are of relevance to this application:

Policy WLP1 (Objective of the Plan) states that waste management proposals will be considered in relation to their contribution towards the waste management hierarchy which in order of priority is:

- Reduction (minimisation of waste);
- Reuse;
- Recycling and composting;
- Energy recovery from waste;
- Disposal of residual waste.

When applying the hierarchy and assessing the need for waste facilities regard will be paid to:

- Proximity principle;
- Regional self-sufficiency;
- Waste planning policies and proposals of neighbouring areas;
- Best available techniques and the environmental setting of the facility.

Policy WLP5 (Construction and Demolition Waste Facilities) states that planning permission will be granted for construction and demolition waste recycling facilities provided they are:

- (i) located within quarries or their associated processing plant sites and would not prevent the restoration of such; or
 - (ii) associated with an existing waste management facility; or
 - (iii) directly associated with a major demolition project; or
 - (iv) located with areas designated for general industrial uses (Class B2 of the Use Classes Order);
- and

- (v) meet the criteria set out in Policy WLP21;
and
- (vi) demonstrate the arrangements for the disposal of the residual waste from the recycling operations.

Policy WLP21 (Environmental Considerations) states that planning permission will be granted for waste management facilities according to a number of criteria, the most relevant ones of which are:

Dust, Odour etc

- (xi) where the development including its associated traffic movements, visual impact, noise, dust, odour, litter and emission, and its potential to attract scavenging birds, other vermin and insects would not have an adverse effect on local residential amenity including air quality; and / or other local land uses;

Reducing Transportation

- (xiii) where the development proposed contributes where appropriate to the need to minimise the impact of transport requirements;

Minerals Resources

- (xvi) where proven minerals resources would not be sterilised;

Recovery of Materials

- (xvii) where possible and appropriate the development proposal contributes to the potential recovery of materials and energy via recycling, energy recovery and composting in reducing the amount of waste for final disposal.

The following policies of the North Kesteven Local Plan 2007 are relevant to this application:

Policy C2 (Development in the Countryside) states that planning permission will be granted for development in the countryside (as shown on the Proposals Map), provided that it:

1. will maintain or enhance the environmental, economic and social value of the countryside;
2. will protect and, where possible, enhance the character of the countryside;
3. cannot be located within or adjacent to a settlement; and
4. will not attract or generate a large number of journeys, and is located to provide opportunities for access by public transport, walking or cycling.

Policy C5 (Effects Upon Amenities) states that planning permission will be granted for proposals, provided that they will not adversely affect the amenities enjoyed by other land users to an unacceptable degree.

Results of Consultation and Publicity

15. (a) Local County Council Member, Councillor Mrs M Overton – consulted on 1 May 2013 but had not responded at the time of writing this report.
- (b) Harmston Parish Council – whilst the Parish Council has no objection to the Centrifuge it should be noted that road surface at the exit to the quarry is very muddy indicating that the wheel wash which, it is understood, is already a condition of use, is not doing its job. It is requested that this be addressed. In view of the great number of traffic movements generated by the quarry and the safety issues raised for those crossing Church Lane, it is requested that the Committee look at requiring a contribution from the Operator towards the cost of a formal crossing point on Church Lane, Harmston.
- (c) Coleby Parish Council – consulted on 1 May 2013 but had not responded at the time of writing this report.
- (d) Environment Agency – no objection to the application. For information, this is a site that is regulated by the Environment Agency under an Environmental Permit.
- (e) North Kesteven District Council Environmental Health Officer – originally responded to state that whilst the information provided demonstrates that there will be some noise it does not identify the predicted noise level at any nearby residences. Whilst the noise level will reduce over distance, would be interested to know what the noise level is expected to be at nearby residences and whether this would be below background noise level.

Further clarification was subsequently sought from the Environmental Health Officer regarding the original comments which lead to the following comments and recommended condition:

Without the additional information unable to categorically say what the impact will actually be at those properties but there are factors (distance of the nearest property, siting of the centrifuge 7 metres below surrounding ground level and within a quarry with other activities and operations taking place) which act in the applicants favour. Happy to proceed on the basis of a noise condition, such as:

"The rating level of noise emitted from any fixed plant and equipment on site shall not exceed the existing background level by more than +5dB(A) at any time. The noise levels shall be taken at the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with BS4142:1997."

- (f) Ministry of Defence (Safeguarding) – consulted on 1 May 2013 but had not responded at the time of writing this report.

(g) Anlian Water Services – no objection.

16. The application has been publicised by a site notice and an advertisement in the Lincolnshire Echo on 9 May 2013. No objections or representations have been received as a result of this publicity.

District Council's Recommendations

17. North Kesteven District Council responded to state that the Environmental Health Section has queried the amount of mud on the highway and that the wheel wash measures should be implemented accordingly. North Kesteven District Council also state that in the event that the County Council is minded to grant planning permission, this is granted on a temporary basis until 15 September 2018. In addition it was requested that the District Council be re-consulted on any amendments or additional information.

Conclusions

18. Policy WLP5 of the Lincolnshire Waste Local Plan sets out the circumstances under which new development for construction and demolition waste facilities can be acceptable. The development is proposed to be used in association with an existing permitted construction and demolition waste facility and associated plant and equipment at Harmston Quarry. As such, the development is in accordance with criteria (i) and (ii) of Policy WLP5.
19. Whilst the centrifuge plant and machinery would not produce a product which is proposed to be re-used off site, it would produce a product which is proposed to be used on site to provide the necessary lining for the permitted landfill. It would also produce material which could be used in the landfill and therefore could contribute to the restoration of Harmston Quarry.
20. The centrifuge plant and machinery is sited at the base of the existing quarry, approximately 7 metres below the surrounding ground level, and whilst the tallest part stands to a height of almost 7 metres, given its location it is not visible from most of the surrounding area, other than in very close proximity to the quarry site. It does not have a detrimental impact on the character of the surrounding area and is not visually intrusive beyond the boundary of the quarry. In this respect, it does not conflict with criteria 1 and 2 of Policy C2 of the North Kesteven Local Plan. The requirement for the centrifuge in the open countryside location, given that it is associated with an existing facility and connected to the restoration of the quarry, mean that the development complies with criteria 3 and 4 of Policy C2 of the North Kesteven Local Plan.
21. The information submitted with this application states that the material to be fed through the centrifuge process would be the residue from the washing plant and that no additional material would be imported to the site. It is then proposed to utilise all of the solid material produced through the centrifuge process to either line the permitted land fill or as part of the land fill material.

In the documents submitted to support the application, it has been stated that this would save clay being imported to the site and therefore this has the potential to reduce vehicle movements associated with the site overall. No material is proposed to be removed from the site and therefore, overall, the development would not result in any vehicle movements to or from the site, and may lead to a reduction in overall vehicle movements as clay to line the landfill would not be required to be imported to the site.

22. Harmston Parish Council have raised concerns regarding the impact of the volume of vehicle movements on Church Lane, Harmston and request that a financial contribution be sought from the applicant towards the cost of a formal crossing point on Church Lane. However, given that the current development proposals would not lead to an increase in vehicle movements to or from the site, and have the potential to reduce vehicle movements, it is not reasonable or justified to seek financial contributions towards the cost of a formal crossing point on Church Lane in this case. As a result, this matter has not been pursued further in relation to this application.
23. North Kesteven District Council has raised concerns regarding mud on the highway and both the District Council and Harmston Parish Council have also raised concerns regarding the use of the wheelwash. Again, these matters are not directly related to the current application as the process would take place wholly within the quarry site. However, this is a matter which is being dealt with separately.
24. The development is intrinsically linked to the permitted washing plant which was granted planning permission in February 2012 (N30/0056/12), subject to a condition requiring the cessation of the use of the washing plant by 15 March 2017 and all associated structures, plant and machinery to be immediately removed from the site. The current development therefore should be subject to the same time limited conditions for use and removal as the washing plant to ensure that the link between the two operations is not lost and that the material to be processed in relation to the current proposals only relates to that associated with the washing plant, as specified, and to ensure that the full impacts of the centrifuge have been taken into consideration. North Kesteven District Council has requested that if planning permission is granted it is subject to a temporary period to 15 September 2018. This date coincides with the restoration requirements of the minerals extraction permissions, however, if the washing plant cannot be used after 15 March 2017, it is considered that the use of the centrifuge should also cease at that date.
25. The area within which the centrifuge plant and machinery has been located is identified as the final phase for restoration of the quarry, as set out in the plans approved under planning permission reference N30/211/10. Therefore, subject to a condition requiring the cessation of operations and removal of the structures, plant and machinery no later than the washing plant is required to be removed, the development would not impede the restoration of the quarry and therefore would not conflict with criterion (i) of Waste Local Plan policy WLP5. On the contrary, the development would

facilitate the restoration of the rest of the quarry by contributing to the production of materials which can be used to line the landfill and also can be used in the land fill itself to raise the land to the original ground level as the current restoration scheme requires.

26. Whilst the development would ultimately aid in the disposal of residual waste, and therefore be at the bottom of the waste hierarchy, the solid material produced would be used in an effective manner relating to a permitted landfill site and would facilitate the restoration of Harmston Quarry. The recycling of the water used in the washing plant process through the re-use of waters extracted through the centrifuge process is an environmental benefit of the development.
27. Criterion (xi) of Waste Local Plan Policy WLP21 seeks to ensure that there are no adverse impacts in relation to noise as a result of new waste development. Policy C5 of the North Kesteven Local Plan also seeks to protect the amenities of other land users. A manufacturer's Noise Measurement Report has been submitted with this application. North Kesteven District Council's Environmental Health Officer initially commented that it would be interesting to know what the predicted noise levels would be at nearby residences, however, further to discussions in light of the nature of the development, the siting of the centrifuge below the surrounding ground level and the nearest residential property being approximately 640 metres away from the site, it was concluded that a formal noise assessment would not be required and that the matter could be satisfactorily addressed through the imposition of a condition limiting noise levels at the nearest noise sensitive premises. It is therefore recommended that if planning permission is granted, it is subject to such a condition to ensure that the development accords with Policy WLP21 in this regard.

Overall Conclusion

28. Overall, it is concluded that the development would be acceptable as it is directly associated with an existing waste management facility within Harmston Quarry and that it would not have a detrimental impact on the surrounding area. Subject to the recommended conditions, the development would not harm or prevent the restoration of the quarry and would not have an adverse impact on nearby residential properties as a result of noise.
29. The development is therefore in accordance with the NPPF, Policies WLP1, WLP5 and WLP21 of the Lincolnshire Waste Local Plan and Policies C2 and C5 of the North Kesteven Local Plan.

RECOMMENDATIONS

It is recommended that planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in strict accordance with the details contained in the submitted application, including the Noise Measurement Report (received 5 July 2013) and drawing numbers:
 - (a) RDS 10887/01 "Quarry Drawing" (received 1 March 2013);
 - (b) RDS 10887/02 "Ordnance Survey" (received 1 March 2013);
 - (c) SP617-LAYOUT-01E (received 17 May 2013).
2. The development hereby permitted shall cease not later than 31 March 2017. Thereafter all associated structures, plant and machinery shall be removed from the site within 28 days of such cessation.
3. No activities or operations associated with the development hereby permitted shall take place outside the hours of:

07:30 and 17:30 Monday to Friday; and
07:30 and 13:00 on Saturdays.

No activities or operations associated with the hereby permitted development shall take place on Sundays, Public Holidays or Bank Holidays.
4. The development hereby permitted shall only be used in association with the existing washing plant operation at Harmston Quarry (granted under planning permission reference N30/0056/12) and no material shall be brought onto the site solely in connection with the development hereby permitted.
5. There shall be no external storage of materials associated with the development hereby permitted.
6. The rating level of noise emitted from any fixed plant and equipment on site shall not exceed the existing background level by more than +5dB(A) at any time. The noise levels shall be taken at the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with BS4142:1997.

The reasons for the conditions are:-

1. To ensure that the development is carried out in an acceptable manner and for the avoidance of doubt as to the development that is permitted.
2. To enable the Waste Planning Authority to control the development, and to enable the extraction of any remaining limestone and ensure the site is restored in accordance with the approved phasing scheme as set out in the existing planning permissions for inert waste recycling activities at Harmston Quarry.
3. In the interests of local amenity and to correspond with the existing permitted uses at Harmston Quarry.

4. To ensure that the impacts of the development have been fully and appropriately assessed.
5. In the interests of the general amenity of the area and to ensure that the restoration of the site is not prevented or harmed.
6. In the interests of residential amenity.

Appendices

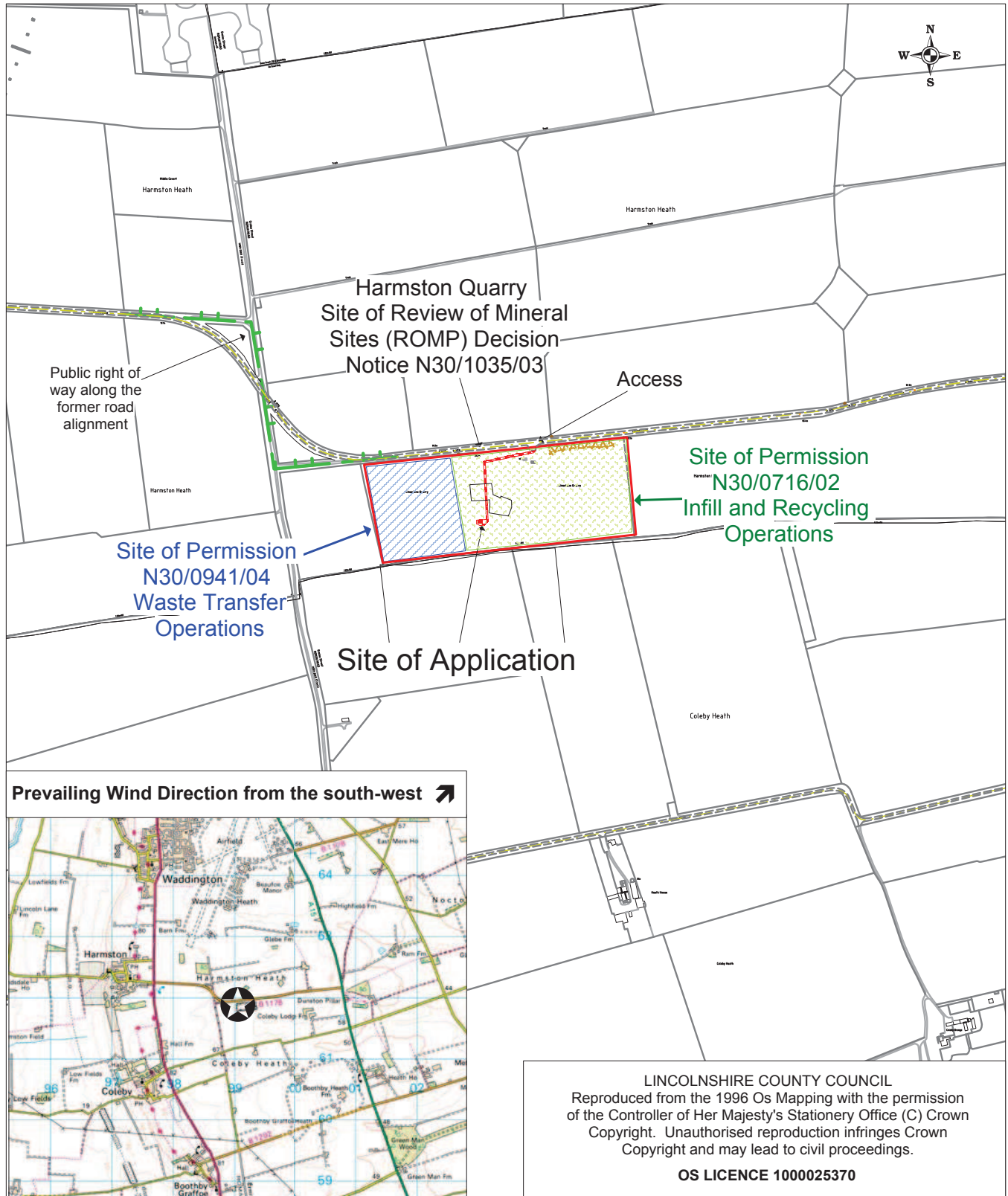
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File N30/0486/13	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	Communities and Local Government website www.communities.gov.uk
Lincolnshire Waste Local Plan (2006)	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
North Kesteven Local Plan (2007)	North Kesteven District Council website www.n-kesteven.gov.uk

This report was written by Natalie Dear, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk



<p>Location: Harmston Quarry Tower Lane Harmston</p> <p>Application No: N30/0486/13</p> <p>Scale: 1:10000</p>	<p>Description: For erection of new centrifuge plant and machinery</p> <p>Page 164 of 164 Regulation Committee 2 September 2013</p>
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**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	2 September 2013
Subject:	County Matter Application – W127/130114/13

Summary:

A Section 73 planning application has been made by Mr Adam Duguid (Agent: G J Perry Planning Consultant) to vary Condition Nos. 2 and 7 of planning permission W127/129257/12 which relates to the construction of an anaerobic digestion plant at land located adjacent to Hemswell Cliff Industrial Estate, Hemswell Cliff, Lincolnshire.

Condition No. 2 lists the documents and plans which the development is currently required to proceed in accordance with. This application seeks to vary Condition No. 2 so that the documents and plans listed would reflect proposed changes to the general arrangement and layout of the site, a reduction in the size of the proposed technical building and to the design, number and size of the proposed digestate and storage tanks. These amendments are proposed as a result of the applicant's desire to revise the anaerobic digestion technologies to be employed as part of the development. A slight variation to the wording of Condition No. 7 is also proposed as it currently makes reference to a specific drawing which would be superseded should this application be granted.

Recommendation:

That Conditions No. 2 and No. 7 of planning permission W127/129257/12 be varied and revised conditions be imposed to supersede and replace conditions 2 and 7 and an additional condition be imposed to secure a scheme of noise monitoring.

Background

1. On 4 February 2013 the Planning and Regulation Committee resolved to grant planning permission (ref: W127/129257/12) for the construction of an anaerobic digestion unit comprising of a technical building, digester and storage tanks and ancillary equipment at land located adjacent to Hemswell Cliff Industrial Estate, Hemswell Cliff, Lincolnshire.
2. The applicant now wishes to amend aspects of the approved development including the general arrangement and layout of the site, a reduction in the size of the proposed technical building and a revision to the design, number

and size of the proposed digestate and storage tanks. These amendments are proposed as a result of the applicant's desire to revise the anaerobic digestion technologies to be employed as part of the development. This application therefore contains information to enable the variation of existing conditions imposed on planning permission W127/129257/12 and ensure that the documents, drawings and details approved as part of the development reflect the revised scheme.

The Application

Variation of Condition No. 2

3. Condition No. 2 of planning permission W127/129257/12 lists the documents and plans which the development is currently required to proceed in accordance with. This application seeks to vary Condition No. 2 so that the documents and plans listed would reflect the proposed amendments now being sought. A summary of the proposed changes/ amendments to the development (which necessitate a variation to the plans and drawings currently listed under Condition No. 2) are explained below.

- Revised Technical Building - under the current scheme, a single portal framed building (approximately 80m x 24m x 12m high) with 'olive green' profile steel panel walls and 'goosewing grey' composite roof panels is permitted to be constructed. This building was to house a waste reception/de-packaging area for incoming commercial/industrial wastes; a mixing room; three pasteurisation rooms; two combined heat and power (CHP) gas engines/rooms; control room and office spaces, and; toilet, shower and changing room facilities.

Under the revised proposals, the size of the Technical Building is proposed to be reduced to approximately 34m x 25m x 12m high. No changes are proposed to the types and colours of the external building materials. The application states that as wastes would be processed on the day of delivery there is no need for a buffer storage area to be provided and consequently the size of the building can be reduced. Furthermore, the revised scheme incorporates a single waste processing line which would receive and pre-treat the waste feedstocks prior to digestion. This equipment has a smaller footprint than the technologies originally proposed and so again this enables the size of the building to be reduced. Finally, due to the proposed change in the anaerobic digestion technology to be employed, fewer digestion and storage tanks are now required as the digestion process would be carried out in a two-stage process. This means that there is no longer a need for the separate pasteurisation and mixing rooms (as previously proposed) and also the CHP engines, which were originally to be sited within the Technical Building, are now proposed to be relocated outside in sound-proofed purpose designed containers.

- Reduced Tank Numbers and Sizes – under the current scheme, six large concrete walled cylindrical tanks are permitted to be constructed within

the site. These tanks were all of a similar size and footprint (between approximately 30-33m diameter) and the largest of the tanks had an overall maximum height of approximately 9.8m although the tanks were to be partially buried 1m below the existing ground levels so as to reduce their overall height. All of the tanks were to be fitted with domed protective membrane covers on top of the tank walls which would trap the gas produced by the digestion process.

Under the revised proposals, the number of tanks would be reduced to five with the size and design of three of these tanks being revised to comprise of steel cylindrical tanks (grey in colour) which would have sealed solid roofs. The two remaining tanks would be of the same design as the previous scheme (i.e. concrete walled tanks with fitted with a dome protective membrane) but would be larger than previously proposed being approximately 17.8m high (including the domed canopy membrane) by 41m diameter. The three new steel tanks would comprise one buffer tank (approximately 14m high by 14m diameter) and two digester tanks (approximately 17m high by 21m diameter). The new tanks would again be partially buried 1m below the existing ground levels so as to reduce their overall height and would be sited within the same footprint overall outline as that of the original scheme and therefore the area of development would remain unchanged.

The applicant argues that the proposed change to the anaerobic digestion technology and the revisions to the site layout, design and scale of the tanks would not only reduce the visual impact of the development but also offer improvements in terms of reducing the potential risks and impact of noise and odour when compared with the currently consented scheme. It is stated that when viewed from a distance the tanks and structures now being proposed are more in keeping with the existing developments in the area and therefore the revised scheme is a more favourable system than that currently permitted.

- New Gas Holder – under the revised scheme a new gas storage holder is proposed to be installed. The gas holder would be used to store the gas extracted from the digestion tanks prior to it being utilised by the CHP engines. The gas holder is a spherical structure constructed from PVC coated polyester fabric (UV protected and flame retardant) which would be approx. 13m high with a 17m diameter. The holder would be green in colour and have an approx. holding capacity of around 200m³ and be positioned to the west of the Technical Building. The gas would then be transferred direct to the CHP engines where it would be used to generate electricity.
- Revisions to Overall Site Layout – in addition to the above, revisions to the overall general arrangement and layout of the site are also proposed. These amendments include the proposed relocation and external siting of the CHP engines and pasteurisation plant and liquid waste input tanks. All of these elements are proposed to be positioned in locations

away from sensitive receptors and in the case of the pasteurisation plant and liquid waste input tanks would be located close to the proposed building and digestion tanks. The CHP engines would be positioned to the west of the Technical Building and would be contained in purpose built sound-proofed containers so as to minimise any noise arising from their operation.

Variation of Condition No. 7

4. Condition No. 7 requires areas within the approved site to be kept available for the parking, turning and manoeuvring of vehicles. These areas identified by reference to a specific plan which was approved as part of permission W127/129257/12. The current wording of this condition would therefore need to be slightly modified to make reference to updated plans of the proposal site layout should permission for the revised scheme be granted.

Site and Surroundings

5. The proposal site is an open agricultural field which is located alongside, but outside, the existing and allocated Hemswell Business Park (a former RAF base). The proposal site and the land to the north, west and south are identified as open countryside within the West Lindsey Local Plan whilst the land to the east which forms the Hemswell Business Park is identified as suitable for a range of commercial/industrial uses including B1 (Business), B2 (General Industry), B8 (Storage or Distribution) and A2 (Financial and Professional Services). The former hangars which lie within this site are occupied by light/general industrial and storage uses (e.g. Use Classes B1, B2 and B8) and a new purpose built industrial building (approximately 151m long by 65m wide by 19.5m to the roof ridge) lies to the north of the proposal site and is operated by Eco Plastics as a waste plastics recycling facility. The land to the west and south of the site is in agricultural use and to the east, beyond the existing hangars, lies an antiques centre (approximately 300m) and the settlement of Hemswell Cliff. The nearest residential properties to the proposal site are approximately 335m to south-east with the Hemswell Cliff Primary School approximately 550m to the east.
6. Access to the proposal site is gained via the estate road which serves the Business Park and which has two access points directly onto the A631 to the south. Both of these junctions are of an appropriate size and specification for use by HGV traffic. Approximately 700m to the west of the site runs the B1398 (Middle Street) where clear views of the Business Park and the proposal site can be obtained.

Main Planning Considerations

National Guidance

7. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. The NPPF does

not contain specific waste policies as these will be published as part of the National Waste Management Plan for England. In the interim, national waste planning policy continues to be set out in Planning Policy Statement 10 'Planning for Sustainable Waste Management' and decisions on waste applications should have regard to policies in the NPPF so far as they are relevant.

The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 28 - To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land based rural business...

Paragraph 98 - When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable.

Paragraph 103 - When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential and Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including emergency planning; and it gives priority to the use of sustainable drainage systems.

Paragraph 109 - The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by

unacceptable levels of soil, air, water or noise pollution or land instability...

Paragraph 120 - To prevent unacceptable risks from pollution and land stability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the areas or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 122 - Local planning authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where they are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

Paragraph 123 – Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions, and; identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value.

Paragraphs 186 and 187 – Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicant to secure developments that improve the economic, social and environmental conditions in the area.

Paragraph 215 - states that 12 months after the publication of the NPPF (March 2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework the greater the weight that may be given). This is of relevance to the Lincolnshire Waste Local Plan 2006 and West Lindsey Local Plan 2006. The policies in these plans which are relevant to this application and confirmed as being in conformity with the NPPF are set out below.

Planning Policy Statement 10 (PPS10) “Planning for Sustainable Waste Management” remains in force despite the recent introduction of the NPPF (above). PPS10 reiterates the principles of sustainable waste management and the waste hierarchy and states that in considering planning applications for new or enhanced waste management facilities, waste planning authorities should consider the likely impact of the development on the local environment and amenity.

Paragraph 27 of PPS10 states that the planning and pollution control regimes are separate but complementary. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. The planning system controls the development and use of land in the public interest and should focus on whether development is an acceptable use of the land, and the impacts of those uses on the development and use of land. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

Paragraph 32 indicates that it should not be necessary to use planning conditions to control the pollution aspects of a waste management facility where the facility requires a permit from the pollution control authority (i.e. Environment Agency).

Annex E of PPS10 sets out the locational criteria which must be considered in relation to the suitability of proposed sites. Of particular relevance to this application are the issues relating to visual intrusion, nature conservation, historic environment and built heritage, traffic and access, air emissions (including dust), odours, noise and vibration and potential land-use conflict.

Local Plan Context

8. Lincolnshire Waste Local Plan 2006 (WLP) the following policies are of particular relevance to this application and confirmed as being in conformity with the NPPF.

Policy WLP1 (Objective of the Plan) states that waste management proposals shall be considered in relation to their contribution towards the waste management hierarchy and assessed in terms of their accordance with the proximity principle, regional self-sufficiency, waste planning policies and their compatibility with neighbouring land uses and any environmental implications of the development on its setting.

Policy WLP11 (Anaerobic Digestion and Mechanical Biological Treatment) states that planning permission for such facilities will be granted provided that the following criteria are met:

- (i) any digestate produced as a residue of the process can be satisfactorily managed and disposed of; AND
- (ii) that the site is located so as to minimise the traffic impact on the highway network. Favourable consideration will be given to those developments that propose multi-modal transportation, for example, waste movements by rail; AND
- (iii) such facilities will be permitted on land identified for general industrial use (B2) or form an integral part of:
 - (A) sewage treatment plants;

- (B) intensive livestock units;
 - (C) other waste management facilities;
 - (D) associated with food processing facilities; AND
- (iv) the proposal meets the criteria set out in Policy WLP21; AND
 - (v) that the proposal is located at a distance from an occupied building (hotels, educational establishments, residential properties and institutions; other than properties in the same ownership as the proposed facility), that will allow any odour impacts upon the use of the occupied building(s) to be sufficiently mitigated against. The distance will be no less than 250 metres; AND
 - (vi) self-sufficiency for operational energy and exportable energy recovery is maximised where appropriate; AND
 - (vii) that with respect to anaerobic digestion plants, methane gas shall be utilised in all but special circumstances; AND
 - (viii) the application is accompanied by a satisfactory odour impact assessment.

Policy WLP21 (Environmental Considerations) states that planning permission for waste management facilities will be granted where a number of environmental considerations are met. Of particular relevance to this application are:

- (v) Drainage, Flood Protection and Water Resources – supports proposals which would not adversely affect local land drainage systems, groundwater resources or be at an unacceptable risk of flooding or create an unacceptable risk of flooding elsewhere.
- (xi) Dust, Odour, etc – supports proposals where they would not have an adverse impact on local amenity including air quality and/or other landuses as a result of traffic movements, visual impact, noise, dust, odour, litter and emissions, etc.
- (xii) Transport System – supports proposals where there is sufficient capacity on the local or wider road network to accommodate traffic associated with the development and/or results in improvements or alternative modes of transport that can be implemented and/or would not have an adverse effect on road safety.
- (xvii) Recovery of Materials – supports proposals where they contribute to the potential recovery of materials and energy via recycling, energy recovery and composting in reducing the amount of waste for final disposal.

The West Lindsey Local Plan (First Review) 2006 (WLLP) forms part of the Development Plan and therefore, due weight should be given to relevant policies within the Plan according to their degree of consistency with the policies of the NPPF (i.e. the closer the policies in the WLLP to the policies in the NPPF, the greater the weight that may be given). The following

policies are considered to be generally consistent with the NPPF and of relevance to this proposal (summarised):

Policy STRAT1 (Development Requiring Planning Permission) states all development must take full account of the need to protect the environment so that present demands do not compromise the ability of future generations to meet their own needs and enjoy a high quality environment.

Development must reflect the need to safeguard and improve the quality of life of residents, conserve energy resources and protect the Plan area's character and be satisfactory with regard to a range of criteria as set out in the policy. The criteria/issues identified which are relevant to this proposal are as follows:

- (i) The number, size, layout, siting, design and external appearance of buildings and structures;
- (ii) The provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems;
- (v) The provision of vehicular and cycle parking facilities;
- (vi) The impact on the character, appearance and amenities of neighbouring, and where relevant, other land, including visual encroachment into the countryside;
- (viii) The impact of the proposal on neighbouring and, where relevant, other uses;
- (ix) The availability and capacity of infrastructure and social/community facilities to adequately serve the development;
- (x) The retention and safeguarding of existing trees, woodlands and hedgerows where feasible and the incorporation of landscape measures and/or the utilisation of natural screening in order to maintain the ecological value of the site and the wider environment;
- (xii) Any other material considerations properly related to regulating the use and development of land, including:
 - Protecting general water quality and the quality of groundwater;
 - Protecting land quality from contamination;
 - Maximising the use of previously developed land;
 - Avoiding utilising land subject to flood risk.

Adequate information must be supplied with all applications so that the effects of development proposals in relation to the policies contained in the Local Plan can be properly judged. Where in sensitive locations new development will have an impact on the character of the area by virtue of its location or scale, planning permission will not be granted unless detailed plans are submitted with the planning application.

Policy STRAT12 (Development in the Open Countryside) states that planning permission will not be granted for development proposals in the open countryside that is, outside of the settlements listed in Policy STRAT 3, unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a

countryside location, or otherwise meets an objective supported by other Plan policies.

Policy STRAT15 (Employment Allocations) identifies sites within the District that are allocated for employment development/uses. One of these sites (i.e. HC(E)1) includes the former aircraft hangars which lie immediately east of the proposal site and are identified as suitable for A2, B1, B2 and B8 uses.

Policy SUS11 (Energy Generation/Renewable Energy) states that development of energy generating operations even which maximise the efficient use of fossil fuels or renewable energy sources will not be permitted where they would result in significant harm to local amenities, the environment or to the character of the countryside or landscape. In assessing any renewable energy proposal regard will be had to all of the following factors:

- (a) The sustainable benefits associated with the renewable energy proposal;
- (b) The impacts of the proposal on the landscape character, the countryside generally, amenity, quality of life, the built environment, the highway network and the natural environment including wildlife interests;
- (c) The potential impact upon civil aviation and military safeguarding zones, NATS Radar, Meteorological Radar and Telecommunications;
- (d) The availability of a realistic and practical connection to the electricity network;
- (e) The cumulative impact of proposals;
- (f) Regard to National and Regional targets for Renewable Energy.

Policy SUS14 (Flood Risk Areas) seeks to ensure that new development, including the intensification of existing land or proposals to raise the level of the land, are appropriately located so as not to be at risk of flooding or increase the risk of flooding elsewhere and that surface water run-off is appropriately managed so as not to result in adverse effects.

Policy NBE17 (Control of Potentially Polluting uses) states that planning permission that may be liable to cause pollution of water, air or soil, or pollution through noise, dust, vibration, light, heat or radiation will only be permitted if the health and safety and amenity of users of the site or surrounding land are not put at risk, the quality and enjoyment of the environment would not be damaged and, adequate protection and mitigation measures are implemented to ensure that any potential environmental receptors are not put at risk.

Results of Consultation and Publicity

- 9. (a) Local County Council Member, Councillor C L Strange – who is also a Member of the Planning and Regulation Committee, has been notified

of the application but reserves his position until the meeting of the Committee.

- (b) Hemswell Cliff Parish Council – was consulted on 11 June 2013 but no comments/response had been received at the time of writing this report.
- (c) Environmental Health Officer (West Lindsey District Council) – in principle raises no objection to the proposed amendments, however, has commented that whilst the Environmental Permit could allow further noise and odour mitigation measures to be secured in the event a problem occurred once the site is operational, adequate measures should instead be secured to ensure that the any mitigation necessary is identified and secured before planning permission is granted.
- (d) Highways Officer (Lincolnshire County Council) – has no objection to the proposed variation of the condition.
- (e) Historic Environment Team (Lincolnshire County Council) – has confirmed no archaeological input is required for this proposed revision.
- (f) Environment Agency – has confirmed that neither of the proposed changes affects their position in relation to the proposed development and therefore has no objection to the proposed variations. The Agency has, however, commented that the development would require an Environmental Permit and therefore recommend that the applicant contacts the Agency to discuss this further. This advice could be appropriately handled by way of an Informative on any permission granted.
- (g) Lincolnshire Fire and Rescue – were consulted on 11 June 2013 but no response/comments had been received at the time of writing this report.
- (h) Anglian Water Services – no comments to make on the proposals.

The following bodies/organisations were consulted on 11 June 2013 but no comments/response had been received at the time of writing this report:

Ministry of Defence (Safeguarding)

- 10. The application has been publicised by notices posted at the site and in the local press (Gainsborough Standard on 27 June 2013) and letters of notification were sent to the nearest neighbouring residents to the site.

District Council's Recommendations

- 11. West Lindsey District Council has no further comments to make on this proposal.

Conclusions

12. This application seeks to modify and amend conditions attached to planning permission W127/129257/12 so as to reflect proposed revisions sought to the currently approved scheme. Planning policy considerations with regard to the principle, location and need for this development have already been assessed and accepted by the Planning and Regulation Committee when permission W127/129257/12 was granted (i.e. WLLP Policies STRAT3, STRAT12, STRAT15, ECON1 and ECON3 and WLP Policies WLP1 and WLP11). The revisions sought by this application do not fundamentally change these aspects of the development and therefore it has not been considered necessary to re-evaluate or reassess these in the consideration of this application.
13. The key issues to be considered in relation to this proposal therefore relate to the potential impacts in terms of landscape and visual impact, noise and odour.

Landscape and Visual Impact

14. The general position and footprint of the revised development site would remain unchanged from that which is consented by permission W127/129257/12. The changes proposed to the buildings and anaerobic technology would, however, result in alterations to the physical bulk and visual appearance of the site. Whilst the new anaerobic digestion tanks, new gas holder tank and the revised building size would look visually distinct from the approved scheme, these components or structures are of a similar size to those already authorised and would not be any taller than the existing buildings, structures and silos/tanks already present in the area. In terms of the relocated/re-positioned equipment (i.e. pasteurisation plant and CHP engines) whilst these would be now be externally sited they would be located away from sensitive receptors and continue to be located near to and therefore partially screened by the existing building and/or proposed tanks. Furthermore, all of the proposed tanks would continue to be positioned within the overall development footprint previously approved and would therefore also be partially sunk into the ground so as to reduce their overall height by 1m when compared with the existing surrounding ground levels. Consequently, whilst the revised development would also have an impact on the existing visual appearance of the area, when considered in context of the existing Business Park and when compared with the existing approved scheme such impacts are considered to be no more adverse than those which have already been deemed acceptable in respect of the currently permitted scheme and therefore, on balance, would not fundamentally conflict with WLLP Policies STRAT1, STRAT12 and NBE20 or WLP Policy WLP21(iii).

Odours

15. Although the Technical Building is proposed to be reduced in size, as per the currently approved scheme, all wastes (except liquid wastes which can

be fed directly into the system) would continue to be received, de-packaged and pre-treated within the building. This building would also continue to operate under negative air pressure and an air extraction system is again proposed to be fitted which would pass extracted air through an odour control system before being released into the atmosphere.

16. With regard to the digestion operation/process itself, although the revised anaerobic digestion technology would differ in terms of its design and general arrangement it operates under the same basic principles as that which has already been permitted (i.e. all wastes treated in sealed and enclosed units in the absence of air). The revised digestion tank design and gas collection systems now proposed, however, are considered a more robust and efficient system than that currently permitted as the steel tanks now proposed have permanently sealed roofs which further reduce the potential for leakages and the release of fugitive odour emissions. The new tanks also do not have any moving parts within them which, unlike the previous system, rely on mechanical agitation and which therefore occasionally require maintenance and replacement to be carried out. Such operations/activities can therefore lead to an increased risk of fugitive odour emissions when compared with the scheme now being proposed.
17. The Environment Agency has raised no objection to this revised development but has reiterated that in addition to any planning permission granted an Environmental Permit (issued by the Agency) would also be required. The EHO has also not objected to this revised scheme but has commented that adequate measures should be secured as part of the planning permission to ensure that noise and odour do not have an adverse impact and that these should be agreed up front rather than rely on the Environmental Permit. In this case, given the distance of this site from any sensitive receptors and subject to the implementation of the odour control measures proposed and effective management of the site as per the details/practices to be employed, your Officers are satisfied that the Permit would be the appropriate mechanism for securing detailed operational controls relating to (amongst other things) odour. However, as is the case with the currently consented scheme, as no specific details of the design or specification of the proposed air extraction/odour control system are included within the application, should planning permission be granted details of this system could be appropriately secured by way of a planning condition.
18. Overall, however, given the distance of the facility from the residential properties and general existing agricultural nature of the surrounding area, residential amenity is unlikely to be significantly harmed as a result of this revised development and therefore, like the currently permitted scheme, would not be contrary to the objectives of the NPPF, WLP Policies WLP11 and WLP21(xi) and accords with WLLP Policies STRAT1 and NBE17.

Noise

19. WLP Policy WLP21 requires that there be no adverse impact as a result of noise and WLLP Policies STRAT1 and NBE17 seek to protect the amenities of people living or working near to proposed development.
20. A site specific noise assessment was not submitted in support of the original development, however, the main potential sources of noise associated with that development were considered to be those associated with the movement of vehicles when accessing and leaving the site, the operation of plant and machinery within the buildings and any noise arising from the operation of the emergency flare and fans associated with CHP engines. Although it was accepted that there would be a minor increase in noise levels as a result of that development, taking into account the existing industrial/commercial nature of the uses immediately surrounding the site, the enclosed nature of the site operations and the distance of the site from any noise sensitive receptors it was considered that the development was unlikely to have an unacceptable impact on the area or nearby users/residents in respect of noise.
21. Under the revised proposals, no changes are proposed to the vehicle movements or hours of operation for the site, however, more plant and equipment is proposed to be positioned externally, the most notable of which is the proposed siting of the CHP engines to a position to the west of the Technical Building. Whilst the positioning of these engines has the potential to increase the level of noise emitted from the site, the application states that these new engines would be contained within their own purpose built sound-proofed containers so as to reduce noise emissions to acceptable levels. The noise levels from these units is cited as being around 72dB at a distance of 10m and this reduces to around 42dB at 100m which is said to be the equivalent to the background noise level of most areas. The engines themselves are to be positioned to the west of the Technical Building and would therefore be located away from the nearest noise sensitive receptors which lie to the east of the site (beyond the existing hangar buildings) and which include the antiques centre (approx. 300m) and residential properties lying within Hemswell Cliff (approx. 335m and 550m).
22. As stated above, should planning permission be granted the existing conditions imposed relating to the hours of operation and movement of vehicles and which require all plant and equipment to be fitted with silencers and for the roller shutter doors of the building to be closed except when vehicles are accessing and egressing the building would continue to apply to this revised scheme and therefore continue to further minimise and reduce the potential impacts of noise arising from the site. However, in acknowledgement that there is now increased plant and equipment sited externally than the scheme previously approved, Officers have recommended that a further condition be imposed which requires details relating to a programme of noise monitoring to be submitted for the approval of the Waste Planning Authority. Such a scheme would specify how, where

and when noise from the site operations would be measured and how the results would be assessed and used as well as setting out the procedures for recording and dealing with any complaints.

23. Subject to the above, whilst there may therefore continue to be a minor increase in noise levels as a result of this revised development, given the distance of the site from any noise sensitive receptors and taking into account the existing industrial/commercial nature of the uses immediately surrounding the site it is considered that the development is unlikely to have an unacceptable impact on the area or nearby users/residents in respect of noise and therefore would not conflict with the objectives of WLP Policy WLP21(xi) and accords with relevant criterion of WLLP Policies STRAT1 and NBE17.

Final Conclusions

24. This application seeks to vary/modify conditions attached to planning permission W127/129257/12. Although the building and structures associated with this revised development would result in a large-scale waste management facility within an open countryside location, having taken into account the nature of the changes proposed, their position within the site and the supplementary information and details submitted in support of this application, the revised development would not exacerbate or give rise to any new significant environmental or amenity impacts over and above those which have already been deemed acceptable in relation to the similar proposal permitted by W127/129257/12 and which could be mitigated by the imposition of planning conditions.

RECOMMENDATIONS

That planning permission be granted for the variation of Condition No. 2 and No. 7 as set out in the Council's Decision Notice reference W127/129257/12 dated 11 February 2013 and subject to all other conditions so far as the same are still subsisting and capable of taking effect, and subject to the following new conditions to replace Condition No. 2 and No. 7 and an additional condition to secure details of a scheme of noise monitoring:

2. The development hereby permitted shall only be carried out in accordance with the following documents and plans, unless otherwise agreed in writing with the Waste Planning Authority (WPA), or where modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:

Planning Application Form, Design and Access Statement, Justification Statement, Draft Odour Management Plan and Flood Risk Assessment (date stamped received 6 July 2012) as supplemented by the information contained in the emails from G J Perry dated 1 November 2012, 10 January 2012 and 12 January 2012 and the following drawings and documents:

- Written Statement entitled "Assessment of Impact of Revised Scheme for Proposed Anaerobic Digester at Hemswell Cliff, Lincolnshire, DN21 5TU" (date stamped 1 May 2013)
 - Drawing No. P12-TBHC-002: Existing Site Layout (date stamped 23 May 2013)
 - Drawing No. Q4432-101 Revision B: Overall Site GA Plan View (date stamped 23 May 2013)
 - Drawing No. Q4432-102 Revision B: Overall Site GA Elevation Views (date stamped 23 May 2013)
 - Drawing No. Q4432-105 Revision C: Reception Building and Plant Layout (date stamped 23 May 2013)
7. The arrangements shown on Drawing No. Q4432-101 Revision B for the parking, turning and manoeuvring of vehicles shall be available for use at all times whilst ever the development hereby permitted subsists.
17. No development shall take place until a scheme for monitoring noise levels arising from the development has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall specify how, where and when noise would be measured and how results would be assessed and used. The scheme shall establish baseline noise conditions at the closest properties to the site and include procedures for recording and dealing with any complaints. Measurements shall be in accordance with BS4142:1997, an equivalent successor standard or other noise measurement methodology approved in writing by the Waste Planning Authority. Throughout the lifetime of the development hereby permitted noise monitoring shall be carried out in accordance with a programme as set out within the approved scheme.

Reasons

2. To define the permission and to ensure the development is implemented in all respects in accordance with the approved details.
7. To ensure that the means of access to the site and vehicular circulation and parking spaces are provided in the interests of highways safety.
17. To protect the amenity of local residents living close to the site.

Informative

Attention is drawn to the letter from the Environment Agency dated 1 July 2013.

Appendices

These are listed below and attached at the back of the report

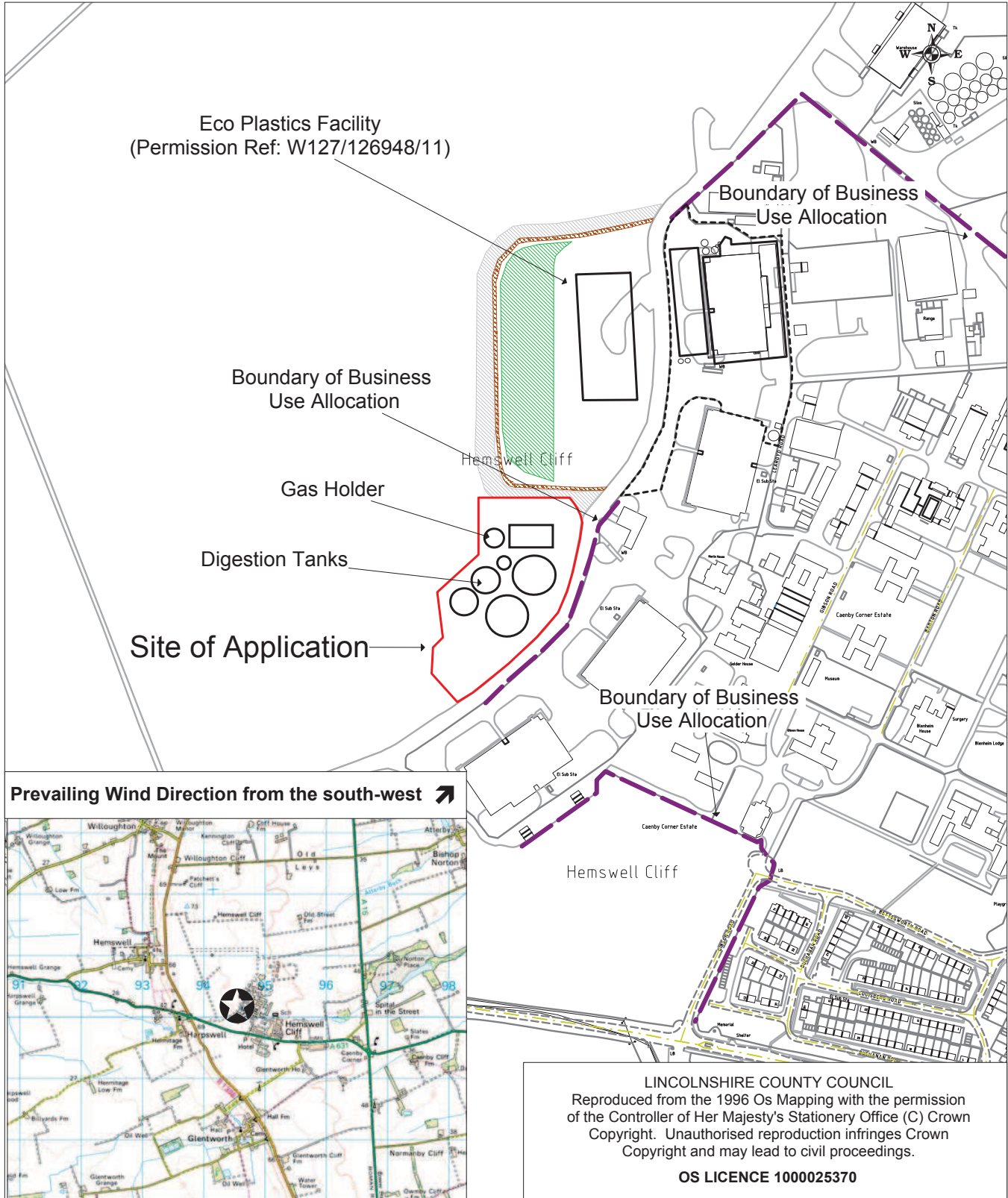
Appendix A	Committee Plan
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Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File W127/130114/13 W127/129257/12	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Guidance - National Planning Policy Framework Planning Policy Statement 10 – Planning for Sustainable Waste Management	Communities and Local Government website www.gov.uk
Lincolnshire Waste Local Plan (2006)	Lincolnshire County Council website www.lincolnshire.gov.uk
West Lindsey Local Plan (First Review) 2006	West Lindsey District Council website www.west-lindsey.gov.uk

This report was written by Marc Willis, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk



Location:
Hemswell Cliff Industrial Estate
Hemswell Cliff

Description:
Section 73 application to vary Conditions 2 and 7 of planning permission W127/129257/12

Application No: W127/130114/13
Scale: 1:5000

**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	2 September 2013
Subject:	County Matter Application – W14/130249/13

Summary:

Planning permission is sought by Anglian Water Services Limited to create a new sewage pumping station including layby and ancillary works at Woodcote Lane, Burton by Lincoln.

The key issues to consider in this case are the need for this development, the appropriateness of the proposed development in the open countryside location, possible impacts on wider environment including any visual impact, along with any positive impacts such as contribution to sustainability and the potential benefits.

It is concluded that, the proposed development would not have a detrimental impact on nearby residential properties nor would it have a detrimental impact on the adjoining Conservation Area.

Recommendation:

Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

Background

1. The occupiers of several residential properties within the village are currently served by septic tanks. In March 2007 the Burton by Lincoln Parish Council made an application for a first time rural sewage scheme. Anglian Water are seeking to improve the method of waste water management in particular where existing systems give rise to, or have the potential to have adverse effects on the environment and amenity. Septic tanks are not closed systems as they receive waste water and sewage from a dwelling where the solids sink to the bottom of the tank forming a sludge layer and oils and grease float to the top forming a scum layer. Bacteria in the water begins to break down and partially treat the sewage before excess water is discharged from the septic tank to the surrounding soil via some other form of soakaway or drainage network. Further breakdown of the sewage occurs in the soil. The results of which can be localised pollution impacting on local amenity. To prevent this issue arising Anglian Water have submitted this planning application to provide a pumping station which

would pump the effluent along a proposed pipeline (laid under license – this element of the proposal would not require a specific grant of planning permission as it is permitted development) and into the existing main sewage network. Certain elements of the proposal would be above ground and it is for these elements that planning permission is sought.

The Application

2. Planning permission is sought to create a sewage pumping station at land off Woodcote Lane on the south eastern side of an arable field at Burton by Lincoln. The proposal comprises a new underground pumping station, a kiosk to house control and telemetry equipment, a chemical dosing unit, telemetry aerial and layby to provide safe access to the works for operational staff. Most of the equipment/plant required would be underground and benefits from specific permitted development rights. The site would be 15m long and 7.5m wide, the adjoining layby would be 22.7m at its longest point, (10m where it abuts the sewage pumping station), and 3.25m wide. Above ground the site would comprise:
 - a layby constructed in grasscrete. The layby is required to allow Anglian Water Services vehicles to pull safely off the road whilst staff carry out maintenance of the pumping station. This would happen approximately once every six weeks. If there is an emergency within the receiving catchment or at the site, it may be necessary for Anglian Water to use tankers to remove sewage to another works, therefore the layby has to be of sufficient size to allow the tanker to pull safely off the highway if this circumstance should occur. The land within the boundary of the proposed sewage pumping station would be finished with a gravel base;
 - a 1m high wooden post and rail fence would enclose the site, this in turn would be enclosed by a hedge to reflect the existing, rural appearance of the surroundings. Permission was sought, and received from the West Lindsey District Council to remove 17m length of hedging to facilitate the construction of the site much of the hedging removed would be replaced with appropriate planting;
 - two small kiosks and a free standing 6m high, 50mm diameter galvanised steel pole with a telemetry aerial on top. These would be constructed of glass reinforced plastic, in holly green. A control kiosk measuring 2.1m long by 0.70m wide and 1.75m high and a chemical dosing kiosk 3.8m long by 1.5m and 1.66m high would be required as these kiosks would contain the electronics to power the pumps and the telemetry to enable the site to be monitored and a means of treating sewage with a nitrate based product to prevent odours via a sealed unit.
3. Part of the documentation submitted in support of the application was a detailed ecological assessment. However, it should be noted that this relates to the provision of pipeline to/from the sewage pumping station and that the pipeline and underground works fall within permitted development rights.

Site and Surroundings

4. Burton by Lincoln is located just to the north west of the City of Lincoln. It is an attractive village enclosed within a Conservation Area, within which are numerous Listed Buildings, individual and group Tree Preservation Orders with a large part of the southern section of the village falling within the boundary of the historic park and garden of Burton Hall.
5. The site is located on the north west edge of the village along a small track which provides access to a farm and residential property. The site is located just outside the Burton Conservation Area. Just to the south of the site there is a linear feature which runs along a small section of Woodcote Lane then along a section of Fen Lane. This is identified in the West Lindsey Local Plan as an "important frontages in settlements". The site is adjacent to this designated area but does not impinge upon it. The boundary of the closest residential property, is located just over 5m from the end of the proposed layby. The boundary of the site is located just over 17m from the property itself. The equipment, which is above ground level, (including the telemetry aerial) would be located at the northern end of the site to ensure it is not facing directly onto the nearest residential property. The residential property has a substantial and mature hedgerow along its boundary with Woodcote Lane.

Main Planning Considerations

National Guidance

6. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. The NPPF does not contain specific waste policies as these will be published as part of the National Waste Management Plan for England. In the interim, national waste planning policy continues to be set out in Planning Policy Statement 10 'Planning for Sustainable Waste Management' and decisions on waste applications should have regard to policies in the NPPF so far as they are relevant.

The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 109 – The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraphs 186 and 187 – Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicant to secure developments that improve the economic, social and environmental conditions in the area.

Paragraph 215 states that following 12 months since the publication of the NPPF (March 2012) due weight should be given to relevant policies in the existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework the greater the weight that may be given). This is of relevance to the Waste Local Plan and West Lindsey Local Plan (2006).

Planning Policy Statement 10 (PPS10) “Planning for Sustainable Waste Management” remains in force despite the recent introduction of the NPPF (above). PPS10 reiterates the principles of sustainable waste management and the waste hierarchy and states that in considering planning applications for new or enhanced waste management facilities, waste planning authorities should consider the likely impact of the development on the local environment and amenity.

Annex E of PPS10 sets out the locational criteria which must be considered in relation to the suitability of proposed sites. Of particular relevance to this application are the issues relating to protection of water resources, visual intrusion, traffic and access, air emissions (including dust) noise and vibration and potential land-use conflict.

Local Plan Context

7. The Lincolnshire Waste Local Plan (2006) and the West Lindsey Local Plan (2006) form part of the development plan. The policies that are consistent with the NPPF and relevant to this application are set out below.

The following policies of the Lincolnshire Waste Local Plan (2006) are relevant:

Policy WLP18 (Sewage and Water Treatment) states that new development relating to the treatment and disposal of sewage or for an extension to existing facilities will be permitted if it cannot be accommodated on an existing site, is in accordance with the proximity principle, access can be provided and it meets the criteria set out in Policy WLP21.

The supporting paragraphs to this policy acknowledge that in Lincolnshire the growth in population, the aim to provide the majority of settlements with mains sewerage and the need to improve existing systems to meet more exacting EU Water Framework Directive Standards, has led to an increase in the number of sewage plant developments. It notes that "... such developments need to be close to the settlements they serve and have

access to drainage facilities to disperse treated effluent." The supporting paragraph also makes reference to the extensive rights to carry out development without the need to obtain planning permission which certain companies/undertakers have.

Policy WLP21 (Environmental Considerations) states that planning permission will be granted in a number of instances. The following criteria are relevant to this application:

- (xi) Dust, odour etc states where the development including its associated traffic movements, visual impact, noise, dust, odour, litter and emissions would not have an adverse effect on local residential amenity including air quality; and/or other local land uses;

The following policies from the West Lindsey Local Plan 2006 are of relevance to this proposal

Policy STRAT1 – Development Requiring Planning Permission

All development must take full account of the need to protect the environment so that present demands do not compromise the ability of future generations to meet their own needs and enjoy a high quality environment. Development must reflect the need to safeguard and improve the quality of life of residents, conserve energy resources and protect the Plan area's character and be satisfactory with regard to (relevant sections):

- i. The number, size, layout, siting, design and external appearance of buildings and structures;
- ii. The provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems;
- vi. The impact on the character, appearance and amenities of neighbouring, and where relevant, other land, including visual encroachment into the countryside;
- viii. The impact of the proposal on neighbouring and, where relevant, other uses;
- x. The retention and safeguarding of existing trees, woodlands and hedgerows where feasible and the incorporation of landscape measures and/or the utilisation of natural screening in order to maintain the ecological value of the site and the wider environment;
- xii. Any other material considerations properly related to regulating the use and development of land, including:
 - Protecting general water quality and the quality of groundwater;
 - Protecting air quality;
 - Protecting land quality from contamination;
 - Maximising the use of previously developed land;
 - Avoiding utilising land subject to flood risk;
 - Creating local distinctiveness.

Adequate information must be supplied with all applications so that the effects of development proposals in relation to the policies contained in the Local Plan can be properly judged. Where in sensitive locations new development will have an impact on the character of the area by virtue of its location or scale, planning permission will not be granted unless detailed plans are submitted with the planning application.

Policy STRAT13 – Undeveloped Breaks Between Settlements and Green Wedges Around Lincoln

Within the areas defined on the Proposals Map, unless such development is essential for agricultural or other essential countryside uses and cannot be located elsewhere, it will be refused. If such development is exceptionally permitted it shall be located and designed so as to minimise harm to the character and appearance of the area.

Policy CORE 9 – Retention of Important Open Spaces/Frontages

Development will not be permitted:

- i. On the areas of open character to remain undeveloped as shown on the proposals map;
- ii. Where it will adversely affect the open character or important feature of a protected frontage as shown on the proposals map;
- iii. On other areas of open space/character within settlements not identified on the proposals map where this would adversely affect the character of the street-scene or settlement or lead to a cramming effect within a settlement.

Policy NBE20 – Development on the Edge of Settlements

Development will not be permitted which detracts from the rural character of the settlement edge and the countryside beyond.

Where the development on the edge of settlements is permitted the Council will require:

- i. Design proposals which respect and maintain the existing character and appearance of the boundary of the settlement footprint, or result in the improvement of an unattractive approach;
- ii. An agreed scheme of landscape treatment and/or open space provision.

Results of Consultation and Publicity

8. (a) Local County Council Member, Councillor J Brockway - was consulted on 8 July 2013 initial concerns regarding amenity of local residents and the wider village environment were raised and clarification on certain matters were sought. Following discussion and consultation with the

Parish Council, local residents and the applicant the Councillor does not wish to make any comments on this proposal.

- (b) Burton by Lincoln Parish Council – raise no objection to the proposal.
- (c) Historic Environment Team – Built Environment (Lincolnshire County Council) - although the pumping station is located just outside the Burton Conservation Area, it still has the potential to have a negative impact on the designated historic environment. However, the hedges that are proposed would screen the structures therefore reducing the impact substantially. Therefore have no objections to this application.
- (d) Historic Environment Team – Archaeology (Lincolnshire County Council) – no archaeological input required.
- (e) Trees Officer (Lincolnshire County Council) – has reviewed the proposal and is content with the details of this scheme.

The following bodies/organisations were consulted on 11 June 2013 but no comments/response had been received at the time this report as prepared:

West Lindsey District Council (Environmental Protection)
Highways (Lincolnshire County Council)

9. The application was publicised by site notice and a press notice was placed in the Lincolnshire Echo on 18 July 2013. The occupants of one property which overlooks the site have been individually notified of the proposal. Four letters of objection, including one from the neighbouring resident have been received, raising the following objections (summarised):

- the proposed location of the pumping station on the approach to the village would be visually intrusive and would be out of context with the rural setting of the village and despite the planned landscaping of the area, it will remain an eyesore. It would harm the character and appearance of the open countryside/grassland along the lane in general. The 'industrial' nature will be obtrusive when viewed on the approach into the village from Fen Lane onto Main Street, and will harm the character and appearance of the Burton Conservation Area and have a negative impact on the historic environment of the village. All the villagers keep their gardens and the surrounding areas free from any visual obstructions or anything which is going to be detrimental to the village scenery such as placing of TV aerials these are mainly out of site. So to have this proposed AW collecting station at such a prominent position within the village with a 6ft aerial will create a huge visual and physical impact to the surrounding area;
- Woodcote Lane is a minor country lane which is too narrow for such a scheme. It is used regularly by large farm vehicles and combined harvesters which already encroach on both side verges, regular service vehicles from West Lindsey for waste collection and large oil tankers.

The proposed layby would potentially damage overhead trees, soft verges and drainage ditches particularly when large and heavy vehicles have to turn round in this area. Reversing onto the site may become obligatory to reduce the damage. The layby would also encourage parking which would cause further obstruction, there have been many situations when the lane is blocked until an obstructing vehicle is moved. Walkers utilise this lane and would be encouraged further by the provision of this layby. The lane is also prone to flooding following periods of continual rainfall leaving the lane and verges under water for many days. Woodcote Lane is quiet and dark and public use of the layby especially during unsocial hours would present an obvious security issue for the whole village;

- the proposal requires the removal of a length of old hedging containing various species suggesting it is an ancient boundary hedge this should be conserved;
- the proposed location detrimentally impacts on the householders close to the site. The site is approximately 6m away from the nearest property boundary. At least 2m of the proposed layby used for the parking of waste collection and maintenance vehicles, runs directly opposite the drive/car access to this property. The siting and appearance of the station and its equipment would have a significant impact on the visual amenity of the property – in particular, the view from the kitchen and upstairs bathroom which look across Woodcote Lane over to the field where the pumping station would be situated, and to the open countryside beyond. The pumping station (along with its 6m telemetry aerial mast) would seriously curtail this view. The proposal may also be detrimental as there may also be issues associated with this type of development such as noise and smell. The close proximity of the station in relation to site visits by collection and maintenance vehicles is also a concern. Vehicle manoeuvring, loading and unloading operations and all associated traffic noise will have a significant impact upon the enjoyment and use of this property;
- the applicant should use an alternative and more appropriate site, it is understood that the applicant did identify other possible sites prior to the submission of this application. Woodcote Lane is too narrow, does not allow room for vehicle manoeuvring and turning and is not in keeping with the general character of a rural country lane adjoining the conservation area of the village. Aside from the fact that all of these alternatives are at an acceptable distance away from residential properties, they are unobtrusively and more suitably placed in relation to the character of the village and the surrounding countryside. Residents are not against the mains sewerage scheme overall, nor are we against the installation of a pumping station in the village but do request that the pumping station is moved to an alternative and more appropriate site.

10. The applicant has provided the following responses to the issues and objections raised:

- the location of the proposed pumping station has been determined by a number of technical and engineering reasons connected with the installation of the first time sewerage treatment scheme for the village. In order to mitigate any significant impacts on the wider area and in particular the residential properties opposite the site, a number of measures have been adopted. In relation to the dwellings opposite, the pumping station has been sited between two dwellings, so it is not directly opposite the accesses serving either Griffinwood or Monk Bretton. Due to the existing mature vegetation on the front boundary of each property, the existing hedgerow along Woodcote Lane and the proposed landscaping scheme to replace a small section of hedgerow to be removed for the construction of the pumping station, there would be no direct views of the pumping station from within the curtilage of each residential property;
- although there is a small first floor window in the front gable elevation of Monk Bretton, (it is believed this is a bathroom window) there will be no views of the development from any of the primary windows in each dwelling. For these reasons it is not considered that there would be any adverse impact on the residential properties on the opposite side of Woodcote Lane and the development accords with policies within the West Lindsey Local Plan that seek to protect residential amenity;
- with regards to potential impact on the wider area, care has been taken in the design of the pumping station to ensure the development 'does not detract from the rural character of the settlement edge' as outlined in Policy NBE20 'Development on the edge of Settlements' and to ensure the siting and appearance of the equipment 'will not harm the amenities of local residents' as set out in Policy CORE 11 'Telecommunications Development' of the West Lindsey Local Plan. The application site is outside the Burton by Lincoln Conservation Area and in order to respect the rural character of the area a timber post and rail fence and native landscaping scheme is proposed to be erected around the boundary of the site. In addition, the development is set back from Main Street and thus would not be a prominent feature to views to the entrance of the village when travelling towards the village along Fen Lane;
- due to the small scale nature of the development it would not dominate long distance views of the area and the landscaping scheme would adequately mitigate any potential for visual impact. It is noted that the Council's Historic Environment Officer is also of a similar opinion and raised no objections to the development;
- alternative sites were considered for the pumping station at an early stage in the design of the scheme. However this was the only suitable location where there was a landowner willing to sell land to Anglian Water;

- the location and design of the proposed layby has been approved by the Council's Highways Department following detailed consultation by Anglian Water. Therefore the technical requirements of the development proposed meet the highway standards as set out in Policy CORE 2 of the West Lindsey Local Plan. Woodcote Lane is already used by heavy plant and machinery connected with farming activities and other traffic, for example domestic waste collection vehicles. Once the pumping station is operational, the site would be visited by Anglian Water Services approximately once every six weeks to two months, using a small company vehicle (transit size type van). In addition there is a requirement for a chemical delivery four times a year. There would only be a need for a tanker to visit the site in extreme circumstances such as a in the event of a major plant failure;
- the increase in traffic using Woodcote Lane as a result of the proposed development is considered insignificant. The construction of the layby for Anglian Water Service vehicles to park in would prevent any damage to the existing verges. The vehicles that would visit the site will not be tall enough to damage any trees adjacent to Woodcote Lane;
- the removal of a section of hedgerow adjacent to Woodcote Lane has already been agreed with the West Lindsey District Council. A copy of the decision letter has been forwarded to the Council. The project ecologist will undertake all the relevant checks prior to the removal of the section of hedgerow to ensure no nesting birds are present.

District Council's Recommendations

11. West Lindsey District Council raise no objection to the proposal.

Conclusions

12. The site is located in the on the edge of Burton village in an area identified in the West Lindsey Local Plan as an underdeveloped break between settlements and green wedges around Lincoln. Policy STRAT13 of the West Lindsey Local Plan (2006) states that development in these areas will not be granted unless they are essential in that location and cannot be located elsewhere. In such instances the development should be located and designed to minimise harm to the character and appearance of the area. Similarly WLP18 of the Lincolnshire Waste Local Plan – which specifically addresses sewage and water treatment developments – states that where possible development should be at/within existing sites but acknowledges that this is not always possible. Where developments have to be located elsewhere they should meet the proximity principle and accord with the Environmental Considerations set out in Policy WLP21 of the Waste Local Plan. The sewage pumping station has to be located within proximity of the properties it has been designed to service. As noted in the report, during initial investigation other locations were considered. However, whilst these would enable the station to be located in a position which would meet the necessary technical criteria to service the properties, the landowners

were unwilling to sell the land to the applicant therefore these sites could not be progressed.

13. The difficulty of obtaining land for the project is not a reason to justify allowing a development that is unacceptable on other grounds. That is not the position here. The proposed development has been designed in terms of location, size, scale and design, to minimise any impact in terms of possible harm to the character and appearance of the area or the amenity of nearby residential properties. Therefore, for the reasons set out above, the pumping station is considered to meet the locational criteria set by Policy WLP18, and Policy STRAT13.
14. The site is located on the edge of the village of Burton and Policy NBE20 of the West Lindsey Local Plan states that development in such locations will not be permitted where they detract from the rural character of the settlement and the countryside beyond. As noted this application has been designed to respect and reflect the character and appearance of the boundary of the settlement. The fencing and landscaping reflects similar boundary treatments in and around the village whilst the equipment which is located above ground would be located to the rear of the site, set back from the nearest residential properties and the Fen Lane access into the village. The proposed layby would be constructed in grasscrete to reduce the visual impact. Along Fen Lane and a small section of Woodcote Lane, close to the proposed site, sections of land have been designated as an important frontages within the West Lindsey Local Plan. Policy CORE 9 states that development will not be permitted on these areas identified in the plan where it would adversely affect the open character or important features of the protected frontage. The site is located close to the protected frontage on Woodcote Lane, but does not impinge or impact on it. The site's location on the edge of the village also puts it on the edge of, but not within, the Burton Conservation Area. Therefore, in line with Paragraph 132 of the NPPF consideration also has to be given to the possible impact of the proposal on the setting of this heritage asset. Paragraph 134, of the NPPF goes on to explain that where development would lead to less than substantial harm, as in this instance – a small scale, thoughtfully designed and located development on the edge of the Conservation Area – its impact should be judged against the public benefit delivered by the proposal – in this instance the provision of a first time rural sewage scheme for the village of Burton, requested by the Parish Council to the benefit of the properties within the village which currently still use septic tanks. On balance it is considered that in the light of the location, scale, design and boundary treatment of the proposed development the impact on the character and appearance of the conservation area is negligible, whilst the benefits to the wider community are significant.
15. Fundamental to the consideration of any planning application is the possible impacts of development on surrounding land uses/users. In this instance consideration has to be given to the possible impact on the nearest residential property and how the proposal could impinge on the residential amenity which local residents could reasonably expect to enjoy. This is

reflected in Paragraph 109 of the NPPF, PPS10 and the policies of the Waste Local Plan WLP21 and of the West Lindsey Local Plan STRAT1. Several issues have been highlighted during the consultation process:

- the visual impact on the nearby residential property. The garden of the property were it faces Woodcote Lane is enclosed by a substantial and mature hedge (with the exception of the gated access to the property's adjoining garage). The visual impact of the development is modest (above ground two small green kiosks, a telemetry aerial, a small post and rail fence and the layby). The site has been set back to ensure it is not directly in line with the windows of this property, and within the site the equipment which is above ground is located to the rear of the site at the furthest from the windows of the property. The site would be enclosed by suitable planting;
- possible emission of odours. The equipment used to pump the waste water is sealed and underground to address odour concerns;
- possible noise from the equipment on site. As with odours this issue has been addressed by ensuring the equipment which could cause disturbance is sealed and underground;
- noise and disturbance could be cause through vehicles regularly visiting the site. Following the construction of the site vehicle movements would be infrequent maintenance or in emergencies vehicles only;
- the lane is too narrow for the vehicles this proposal would attract and they will come into conflict with other large vehicle using the lane or walkers parking in the lane. The lane is part of the public highway. Detailed discussions have been undertaken with the County Council Highways Officers during the preparation of this application to ensure the suitability of the proposal in terms of highway safety/management in general and with specific regard to the design and location of the access and layby;
- the provision of this layby will encourage walkers to park in this location, or the layby will attract people at night were they could undertake antisocial activities. The lane is part of the public highway, if any anti-social activities undertaken this would be a police matter.

It is considered having regard to all factors raised that on balance the locational and environmental criteria (including design, layout, materials, environmental impacts visual intrusion, noise, odour, vehicle movements) pertinent to Policies WLP18 and STRAT13 have been addressed.

16. It is therefore considered that the development would have a negligible impact on the character of the surrounding area in terms of traffic impacts, noise, odour and visual amenity. The proposal reflects the character and appearance of rural surroundings in terms of the size and scale of development, colour of materials chosen and use of fencing and planting.

For the reasons set out by the applicant the development could not be located elsewhere and has to be located within proximity of the properties it would serve.

17. Alternative locations only become a material consideration in circumstances where a fundamental planning objection is evident in relation to the proposed site. For the reasons set out above that is not the case here and therefore it is not necessary for an alternative site to be considered. The proposal would significantly improve the method of waste water disposal from properties within the village and would therefore enhance their general amenity. It should be noted that no objections have been raised by the statutory consultees including the West Lindsey District Council, who have not found the proposal to be contrary to the aims and policies of their Local Plan, and who have also consented the removal of the hedgerow alongside Woodcote Lane. It is therefore considered that the proposal would accord with the aims and policies as set out in the NPPF and the Development Plan.

RECOMMENDATIONS

That planning permission is granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out strictly in accordance with the details set out in the application and supporting documents received by the Waste Planning Authority on 7 June 2013 (covering letter and checklist) and 13 June 2013 (application form and Design and Access Statement) and the accompanying plans:
 - Pumping Station Location Plan, Site Plan and Elevations, Drawing SEW-08526-CANWSC-2A-PLG-400 Rev A Stat 1, dated 02/05/2013, received 7 June 2013
 - Layby Location Plan, Site Plan, Elevations, Drawing SEW- 08526-CANWSC-2A-PLG-401 Rev C Stat 1, dated 02/05/2013, received 7 June 2013
 - Quinshield Kiosk Q26 & Base Details, Drawing PA-S-0041 Rev F, dated 05/02/2008, received 27 June 2013.
 - 2500 Ltr Capacity Anomex Bunded Dosing System, Drawing PA-S-0032 Rev C, dated 25/03/2008, received 27 June 2013.
 - Antenna Installation General Arrangement, Drawing PA-G-0093 Rev A, received 7 June 2013.
 -
3. Site clearance operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to August inclusive unless previously approved in writing by the Waste Planning Authority.

Reasons

1. This condition is required by Section 91 of the Town and Country Planning Act 1990.
2. To ensure the development is carried out in accordance with the approved details.
3. To avoid disturbance to birds during the breeding season.

Appendices

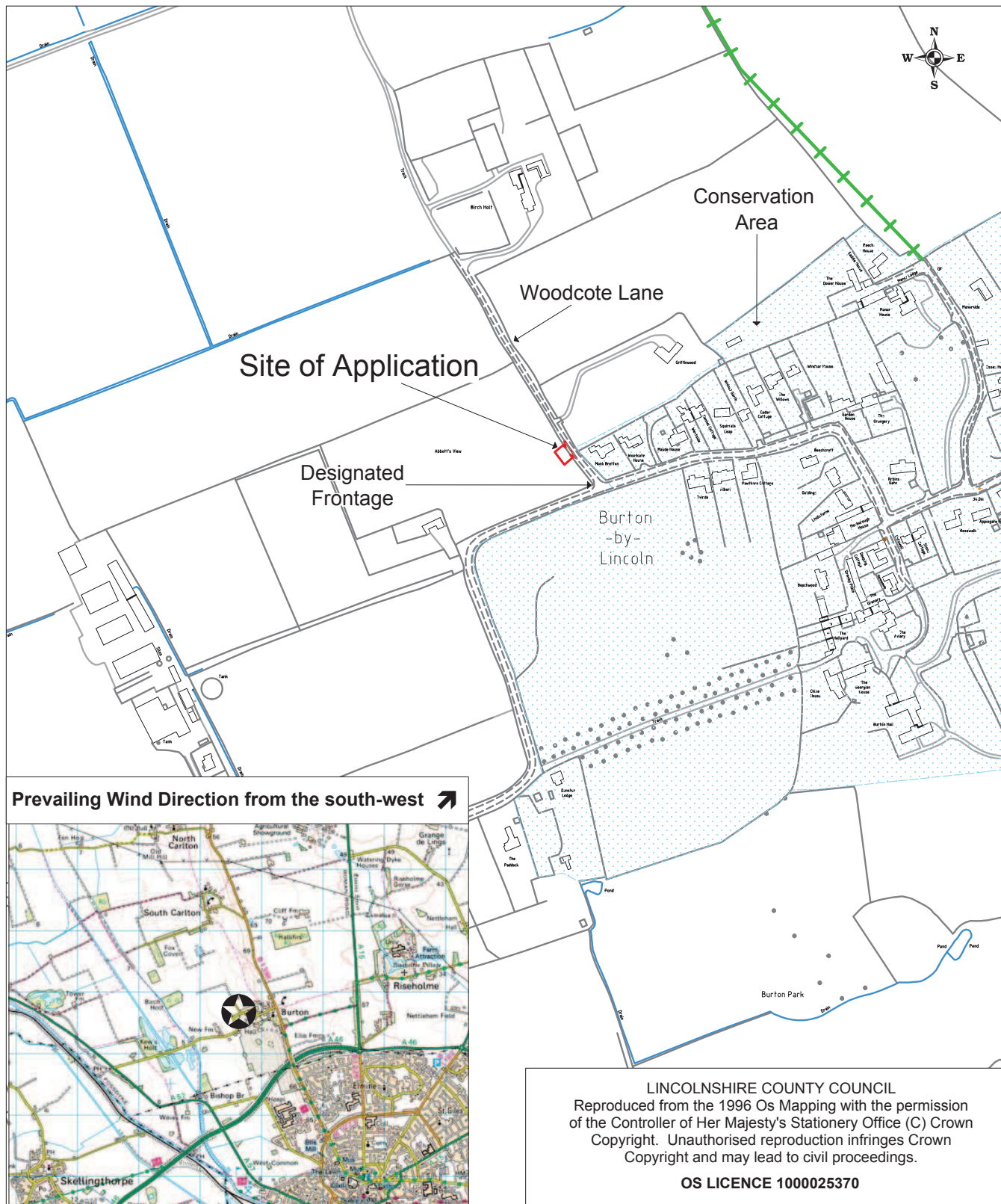
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File W14/130249/13	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework 2012	Communities and Local Government website www.communities.gov.uk
Lincolnshire Waste Local Plan 2006	Lincolnshire County Council website www.lincolnshire.gov.uk
West Lindsey Local Plan 2006	West Lindsey Strict Council website www.west-lindsey.gov.uk

This report was written by Anne Cant, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk



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<p>Location: Woodcote Lane Burton by Lincoln</p>	<p>Description: Construction of a new Sewage Pumping Station, lay-by and ancillary works</p>
<p>Application No: W14/130249/13 Scale: 1:5000</p>	<p>Planning and Regulation Committee 2 September 2013 Page 197</p>

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**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	2 September 2013
Subject:	County Matter Application - (E)N52/1302/13

Summary:

Retrospective planning permission is sought by East Lincs Recycling Solutions Ltd (Agent: For-ward Planning Consultancy) to continue to use land and buildings as a recycling/processing plant. Planning permission is sought to extend an existing building to provide additional covered storage at Glebe Farm, Little Grimsby Lane, Fotherby, Louth.

The main issues to consider when assessing this application are whether the existing operations are acceptable within this location and to assess whether the environmental impacts associated with the development such, as visual impact, impact on local residents and impact on the local highway network would be appropriate in this location.

Given the nature, scale and location of the existing operations it is considered that subject to the imposition of conditions that the granting of retrospective planning permission for the use of the land and building would not be detrimental in terms of the impact on the environment and would accord with the aims and policies of the development plan. Similarly it is considered that the granting of permission for the extension to the existing storage building on the southern boundary of the site would be acceptable subject to the imposition of conditions.

Recommendation:

Following consideration of the development plan policies and comments received through consultation and publicity it is recommended that conditional planning permission be granted.

The Application

1. Retrospective planning permission is sought by East Lincs Recycling Solutions Ltd to continue to use land and buildings as a recycling/processing plant. Planning permission is also sought to extend an existing building to provide additional covered storage at Glebe Farm, Little Grimsby Lane, Fotherby, Louth.
2. The planning application comprises two elements:

- the change of use of existing buildings for the unloading, sorting, processing, baling and loading of baled materials (cardboard, paper, plastic and polystyrene) for onward transportation to specialist companies for re-use and the use of land in connection with the waste recycling facilities (including parking and storage). There are also three portacabins on site which are used as offices and staff welfare facilities. The site was previously used as a haulage depot/yard as well as a warehouse for plastic trays, plastic film, reusable containers and corrugated packaging. Both elements are retrospective as the applicant has stated that they began current operations – as a waste recycling facility – in September 2010;
- the construction of a mono pitched open fronted portal framed building 8.6m wide and 27m long, 3.3m to the eaves and 4m to the ridge of the mono pitched roof. Initially it had been proposed to construct the building in goose wing grey cladding. However following the receipt of comments raised during the consultation process it is now the applicant's intention to construct the building in dark green cladding. A 6m wide concrete apron would be constructed to the front of the new build and the original building which it abuts. This limited area would be used for open storage of baled materials. These bales are mechanically tied inside the larger, enclosed building on site with metal ties to prevent materials becoming loose or windborne. Materials would be stored to a maximum height of 3m and the applicant would endeavour to ensure that only monochrome materials are stored in this location. Both these measures would reduce the visual impact of the limited outside storage.

3. The existing recycling facility currently:

- employs five full time staff and one part time member of staff. It is anticipated that should planning permission be granted to regularise the current operations that staffing levels could increase to six full time and three part time members of staff ;
- operates:
Monday to Friday 07:00 to 17:00
Saturday 07:00 to 14:00
Sunday and Bank Holidays 07:00 to 14:00

all loading, unloading, sorting and baling takes place within the existing building, some storage is undertaken outside;
- generates approximately 30 vehicle movements per day (15 vehicles in, 15 vehicles out). The applicant has three 44 tonne HGVs and two 3.5 tonne trucks. It is estimated that of the 30 movements 26 are made by the larger vehicles. These vehicles are used to deliver and collect recyclable/recycled materials;
- has a substantial area to the front of the site used for parking and manoeuvring large vehicles;

- is enclosed by a 1.8m post and wire mesh fence.
4. It is the applicant's intention, should permission be granted, to continue to work these hours, to maintain the appearance of the site and to ensure that litter is not a problem, a litter pick is undertaken every 2 -3 days. Parts of the site are well screened and the applicant is willing to undertake some additional planting, should this be considered appropriate.

Site and Surroundings

5. The buildings and yard are located in flat, open agricultural land, in an area interspersed with agricultural buildings and yards many of which have alternative uses, to the east of the A16, north of the town of Louth, southeast of the of the village of Fortherby and west of the village of Little Grimsby. The site is just within the Area of Great Landscape Value (AGLV) but outside the Area of Outstanding Natural Beauty (AONB) some 380m to the west. The nearest residential property is located 43m to the north of the site there are several buildings/sheds between the building used for the recycling operation and the rear of the residential property. It is over 130m to the next nearest residential property to the east of the site, with two other properties over 350m away. The site is enclosed by a 1.8m high mash fence. There is some planting on the eastern and western boundaries and the north of the site is screened from the road by the existing buildings. However there are long distance views into the rear of the site from the – where at the present time outside storage of bailed materials takes place.

Main Planning Considerations

National Guidance

6. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. Currently waste planning policy continues to be set out in Planning Policy Statement 10 'Planning for Sustainable Waste Management'.

The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 5 confirms the NPPF does not contain specific waste policies, since these will be published as part of the National Waste Management Plan for England. However, local authorities taking decisions on waste applications should have regard to policies in the NPPF so far as they are relevant.

Paragraph 28 – Planning policies should support economic growth in rural areas in order to create jobs and prosperity, taking a positive approach to sustainable new development by:

- supporting sustainable growth and expansion of all types of business and enterprise in rural area, through conversion of existing building and well-designed new buildings;
- promote the development and diversification of agricultural and other land-based rural business.

Paragraph 109 – The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 120 – To prevent unacceptable risks from pollution and land stability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the areas or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 122 – Local planning authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where they are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

Paragraph 123 – Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Paragraphs 186 and 187 – Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicant to secure developments that improve the economic, social and environmental conditions in the area.

Paragraph 215 - states that 12 months after the publication of the NPPF (March 2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework the greater the weight that may be given). This is of relevance to the East Lindsey Local Plan Alteration 1999 and Lincolnshire Waste Local Plan 2006. The policies in these plans which are relevant to this application and confirmed as being in conformity with the NPPF are set out below.

Planning Policy Statement 10 (PPS10) – Planning for Sustainable Waste Management, supports the principles of sustainable waste management and the waste hierarchy and provides an overall planning policy framework for waste management development. PPS10 advises that planning applications for new or enhanced waste management facilities that have not been identified or allocated in a development plan document as suitable for such facilities should be considered favourably when consistent with policies contained within the PPS and, amongst other factors, would not have an unacceptable impact on the local environment or amenity.

Annex E to PPS10 identifies specific criteria/factors that should be taken into account when considering such applications which include the following relevant criteria:

- Air emissions, including dust – proximity of sensitive receptors to air emissions and dust and whether the effects can be mitigated;
- Visual intrusion – the setting of the development and need to protect adjoining landscapes of national importance;
- Traffic and Access – the suitability of road network to access the site;
- Odour – the proximity of sensitive receptors to odour and whether the effects can be mitigated;
- Vermin and Birds – the proximity of sensitive receptors and the potential nuisance and hazards that may arise as a result of a development in attracting vermin and birds;
- Noise and Vibration – the proximity of sensitive receptors and whether the effects can be mitigated.

Local Plan Context

7. The Lincolnshire Waste Local Plan 2006 contains the following policies which are relevant to this proposal:

Policy WLP1 (Objective of the Plan) states that waste management proposals shall be considered in relation to their contribution towards the waste management hierarchy and assessed in terms of their accordance with the proximity principle, regional self-sufficiency, waste planning policies and their compatibility with neighbouring land uses and any environmental implications of the development on its setting.

Policy WLP8 (Waste Transfer Stations) states planning permission will be granted for waste transfer stations and the extension of existing facilities provided:

- (i) that the site is located so as to minimise the traffic impact on the highway network; and
- (ii) that the site is not located in the Lincolnshire Wolds area of outstanding natural beauty nor within residential areas; and
- (iii) that the proposal meets the criteria set out in Policy WLP21; and
- (iv) with respect to landfill sites the permission is restricted to the life of the site unless the site is within a built up area; and
- (v) located on land or industrial buildings which are suitable for General Industrial Uses (Class B2) brownfield sites or disused farm buildings.

WLP21 (Environmental Considerations) states planning permission for waste management facilities will be granted in the following instances (relevant criteria cited):

Dust, Odour etc

- (xii) Where the development including its associated traffic movements, visual impact, noise, dust, odour, litter and emissions, and its potential to attract scavenging birds, other vermin and insects would not have an adverse effect on local residential amenity including air quality; and/or other local land uses;

Transport System

- (xiii) Where sufficient capacity is available on the local or wider road system for the traffic that is expected to be generated. Improvements or alternative modes of transport can be implemented and/or where there would not be an adverse effect on road safety;

Recovery of Materials

- (xvii) Where possible and appropriate the development proposal contributes to the potential recovery of materials and energy via recycling, energy recovery and composting in reducing the amount of waste for final disposal.

The East Lindsey Local Plan Alteration 1999 forms part of the Development Plan and, as confirmed by the NPPF, should continue to be given due weight in the determination of planning applications. The policies relevant to this proposal are as follows (summarised):

Policy A4 (Protection of General Amenities) states development which unacceptably harms the general amenities of people living or working nearby will not be permitted.

Policy A5 (Quality and Design of Development) seeks to ensure that all development proposals including their layout, density, scale, appearance or choice of materials do not detract from the distinctive character of the locality; retains or incorporates features or characteristics which are

important to the quality of the local environment, and; where necessary, include landscaping schemes appropriate to its setting.

Policy ENV3 (Foul and Surface Water Disposal) states that development will be permitted where it can be shown that foul sewers, sewage treatment and surface water drainage of adequate capacity and design are available or that these can be provided in time to serve the development. Small scale development served by alternative means of sewage treatment and surface water disposal will be permitted where ground conditions are satisfactory and the plot is of sufficient size to provide an adequate subsoil drainage system.

Policy C11 (Lincolnshire Wolds AONB) is of relevance as the site is within the Area of Great Landscape Value (it is some 380m to the east of the boundary of the AONB. This policy states the natural beauty of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) and the distinctive character of the Areas of Great Landscape Value (AGLV) will be protected by not permitting development which would:-

- (i) harm landscape features which contribute to the character of the area;
- (ii) harm the distinctive character, role or regional or local historic significance of the area;

Small scale development - including local employment and visitor attraction uses and sport and recreational development - will be permitted in the AONB and AGLV where it can comply with other policies of the Plan

Policy DC6 (Reuse of Buildings in the Countryside) states the re-use of farm and other buildings in the countryside for commercial or community uses will be permitted provided:

- a) the form, bulk, materials and general design of the existing buildings are in keeping with the surroundings;
- b) the existing building is structurally capable of conversion;
- c) it does not harm the character, amenities or appearance of the area or amenities of nearby residents;
- d) it would not cause traffic or access problems;
- e) it does not substantially alter the form, setting, or design of the existing building;
- f) it does not result in the loss of habitat for protected species of wildlife;
- g) it would not result in the dominance of non-agricultural uses in the countryside.

Results of Consultation and Publicity

- 8. (a) Local County Council Member, Councillor C Marfleet – consulted on the 9 July 2013 but had not replied.
- (b) Fotherby Parish Council – no objection to the proposal.

- (c) East Lindsey District Council, Environmental Protection Officer – offered no comments on the application.
- (d) Environment Agency (EA) – initially objected to the proposal and requested that further information on the proposed drainage arrangements for the proposed extended concrete hardstanding areas be submitted. This information has been requested so that it can be demonstrated that the risks posed to groundwater in the normal operations of the site or in event of a fire can be satisfactorily managed.

In response to the EA's comments, the applicant has submitted a revised site layout drawing which shows the extent and location of the proposed external concrete storage areas. This drawing indicates that a bund could be constructed around part of the new concrete storage area so as to restrict the flow of surface waters onto the unmade ground/yard that surrounds it. Surface waters from the concrete area could also be directed towards channels prior to them being discharged to a soakaway via an interceptor. Exact details of these drainage arrangements are proposed to be secured by way of a condition before this element of the development is implemented

The EA subsequently withdrew their objection subject to conditions being imposed requiring the submission of a surface water drainage scheme and restricting the outside storage of materials until an appropriate concrete based surface is constructed.

- (e) Highways (Lincolnshire County Council) – the applicant has confirmed that as a result of this planning application there would be no additional traffic. The applicant has been carrying out operations at the current levels for the past 30 months and prior to that previous users of the site operated with circa 40 HGVs, in addition to other vehicles which were owned and operated by another company that used this site. Vehicular movements to and from the site for the present use (East Lincs Recycling) are substantially less than those associated with the previous use. The Highway Authority concludes the proposal would not be detrimental to highway safety or traffic capacity.
- (f) Lincolnshire Fire and Rescue Service – consulted on 15 August 2013, but had not replied when this report was prepared.

- 9. The application has been publicised by site notice and press notice in the Louth Leader on 17 July 2013. The occupier of the nearest residential property was notified of the application. No comments/objections have been received as a result of this publicity and notification.

District Council's Recommendations

- 10. East Lindsey District Council raised no objection to the proposal subject to the following comments (summarised):

- ELDC's planning history of the site is limited to two permissions granted in 1990 and 1992, both were to provide a warehouse extension. ELDC goes on to state that they are "unclear" as to what type of warehousing the permission referred to cover – agriculture or another warehousing use ? They also state that the approved plans appear to exclude the open yard at the rear of the building and indicate that the use of this land has changed from agricultural at some point in the past 21 years. ELDC also have no record of granting planning permission for the building on the southern boundary of the site, this would also appear to have been built sometime in the last 21 years. It is unclear whether the use of the additional land and the construction of the building were undertaken in connection with a previous use of the site or in connection with the current use;
- ELDC are mindful of the NPPF which is committed to economic growth. However, whilst the council recognise the use of existing buildings they question whether this site can be considered "sustainable growth" given the rural location. That answer may depend on issues such as staffing numbers, vehicle movements and the site previous use the ELDC consider that not all this information has been submitted to enable an informed decision to be made. However they suggest the more intense the activity on site the more questionable the location;
- whilst the number of residential properties is relatively low consideration should be given to the impacts of noise, dust, traffic and hours of work;
- the visual impact of the development is mitigated in part by the mature trees around the majority of the site, which helps assimilate the buildings into the wider landscape, including when viewing the Wolds from the east and the trees in the background when viewed from the west. However, the southern view of the site – the rear of the site – is devoid of landscaping, resulting in the present outside storage being very exposed. At present this area, due to what is being stored and the manner of storage results in a large multi coloured irregular mass of materials which is visible for some distance and conflicts with the rural area. In its current form it is harmful to the wider setting and conflicts with NPPF paragraphs 17 and 109;
- if the County Council are mindful to approve the application, a full landscaping scheme for the whole site is needed, including native trees and hedgerows around the area of open storage to the rear of the buildings. It is noted that in the application it had been stated that no landscaping had been provided due to the constraints of the site. It is noted that the covered store is on the southern boundary but in the opinion of the ELDC there is no obvious reason why landscaping cannot be introduced elsewhere in the southern boundary of the site. The Council also suggest that:
 - (a) the heights of materials stored outside on site are limited;
 - (b) the proposed extension should be constructed in green rather than the proposed goosewing grey as the impact would be less obtrusive; and

- (c) the storage shed on the southern boundary – that has been constructed sometime in the last 21 years – should also be re-clad in dark green material.

11. The applicant's agent has set out the following response to the issues raised during the consultation:

- Previous Use - The applicant has confirmed that the site was previously used as a haulage depot/yard and operated by L & M Transport. The company also provided warehousing for another company meaning lorries in addition to those owned and operated by L & M Transport used this site.
- LCC Highways - The previous users of the site operated with circa 40 HGVs in addition to the other vehicles that also used this site. Vehicular movements to and from the site for the present use (East Lincs Recycling) are substantially less than those associated with the previous use.
- Environment Agency
 - 1) It is proposed to reduce quite significantly the outside storage element, and at this stage, it is envisaged that this would be limited to a 6m strip of concrete hardstanding that would be created in front of the existing and extended covered storage building, an area of concrete hardstanding underneath the covered open fronted structure to the side of the main covered building, and an additional area to be created down the side of the existing large covered building. This would be drained accordingly with suitable interceptors and soakaways. There would therefore be no need for any of the other site areas to be set aside for outside storage.
 - 2) The waste recycled consists of cardboard, plastics and polystyrene.
 - 3) The Environment Agency were provided with all of the tonnages of recycled waste for this facility.
 - 4) Vehicle wash down would take place underneath the covered structure to the side of the main building on the site, and would provide an interceptor to address this issue.
 - 5) Within the main building, the whole floor area is fully concreted, and within this building there is a sealed sump to take any run off from recycled goods.
- East Lindsey District Council - The present use has been in operation nearly four years and the building in question has always been in existence throughout that time, so in essence, the structure has been there in excess of four years, and was presumably erected by the previous tenants of the site or by the site owners. This land was within

the application site as it presently stands when the applicant leased it from the site owner.

East Lincs Recycling has six members of staff comprising of five full time employees and one part-time employee (working 16 hours). Should planning permission be granted staffing figures would be six full time staff and three part-time employees, as specified on the application form.

The owners of the site also own Glebe Farm and the nearby dwelling. There have not been any objections raised locally in respect of the current use. Any noise generated within the site is contained wholly within the large covered building whilst materials are being recycled and packaged, and this building is well separated from the adjoining dwelling. Additionally, the applicant confirmed that no vehicles use the 'Old Main Road' route into the site from the north, and instead use the second junction adjacent the turning to the Brackenborough Arms to access this site, meaning that any larger vehicles do not have to pass through or by more residential properties than is necessary. The hours of use are all specified on the application form, Monday to Friday 07:00 to 17:00, Saturday 07:00 to 14:00, Sunday and Bank Holidays 07:00 to 14:00 and are not unreasonable, having regard to the previous use, for the proposed use or the location of the use.

Should planning permission be granted for the extension to the existing building it is anticipated that once erected that there would be a much reduced and limited need for outside storage. It is proposed to provide a concrete strip to the front of the covered stores and a section of concrete hardstanding to the west of the existing store for outside storage. The applicant is happy to limit any outside storage to these areas that could be defined on a revised drawing, and for storage to be limited to 3m in height, which is slightly lower than the eaves height on the southern elevation of the existing store.

The applicant is happy to work with the Waste Planning Authority (WPA) to provide landscaping to the southern and western boundaries of the site through the provision of some native hedge planting. Furthermore, the applicant is happy to take the advice of the Authority in respect of whichever coloured profile sheeting material it would prefer to see used in the construction of the extended building.

In terms of the apparently unauthorised building, it would seem to be unreasonable to impose a condition requiring the applicant to re-clad this building which was not erected by them nor was it erected in connection with the use which they are currently seeking retrospective planning permission for. Given that no enforcement action has been taken since the buildings' construction which, as noted by the District Council, was sometime in the last 21 years, if the visual impact was so significant surely enforcement action would have been taken within the timescale

set out in legislation. As noted in the supporting information the building has in part been painted in part to reduce its visual impact.

- Other Matters - The applicant wishes Councillors to be made aware of the following related points:
 - 1) Any 'multi-coloured' wrapped bales could be stored within the building, to reduce visual impact.
 - 2) Any wrapped bales finished in black could be stored outside, to reduce visual impact.
 - 3) Each bale measures approximately 1m in height, the applicant would limit the height of materials stored to 3m outside, to reduce visual impact.
 - 4) The likelihood of there being a need for outside storage would be significantly reduced, both by the proposed extension to the building on the southern boundary of the site and also through the applicant having purchased new equipment and quicker recycling and distribution processes being implemented since the submission of the application.
 - 5) The applicant is prepared to provide any necessary drainage to the hard surfaced areas outside the building, i.e. those are to be concreted, but as much of the outdoor space other than that hard surfaced being redundant, there would be no need to drain this area, as a system that would collect any surface water run off would be provided (subject to the agreement of the EA and the WPA) that would then be discharged via a soakaway or if necessary collected via an interceptor.

Conclusions

12. Retrospective planning permission is sought to continue to use land and buildings as a recycling/ processing plant. Planning permission is also sought to extend an existing building to provide additional covered storage. The main issues to consider are whether the existing operations are acceptable within this location and to assess if the current operations have resulted in any significant adverse environmental or amenity impacts, which would necessitate retrospective planning permission being refused. Also consideration has to be given to whether the proposed development, the construction of an open fronted building and an associated concrete apron – for limited outside storage of baled materials – could be carried out without having any significant adverse environmental or amenity impacts.
13. The current activities provide a facility for the sorting and bulking up of cardboard, paper, plastic and polystyrene prior to onward transportation for further processing and recycling. The development therefore contributes

towards achieving the objectives of PPS10 and Waste Local Plan Policies WLP1 and WLP21 (xvii) moving this waste up the waste hierarchy.

14. The site is located in the open countryside and within the Area of Great Landscape Value. Policy C11 of the East Lindsey Local Plan Policy relates primarily to development in the Area of Outstanding Natural Beauty, but it also refers to the AGLV as its aim is to protect these areas from development which would harm the landscape or character of the area or detract from the general enjoyment of these special areas. However, the policy does concede that small scale development, including local employment, would be permitted where it can comply with other policies in the local plan. Current operations at the site make use of buildings and land which at one time would have been used in connection with agriculture and which were subsequently extended for commercial uses (e.g. warehousing, storage and haulage). Policy DC6 supports the reuse of buildings in the countryside for commercial uses provided they meet certain criteria including ensuring that the use would not harm the character of the area or the amenities of local residents or the wider environment the area.
15. Policy WLP8 of the Lincolnshire Waste Local Plan states that appropriate locations for Waste Transfer Stations would be on/in land and buildings that are as suitable for general industrial uses (Use Class B2) or disused farm buildings. In this instance the operations currently take place within buildings and on land previously use in connection with farming. As noted this proposal is seeking retrospective planning permission for a use that has been carried out for the past two and half years within land and buildings previously used in connection with storage, distribution, warehousing, haulage and farming.
16. Beyond the northern boundary of the site it is screened from the nearest residential property and the road beyond by other buildings. To the west and east there is some partial screening. However, there are long distance views into the site from beyond the southern boundary where open storage of baled waste has been taking place. It is the applicant's contention that the construction of an extension to a building located on the southern boundary of the site would improve the screening of the southern part of the site, it would also provide more internal storage reducing the amount of outside storage required – this would also reduce the visual impact of the site. The applicant has also agreed to several other measures which would mitigate against visual impact, and these could be secured by condition. These include:
 - a reduction in the height to which materials are stored externally (to a maximum of 3m) and to define the locations where these would be stored;
 - to undertake some landscaping along the site boundary where required and agreed with the WPA;
 - through management of the site to ensure that coloured recycled materials are stored within the new building and monochrome materials where, necessary, could remain outside.

17. In terms of the new building, the proposed extension would be the same height and width but constructed in a dark green colour. The original building was grey but has been partially painted green. Given the location - on the boundary of the site - the proposed design and colour and existence of much larger buildings within the site, its impact is not considered unacceptable. Subject to the imposition of suitable conditions, it is considered the visual impact of the existing development and the proposed development could be further reduced by mitigation measures ensuring the impacts on the amenity of other nearby land-uses or the character and visual appearance of the area including the Area of Great Landscape Value is reduced and therefore is not contrary to Policy WLP21 (xi) of the Lincolnshire Waste Local Plan and Policies A4, A5 and C11 of the East Lindsey Local Plan.
18. The majority of the recycling operations (loading, unloading, sorting and mechanical baling) take place within the existing buildings within a site previously used for haulage, warehousing and farming. These operations have been carried out over the past two and half years and no complaints have been received regarding these activities nor have any objections on the grounds of noise been received. The current activities have not given rise to any significant adverse impacts on nearby land users and therefore is not contrary to the objectives of Waste Local Plan Policy WLP21 (xi) and Policies A4 and A5 of the East Lindsey Local Plan.
19. The applicant currently operates between 07:00 and 17:00 hours Monday to Friday and 07:00 to 14:00 hours Saturdays and 07:00 and 14:00 on Sundays, Public or Bank Holidays. All loading, unloading, sorting and mechanical baling activities take place within existing enclosed buildings. However, these hours and days are more extensive than normally permitted in an open countryside location. Whilst it is acknowledged that no complaints have been received the workings on Sundays and Bank Holidays is considered to be excessive in a rural location in an area designated as Great Landscape Value. It is considered to be in accordance with policies the days of operation should be restricted by planning condition to ensure compliance with the objectives of Waste Local Plan Policy WLP21 (xi) and Policies A4 and A5 of the East Lindsey Local Plan.
20. The Highways Officer has confirmed that they have no objections to the application. The operations currently generate 30 vehicle movements per day. The applicant has confirmed that this level of activity is below the previous levels when the site was operated as a warehouse, storage and haulage facility. Again no objections have been received in connection with the currently level of vehicle movements generated by these operations. Therefore the regularisation of the existing activities is considered to be acceptable from a highways perspective and therefore would not be detrimental to highway safety and accords with Policy WLP21(xii) and Policy A4 of the East Lindsey Local Plan.

21. The Environment Agency have removed their objection subject to the submission of details of the proposed surface water drainage arrangements for the extended waste storage areas being submitted or secured by way of a condition. These details are requested so as to ensure that during normal operations or in the event of a fire, control mechanisms (a means to prevent contaminated waters going straight to the chalk via soakaways) would be in place to prevent pollution of the ground water. In response to the EA's concerns the applicant has submitted a revised drawing of the site which shows the locations and extent of the proposed external storage areas that are to be constructed as part of the development. This drawing indicates that a bund could also be constructed around part of the new concrete storage area so as to restrict the flow of surface waters onto the unmade ground/yard that surrounds it. Surface waters from the concrete area could be directed towards channels prior to them being discharged to a soakaway via an interceptor and details of these exact arrangements could be secured by way of a condition. It is therefore recommended that conditions be imposed which (by reference to this revised site layout drawing) defines the areas of the site where external storage would be permitted to take place but which also require details for the proposed drainage arrangements serving these additional areas to be submitted for the approval of the WPA before those areas are constructed and brought into use. Until such time as those details are submitted, the additional concrete areas could not be constructed and therefore materials would only be permitted to be stored within the existing buildings and not externally.
22. Subject to conditions being imposed on any permission being granted the development would not have an unacceptable adverse impact in terms of pollution to the groundwater (in accordance with the relevant cited paragraphs and objectives of the NPPF, PPS10 and Policy WLP21 of the Waste Local Plan and Policy ENV3 of the East Lindsey Local Plan).

Final Conclusions

23. It is considered that, on balance, the current operations for which retrospective planning permission is being sought have not resulted in any significant adverse environmental or amenity impacts which would necessitate retrospective planning permission being refused. It is also considered that the proposed new building and associated storage open area and would not have significant environmental or amenity impacts on the surrounding area and therefore subject to suitable conditions, the development is considered acceptable and accords with the relevant cited paragraphs of the National Planning Policy Framework, Planning Policy Statement 10 and Policies WLP1, WLP8 and WLP21 of the Lincolnshire Waste Local Plan 2006 and Policies A3, A4, A5, ENV3, DC6 and C11 of the East Lindsey Local Plan Alteration 1999.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The use of the land and buildings and development hereby shall be carried out in strict accordance with the details included in the planning application form, design and access statement, checklist and following documents:
 - Site Location Plan - Drawing No.106:13:01 Rev B (received 24 May 2013);
 - Processing/Shredding building - Drawing No.106:13:04 (received 24 May 2013);
 - Block Plan - Drawing No.106:13:02 Rev C (received 19 August 2013);
 - Proposed Plans and Elevations - Drawing No.106:13:03 Rev C (received 19 August 2013);
 - Email from agent dated and received 13 August 2013
2. All activities associated with this approved use including unloading/loading, processing of waste and recovered material shall take place inside the existing buildings.
3. No operations and activities authorised or required in association with this development, including vehicles accessing and egressing the site, shall be carried out except between the following hours:

07:00 – 17:00 Monday to Friday
07:00 – 14:00 Saturday
and no such operations shall take place on Sunday, Bank and Public Holidays
4. No burning of any materials shall take place within the site.
5. Prior to the construction of the proposed building and extended concrete hardstanding areas as shown on Drawing No.106:13:02 Rev C, a surface water drainage scheme for the proposed building and associated concrete areas shall be submitted to, and approved in writing by the Waste Planning Authority. The details shall include information such as the measures to be implemented to ensure that contaminated waters are prevented from entering groundwater via soakaways. The measures should include necessary controls during normal operations and in the event of a fire to prevent potentially contaminated fire water entering soakaways. The approved scheme shall thereafter be implemented and carried out in accordance with the approved details and thereafter maintained for the duration that the development hereby permitted subsists.
6. Prior to the construction of the building hereby permitted, samples of the building materials, cladding and roofing materials shall be submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved details.
7. Prior to the construction of the building hereby permitted a landscaping scheme for the site (indicating inter alia the number, species, heights on planting and positions of all the trees) shall be submitted to, and approved in

writing by, the Waste Planning Authority. Such scheme as approved by the Waste Planning Authority shall be carried out in its entirety in the first available planting season following the approval of those details by the Waste Planning Authority. All trees, shrubs and bushes shall thereafter be adequately maintained for the period of 10 years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

8. No materials shall be stored or stockpiled outside the buildings hereby permitted until such time as the concrete open storage area as shown on Drawing No.106:13:02 Rev C has been constructed and surface water drainage arrangements implemented in accordance with details previously approved pursuant to condition 5 above. Thereafter no materials shall be stored or stockpiled outside the buildings other than within the identified concrete storage area and shall not exceed more than 3m in height.
9. Prior to the construction of the bund identified on drawing No. 106:13:02 Rev C details of the bund including height, materials and profile shall be submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented in full and maintained for the duration of the development.

Reasons

1. For the avoidance of doubt and in the interests of local amenity.
- 2, 3, 4 & 8
To protect the amenities of local residents.
- 6, 7 & 9
In the interests of the visual amenity of the area.
5. To prevent increased risk of pollution.

Appendices

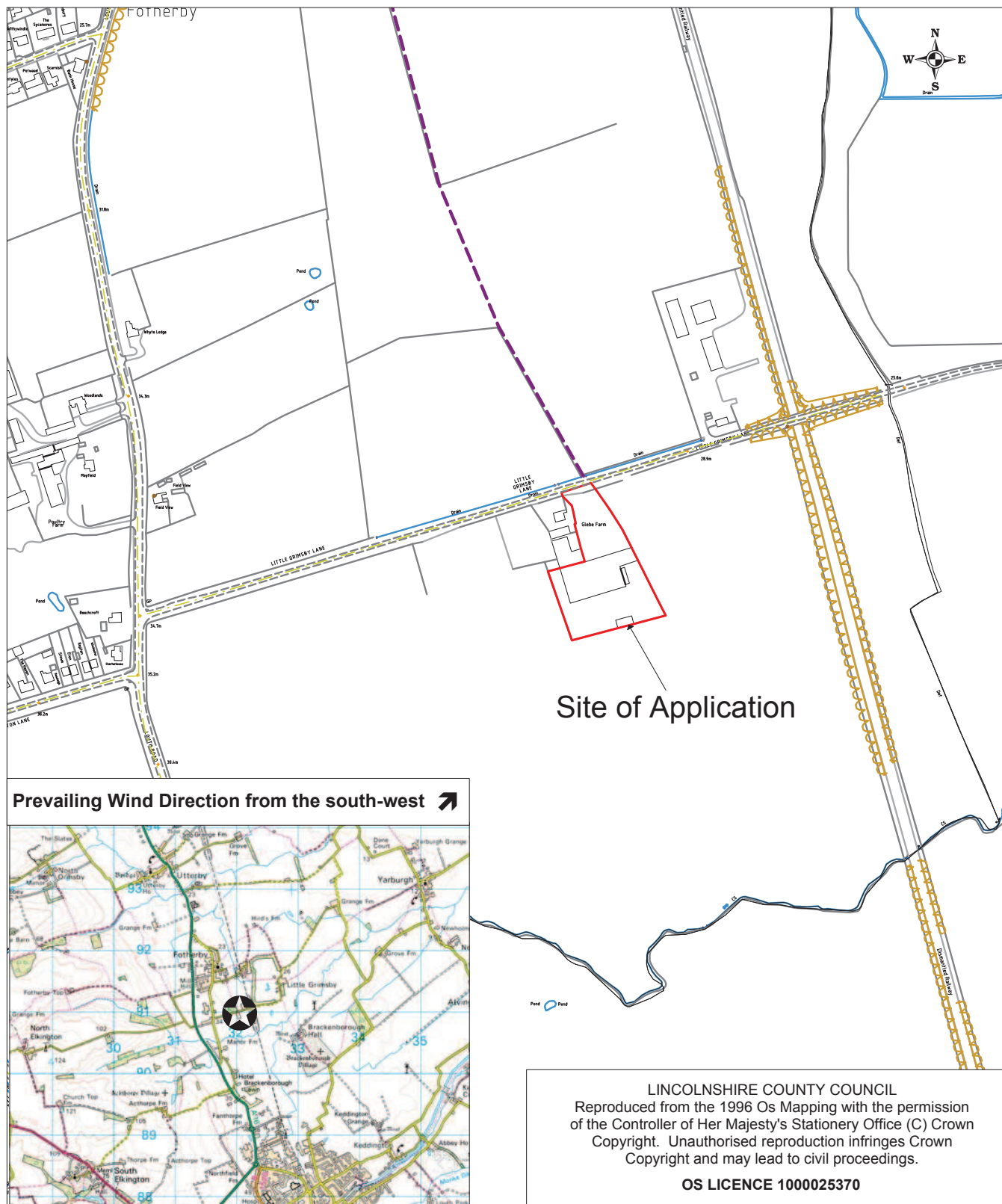
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application Files (E)N52/1302/13	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Guidance National Planning Policy Framework (NPPF) (March 2012) Planning Policy Statement 10 – Planning for Sustainable Waste Management	Communities and Local Government website www.gov.uk
Lincolnshire Waste Local Plan (2006)	Lincolnshire County Council website www.lincolnshire.gov.uk
East Lindsey Local Plan Alteration (1999)	East Lindsey District Council website www.e-lindsey.gov.uk

This report was written by Anne Cant, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk



Site of Application

Prevailing Wind Direction from the south-west ↗

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<p>Location: Glebe Farm Little Grimsby Lane Fotherby</p> <p>Application No: (E)N52/1302/13</p> <p>Scale: 1:5000</p>	<p>Description: Continued use of land as a recycling/processing plant and extension to existing building to provide additional covered storage</p> <p>Page 247 Planning and Regulation Committee 2 September 2013</p>
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**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:

Planning and Regulation Committee

Date:

2 September 2013

Subject:

County Matter Application - (E)S176/1307/13

Summary:

Retrospective planning permission is sought by Aggregate Industries Limited to retain a construction and demolition waste recycling facility at Kirkby on Bain Quarry, Tattershall Road, Woodhall Spa.

The facility processes up to 20,000 tonnes of construction and demolition wastes per year (e.g. concrete, brick, rubble, soils, etc). Suitable construction and demolition wastes are imported to the site where they are temporarily stockpiled awaiting processing. Once there is a sufficient volume of materials on site, mobile plant and equipment comprising of a crusher and screeners are brought onto the site and used to process the wastes. Once processed, the finished/recycled products are again stockpiled within the site prior to being sold and taken off site for use as a secondary aggregate (a replacement and substitute for virgin rock materials).

Having considered the size, scale and nature of the recycling operations, and taking into its location within and existing and operational quarry, it is considered that, subject to the imposition of planning conditions, any environmental or amenity impacts arising from the development and operations can be controlled so the development would not have an unacceptable adverse impact on the surrounding area or nearby residents and land-uses.

Recommendation:

That conditional planning permission be granted.

The Application

1. Retrospective planning permission is sought to retain a construction and demolition waste recycling facility at Kirkby on Bain Quarry, Tattershall Road, Woodhall Spa. The application site covers an area of approximately 1.09 hectares which lies within the confines of the existing operational quarry.
2. The application states that the facility processes up to 20,000 tonnes of construction and demolition wastes per year. The development comprises

of the importation of suitable construction and demolition wastes (e.g. concrete, brick, rubble, soils, etc) which are delivered to the quarry in HGVs which already collect sand and gravel products from the site. As materials are 'back hauled' it is stated that there would be no net increase in existing traffic as a result of this development.

3. Upon arrival at the quarry, the imported wastes are tipped within the application site and temporarily stored in stockpiles not exceeding 5m in height. Once there is a sufficient volume of such materials on site, mobile plant and equipment (comprising of a crusher and screeners) are brought onto the site and used to process these materials - no new fixed or permanent plant or machinery is therefore stationed at the site as a result of this proposal. The recycling operations are carried out on a 'campaign' basis and it is anticipated that the mobile plant would operate for no more than two weeks at any one time and for around 10 periods per year (i.e. no more than 20 weeks per year in total). In order to minimise potential dust emissions, the crusher and screeners would be fitted with water spray bars which would dampen both the input and output materials. The mobile plant would be operated during the permitted hours of operation already affecting the wider quarrying operations, these being between 07:00 and 17:00 hours Monday to Friday and 07:00 and 12:00 hours on Saturdays. No operations are currently permitted or proposed to take place on Sundays and Bank/Public Holidays.
4. Finally, once the imported wastes have been processed, the finished/ recycled products are then stockpiled (up to 5m high) within the site prior to them being sold and taken off site for use as a secondary aggregate (a replacement and substitute for virgin rock materials). No wastes (including residues or fines) are retained on site.

Site and Surroundings

5. Kirkby on Bain Quarry is located off Tattershall Road which runs between the villages of Kirkby on Bain (approx. 2.2km to the north of the application site) and Coningsby (approximately 2.4km to the south of the application site). Tattershall Thorpe village is situated to the west of the quarry and is approximately 1.4km from the application site. The application site itself covers an area of approximately 1.09ha which sits centrally within the confines of the quarry and is set back from the quarry's frontage onto Tattershall Road. The land immediately surrounding the proposal site is either still being used as ancillary mining land and is used for the storage of processed minerals and/or is in various stages of restoration. The site is also surrounded by existing tree and shrub planting which help to screen the development from views outside of the site. Given its position within the site there are few residential properties in close proximity to the development with the nearest being located approximately 810m to the west, 740m to the south-east and 1.1km to the east.

Main Planning Considerations

National Guidance

6. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. The NPPF does not contain specific waste policies as these will be published as part of the National Waste Management Plan for England. In the interim, national waste planning policy continues to be set out in Planning Policy Statement 10 'Planning for Sustainable Waste Management' and decisions on waste applications should have regard to policies in the NPPF so far as they are relevant.

The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 103 - When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential and Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including emergency planning; and it gives priority to the use of sustainable drainage systems.

Paragraph 109 - The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability...

Paragraph 123 – Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and, identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value.

Paragraphs 186 and 187 – Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicant to secure developments that improve the economic, social and environmental conditions in the area.

Paragraph 215 - states that 12 months after the publication of the NPPF (March 2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework the greater the weight that may be given). This is of relevance to the Lincolnshire Waste Local Plan 2006 and East Lindsey Local Plan Alteration 1999. The policies in these plans which are relevant to this application and confirmed as being in conformity with the NPPF are set out below.

Planning Policy Statement 10 (PPS10) “Planning for Sustainable Waste Management” remains in force despite the recent introduction of the NPPF (above). PPS10 reiterates the principles of sustainable waste management and the waste hierarchy and states that in considering planning applications for new or enhanced waste management facilities, waste planning authorities should consider the likely impact of the development on the local environment and amenity.

Annex E of PPS10 sets out the locational criteria which must be considered in relation to the suitability of proposed sites. Of particular relevance to this application are the issues relating to visual intrusion, traffic and access, air emissions (including dust), noise and vibration, litter and potential land-use conflict.

Local Plan Context

7. Lincolnshire Waste Local Plan 2006 the following policies are of particular relevance to this application and confirmed as being in conformity with the NPPF:

Policy WLP1 (Objective of the Plan) states that waste management proposals shall be considered in relation to their contribution towards the waste management hierarchy and assessed in terms of their accordance with the proximity principle, regional self-sufficiency, waste planning policies and their compatibility with neighbouring land uses and any environmental implications of the development on its setting.

Policy WLP5 (Construction and Demolition Waste Facilities) states that planning permission for such facilities will be granted where they are:

- (i) located within quarries or near their associated processing plant sites and would not prevent the restoration of such; OR
- (ii) associated with an existing waste management facility; OR

- (iii) directly associated with a major demolition project; OR
- (iv) located within areas designated for general industrial uses (Class B2);
AND
- (v) meet the criteria set out in Policy WLP21; AND
- (vi) demonstrate the arrangements for the disposal of the residual waste from recycling operations.

Policy WLP21 (Environmental Considerations) states that planning permission for waste management facilities will be granted where a number of environmental considerations are met. Of particular relevance to this application are:

- (v) Drainage, Flood Protection and Water Resources – supports proposals which would not adversely affect local land drainage systems, groundwater resources or be at an unacceptable risk of flooding or create an unacceptable risk of flooding elsewhere.
- (xi) Dust, Odour, etc – supports proposals where they would not have an adverse impact on local amenity including air quality and/or other land-uses as a result of traffic movements, visual impact, noise, dust, odour, litter and emissions, etc.
- (xii) Transport System – supports proposals where there is sufficient capacity on the local or wider road network to accommodate traffic associated with the development and/or results in improvements or alternative modes of transport that can be implemented and/or would not have an adverse effect on road safety.
- (xvii) Recovery of Materials – supports proposals where they contribute to the potential recovery of materials and energy via recycling, energy recovery and composting in reducing the amount of waste for final disposal.

The East Lindsey Local Alteration Plan 1999 (ELLP) forms part of the Development Plan and therefore, as confirmed by the NPPF, due weight should be given to relevant policies within the Plan according to their degree of consistency with the policies of the NPPF. The following policies are considered to be generally consistent with the NPPF and of relevance to this proposal:

Policy A4 (Protection of General Amenities) states that development, which unacceptably harms the general amenities of people living or working nearby, will not be permitted.

Policy A5 (Quality and Design of Development) seeks to ensure that all development proposals including their layout, density, scale, appearance or choice of materials do not detract from the distinctive character of the locality; retains or incorporates features or characteristics which are important to the quality of the local environment, and; where necessary, include landscaping schemes appropriate to its setting.

Results of Consultation and Publicity

8. (a) Local County Council Member, Councillor E Mair – was notified on 9 July 2013 and no response had been received at the time of writing this report.
- (b) Kirkby on Bain Parish Council – has made the following comments/ concerns (summarised):
- the crushing and processing of waste could run up to 20 weeks per year and the Parish Council is concerned that the equipment required to do this will be both noisy and create dust. The Parish Council are not convinced that the installation of spray bars on the mobile plant and equipment will be sufficient to overcome dust and there seems to be no proposals to alleviate potential noise. As such the Parish Council would like to see some form of screening plan to reduce noise levels. This is most important given the close proximity of the site to the adjoining nature conservation areas as increased noise and dust levels will have a major impact on these which have become important habitats to birds and other wildlife;
 - Kirkby on Bain village already has problems with the amount of road traffic visiting this and adjoining sites, in particular large HGVs. The roads constructed in and around the village were never designed to accommodate HGVs to the size and weight now being used. The recycling facility will only add to this problem thus increasing road traffic hazards for both road users and pedestrians. The Parish Council would therefore like to see strict controls over the use of the routes taken to and from site. Such routes should where possible be restricted to the more major routes to the east and south of the site to provide access.

The Parish Council comment that unless assurances on the above points can be given they are unable to support the proposals and therefore object.

- (c) Tumby Parish Council (adjoining Parish) – were notified on 29 July 2013 and no response had been received at the time of writing this report.
- (d) Tattershall Thorpe Parish Council (adjoining Parish) – supports the proposal but have requested that the following conditions be applied should permission be granted:
- contributions should be made by the applicant for road infrastructure improvements on the highway leading to the site;
 - there should be no extension of working hours on the site;
 - the stockpiles should be managed to a height of less than 5m;

- all necessary environmental and noise pollution conditions should be strictly adhered to.
- (e) Environmental Health Officer (East Lindsey District Council) – no comments to make on the proposals.
 - (f) Witham Third Internal Drainage Board – no objection.
 - (g) Anglian Water Services – were consulted on 9 July 2013 but no comments/response had been received at the time of writing this report.
 - (h) Highways (Lincolnshire County Council) – has commented that the proposed development will not be detrimental to highway safety or traffic capacity.
9. The application has been publicised by notices posted at the site and in the local press (Horncastle News on 17 July 2013). No representations have been received as a result of this publicity.

District Council's Recommendations

10. East Lindsey District Council supports the application but comment if the planning permission is granted that the suitable environmental conditions are imposed including a condition to ensure that net vehicle movements from the site do not increase as a result of this development.

Conclusions

11. The main issues to be considered in the determination of this application are whether the continued operation of the waste recycling facility in this location is appropriate in planning policy terms and whether it would give rise to any unacceptable adverse environmental, traffic or amenity impacts.
12. The recycling operation recovers materials from construction and demolition wastes and enables them to be re-used in other infrastructure and construction projects. The recovery and re-use of such materials therefore not only reduces the overall quantity of wastes that may otherwise go to landfill but also helps to reduce the demand for the extraction of primary or new virgin minerals. The recycling operations therefore represent a sustainable waste management practice and help to move the management of wastes up the waste hierarchy. Consequently, the continued operation of these activities is in line with the principles and objectives of PPS10 and Policies WLP1 and WLP21(xvii) of the Waste Local Plan.
13. In terms of location, the proposal site is located in the open countryside, however, it forms part of the ancillary mining land which serves the existing operational sand and gravel quarry. Waste Local Plan Policy WLP5 identifies quarries as one of the preferred locations for the siting of construction and demolition waste recycling facilities so long as they do not

jeopardise the restoration of such sites. In this case, given its position within the site, the retention and continued operation of the recycling facility would not impede or restrict the restoration of the wider quarry. Conditions could be imposed which would require the removal and reinstatement of the land once the adjoining mineral extraction operations cease (in line with conditions imposed for other ancillary mining land developments as set out by Schedule 2, Part 19 of the Town and Country Planning General Permitted Development Order 1995, as amended). Such a condition would ensure that when the wider mining operations cease the recycling facility is removed thus preventing any conflict with the wider restoration proposals for the site (in accordance with WLP Policy WLP5).

14. In respect of landscape and visual impacts, as noted previously the land associated with this development lies within the confines of the quarry and is set back from the main frontage of the quarry. The application site is also surrounded by existing tree and shrub planting which help to screen the development from views outside of the site. Accordingly it is considered that stockpiles and plant and machinery associated with this development would have a negligible visual impact outside of the quarry and thus would not have a detrimental impact on local amenity or the character of the surrounding area in this respect. Notwithstanding this, and to further minimise any potential impacts, it is considered appropriate to impose a condition which would ensure that all stockpiles associated with this proposal/development do not exceed more than 5m in height. This restriction is consistent with the height of the existing mineral stockpiles present within the site. Subject to such a condition your Officers are satisfied that the development would not have an adverse visual impact on the character or appearance of the wider area and therefore accords with WLP Policy WLP21(xi) and ELLP Policy A5.
15. In terms of potential noise impacts, other than for limited periods when mobile plant and equipment is brought onto site to process the waste materials, any new noise arising as a result of this specific development would be relatively low and largely restricted to the movement of vehicles and the loading and unloading of wastes. However, even when the mobile plant and equipment is in operation given its position within the site and its distance from any nearby sensitive receptors, it is your Officer's view that any noise arising from the crushing and screening operations is unlikely to be significantly different or dissimilar in level to that which is already associated with the permitted mineral processing operations. However, in response to the concerns expressed by Kirkby on Bain and Tattershall Thorpe Parish Councils it is recommended that a noise limit condition be imposed which reflects the existing conditions already imposed on the wider mineral permission affecting the site. Such a condition would ensure that noise levels arising from this development do not lead to any increase in overall permitted noise levels and therefore ensures that the development does not have an adverse impact in respect of noise on the surrounding area or nearby local residents (in accordance with WLP Policy WLP21(xi) ELLP Policy A4).

16. In terms of potential dust emissions, again whilst the concerns of Kirkby on Bain Parish Council are noted, the plant to be used to process the wastes would be fitted with water spray bars and these would help to suppress any dust emissions during its operation. These specific measures, along with the continued implementation and employment of the dust suppression measures associated with the wider quarry, are considered adequate and sufficient to ensure that any dust arising from the development could be adequately controlled and therefore not have an adverse impact on the surrounding area or lead to nuisance (in accordance with WLP Policy WLP21(xi) and ELLP Policy A4).
17. In terms of traffic and highways considerations, the application states that suitable construction and demolition wastes (e.g. concrete, brick, rubble, soils, etc) are 'back hauled' to the quarry in HGVs which already collect sand and gravel products from the site. Consequently, it is argued that there is no new traffic over and above that associated with the existing permitted quarry. Whilst Officers accept that the 'back hauling' of wastes would reduce the need for additional traffic it is not possible for the Waste Planning Authority to enforce or require this. However, in the event that wastes were not 'back hauled', and assuming each vehicle transporting wastes could carry up to 20 tonnes and based on a 250 day working year, the development could potentially generate up to four additional HGVs (or eight two-way movements) per day. This is not considered significant given that there is currently no restriction on the total number of movements that are permitted in association with the existing mineral operations.
18. In terms of traffic routeing, Officers note that traffic associated with the quarry is also already subject of an existing Routeing Agreement (secured by a previous S106 Planning Obligation) which requires all HGVs under the control of the applicant company to only approach and exit the site via routes to the south of Kirkby on Bain village. This restriction does not extend to vehicles not within direct control of the applicant company (i.e. contractors), however, the existing Planning Obligation does require the applicant to actively encourage all vehicles accessing and exiting the site to observe and follow these restrictions despite the fact that there is currently no weight restriction in place which prevents vehicles passing through the village (hence the comments and objection made by the Kirkby on Bain Parish Council). It is understood that the Highways Authority, however, are currently investigating the possibility of implementing a Weight Restriction Order within Kirkby on Bain village and if this were to be implemented this would further restrict the routes usable by HGV traffic. In the meantime, as the traffic associated with this proposal is cited as likely to already be travelling to and from the quarry it is your Officer's view that such vehicles would continue to be subject of the terms of the existing Planning Obligation and therefore subject to the applicant's compliance with the terms of this agreement (which are enforceable) the development should not have an unacceptable adverse impact by virtue of increased traffic either on the amenity of local residents or the function and safety of the highway network. Accordingly given the potentially limited number of traffic movements associated with this development it is not considered reasonable or justified

to secure additional infrastructure works as part of this development and overall the development is considered to not conflict with WLP Policy WLP21(xii) and ELLP Policy A4.

19. Finally, the proposal site lies within Flood Zone 1 and is therefore considered to be of low risk and probability of flooding from main rivers or the sea. However, due to the application area exceeding 1ha in size a Flood Risk Assessment (FRA) has been submitted in support of the application. Waste management/treatment facilities (except landfill and hazardous waste facilities) are categorised by Table 2 of the NPPF Technical Guidance as being a 'less vulnerable' development in terms of their flood risk vulnerability. Table 3 of the NPPF Technical Guidance acknowledges that the siting of such facilities within Flood Zone 1 is appropriate so long as the development would not generate or exacerbate the risks of flooding within the site or elsewhere. In this case, the development largely comprises of the bulk storage and stockpiling of imported inert wastes and the occasional processing of such materials using mobile plant and equipment. No changes are proposed to the existing surface of this part of the site and no new concrete or impermeable surfaces are proposed to be created or any formal drainage installed. The risk of pollution from the storage of these materials and any impacts on surface water runoff are therefore considered to be low. No objections have been raised from the Environment Agency or IDB and therefore the development does not conflict with the objectives of the NPPF and Policy WLP21(v) of the Waste Local Plan.

Final Conclusions

20. Having considered the size, scale and nature of the recycling operations, and taking into its location within and existing and operational quarry, it is considered that, subject to the imposition of planning conditions, any environmental or amenity impacts arising from the development and operations can be controlled so the development would not have an unacceptable adverse impact on the surrounding area or nearby residents and land-uses. As such the development accords with the principles of the National Planning Policy Framework, Planning Policy Statement 10 and does not conflict with Policies WLP1, WLP5 and WLP21 of the Waste Local Plan or Policies A4 and A5 East Lindsey Local Plan.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. This permission relates to the site edged red on Drawing No. 2500-37A (date stamped received 6 June 2013) for the use of land and operation of an inert recycling facility with associated storage and stockpiling of imported wastes and processed materials.

2. The development hereby permitted shall only be carried out in accordance with the following documents and plans, unless modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions.
 - Planning Application Form and letter from Aggregate Industries letter (date stamped received 6 June 2013)
 - Drawing No. 2500-37A
 - Drawing No. 2500-38
3. All site operations and activities authorised or required in association with this development, including the accessing and egressing of vehicular traffic, shall only be carried out between the following hours:

07:00 to 17:00 hours Monday to Friday
07:00 to 12:00 hours Saturdays
No operations or activities shall be carried out on Sundays and Public or Bank Holidays.
4. No materials shall be stored at a height greater than five metres above the surface level of land subject of the application.
5. The level of noise arising from the operations on the site shall not exceed 55 dB (LAeq) (1 hour) freefield or background levels +10 dB (LAeq) (1 hour) freefield whichever is the lesser at any noise sensitive properties around the site.
6. All plant and machinery employed on the site associated with the development hereby permitted shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.
7. All plant and machinery and stockpiles of materials associated with the development hereby permitted shall be removed from the land within 12 months of the cessation of mineral extraction operations within the adjoining quarry and the land shall be restored, so far as is practicable, to its condition before the development took place or in accordance with the wider restoration proposals covering the wider quarry.

Reasons

1. To define the site and scope of the permission.
2. To ensure the development is implemented in all respects in accordance with the approved details.
3. In the interests of general amenity of the area and to reflect the hours of operation consented by previous planning permissions relating to the wider quarry.

4, 5 & 6

To minimise the visual impacts of the development and potential nuisances and impacts of noise and dust on nearby residents and the wider area.

7. To ensure the satisfactory restoration of the site.

Informative

Attention is drawn to the advice contained within the Environment Agency's letter dated 18 July 2013 attached to this Decision Notice.

Appendices

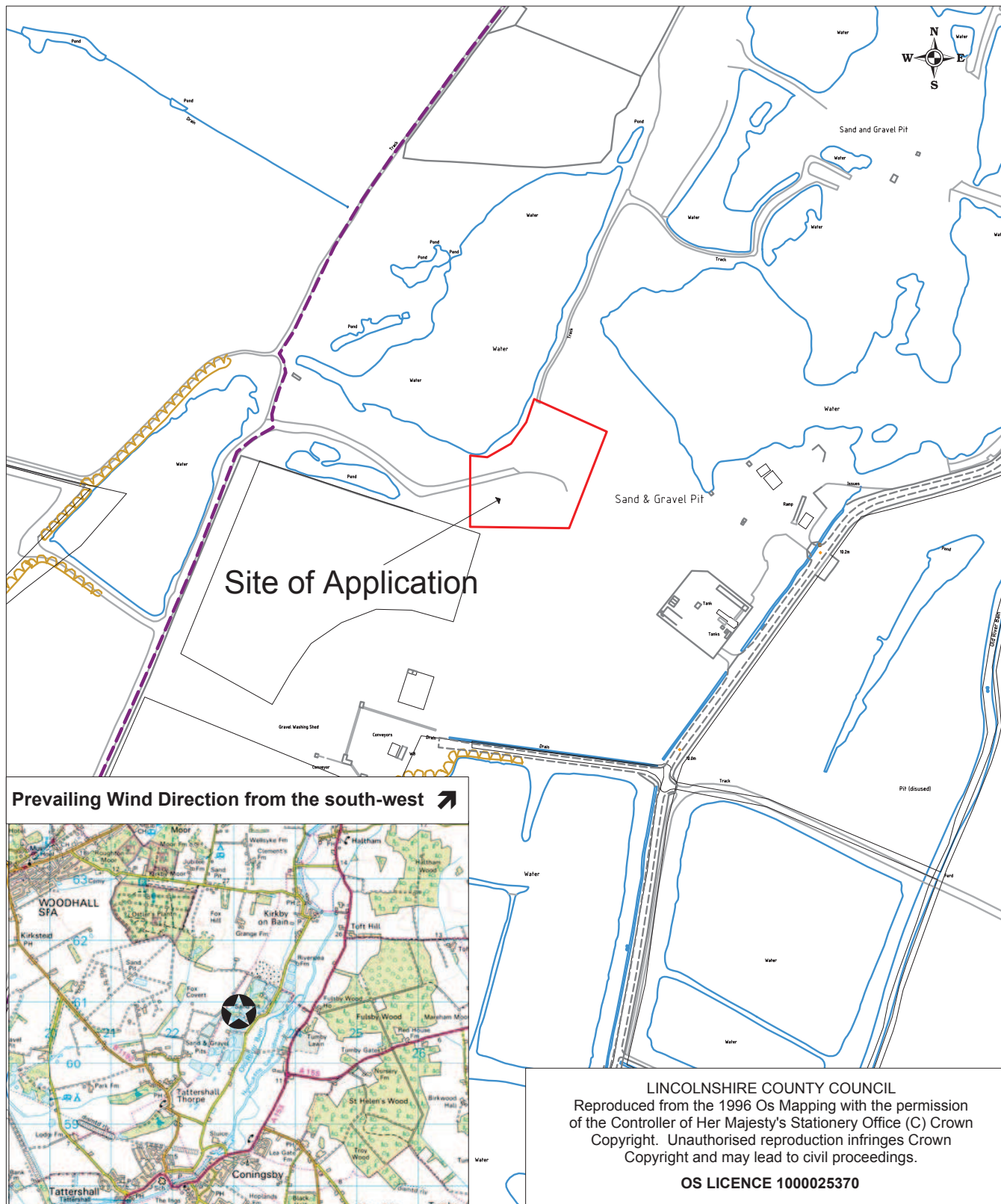
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File (E)S176/1307/13	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Guidance National Planning Policy Framework (2012) Planning Policy Statement 10 – Planning for Sustainable Waste Management	Communities and Local Government website www.communities.gov.uk
Lincolnshire Waste Local Plan 2006	Lincolnshire County Council website www.lincolnshire.gov.uk
East Lindsey Local Plan Alteration 1999	East Lindsey District Council website www.e-lindsey.gov.uk

This report was written by Marc Willis, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk



<p>Location: Kirkby on Bain Quarry Kirkby Lane Tattershall</p> <p>Application No: (E)S176/1307/13</p> <p>Scale: 1:5 000</p>	<p>Description: To install a mobile construction and demolition recycling plant in order to process up to 20,000 tonnes of material imported into the Woodhall Spa site annually</p>
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Regulatory and Other Committee

**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	2 September 2013
Subject:	County Matter Application - (E)N199/1320/13

Summary:

Planning permission is sought by Welton Aggregates Limited (Agent: Nevis Architecture and Development Limited) to change the use of a barn which is partially converted into offices for residential use and convert the existing dwelling on the site into offices to be used in connection with the adjoining quarry, on land adjacent to Welton Quarry, Bluestone Heath Road, Welton le Marsh.

Recommendation:

Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

Background

1. On 20 May 2009 planning permission was granted to convert a redundant barn at Highfield Farm into office accommodation with parking in association with the adjacent Welton Quarry (ref: (E)N199/1020/09). Conversion works are now well advanced but have not yet been completed.

The Application

2. Planning permission is now sought for the change of use/conversion of the barn at Highfield Farm, Bluestone Heath Road, Welton le Marsh to residential use. The application also seeks permission to convert a nearby existing dwelling, a two storey cottage, into offices to be used in association with the adjoining quarry. The plans originally did not include any private garden area for the property but this has been amended and an appropriate garden area is now proposed.
3. The application has a sound and logical basis in that the cottage is directly adjacent to the quarry and its side door opens straight onto a block paved path which leads into the quarry car park, the building physically relates to the quarry and its use as offices would be acceptable and would be

extremely convenient and practicable for the quarry operator. Additionally, the barn is further removed from the quarry and the amenity of occupiers of the cottage would be affected to a certain degree by the comings and goings that the use of the barn as offices would generate. In contrast, the situation proposed means that there would be no need for staff using the offices to pass the barn and an adequate level of amenity can be achieved there. As the proposals would result in a straightforward swap between the two properties the situation with regard residential amenity would only be improved.

4. The offices would share the access and parking area used by the quarry and the barn would have separate access set away from the quarry.
5. Some small conifers are proposed to be removed as part of the development but these are of negligible value in terms of the visual amenity of the area and this is considered to be acceptable.

Site and Surroundings

6. The site comprises a detached two storey cottage and a partially completed barn conversion. The cottage is directly adjacent to Welton Quarry, the barn is set further away backing onto an agricultural track which runs to the side and behind the property.
7. Pigeon Cottage sits adjacent to the barn but is perpendicular to the site with a blank elevation facing the barn. No material loss of amenity, over and above any impacts which would have resulted from the office conversion, would be likely to occur.

Main Planning Considerations

National Guidance

8. National Guidance is now contained within the National Planning Policy Framework (NPPF) with almost all elements of the previous PPS and PPG guidance now abolished.

At the heart of the NPPF is the presumption in favour of sustainable development which, it states, should be approved without delay. At paragraph 28 the NPPF states that economic growth should be supported in rural areas including the conversion of existing buildings.

Paragraph 186 requires planning authorities to approach decision taking in a positive way to foster the delivery of sustainable development.

Paragraph 187 requires planning authorities to look for solutions rather than problems and at every level should seek to approve sustainable development where possible and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 215 states that 12 months after the publication of the NPPF (2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. This is of relevance with regard to the Lincolnshire Minerals Local Plan and the East Lindsey Local Plan.

Local Plan Context

9. Policy M13 (Landscape and Maintenance) of the Lincolnshire Minerals Local Plan 1991 is considered to be relevant to this proposal and to be in conformity with the NPPF. Policy M13 states that where landscaping and tree planting is to be undertaken it shall be maintained for a period of 10 years.

The following policies of the East Lindsey Local Plan (1999) are considered to be relevant to the determination of this application and to be in conformity with the NPPF.

Policy C12 of the East Lindsey Local Plan (Protection of buildings in the Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV)) states that proposals for the alteration or extension of an attractive or interesting historic building within the AONB or AGLV will only be permitted where the character of the building is not harmed. Policies DC6 and DC7 of this plan set out the criteria for the conversion of buildings in the countryside.

Policy DC6 Re-use of Buildings in the Countryside

The re-use of farm and other buildings in the countryside for commercial or community uses will be permitted provided:

- a) the form, bulk, materials and general design of the existing buildings are in keeping with the surroundings;
- b) the existing building is structurally capable of conversion;
- c) it does not harm the character, amenities or appearance of the area or amenities of nearby residents;
- d) it would not cause traffic or access problems;
- e) it does not substantially alter the form, setting, or design of the existing building;
- f) it does not result in the loss of habitat for protected species of wildlife;
- g) it would not result in the dominance of non-agricultural uses in the countryside; and
- h) any outside storage forms a minor and ancillary part of the use and otherwise complies with Policy EMP10.

Policy DC7 Conversion of Buildings into Houses in the Countryside

The conversion of a farm building or other building in the countryside to a dwelling will not be permitted unless:

- a) it involves a building or dwelling of architectural or historic interest and conversion would not result in the character of such building or buildings being significantly harmed; and
- b) evidence is provided to show that the applicant has made every effort to secure a suitable business re-use: or alternatively,
- c) it meets a purpose specified under Policy DC2 for agricultural or forestry use, under Policy H6 for low cost housing for local needs or under Policy T11 for holiday accommodation;

and in every case, it complies in every respect with criteria a) - g) of Policy DC6.

Results of Consultation and Publicity

10. (a) Anglian Water – no objections.
- (b) Natural England – comments on landscape, protected species, wildlife and bio-diversity – no objections.
- (c) Highways Officer – considers that the proposed development would not be detrimental to highway safety or traffic capacity.
- (d) Local County Council Member, Councillor C Davie – has indicated that will provide comments on the application by the date of the committee meeting.
- (e) Welton le Marsh Parish Council – no response received.

The following bodies/organisations were consulted on 10 July 2013 but had not responded when this report was prepared:

Environment Agency
 East Lindsey District Council Environmental Health Officer
 Lincolnshire Wildlife Trust
 Trees Officer

11. The application has been publicised by site notice and press notice (Skegness Standard on 17 July 2013). In addition, the occupiers of Pigeon Cottage have been notified by letter. No representations have been received as a result of this publicity and notification.

District Council's Recommendations

12. East Lindsey District Council does not object. They do however make comments about the policy context and state that they consider the proposals are contrary to Policy DC7 of the East Lindsey Local Plan (1999). They also question the need for the swap, state that the dwelling still looks like a dwelling and request a condition be imposed or a s106 legal

agreement be entered into to prevent there being two dwellings on site as well as the removal of permitted development rights.

Conclusions

13. The application seeks permission for the use of an existing two storey cottage on the site to be used as offices and for a barn which previously gained permission to be used as offices to be converted to a dwelling.
14. East Lindsey District Council question the need for the 'swap' and state they do not feel the proposals meet policy requirements because they do not consider the barn to be of historical or architectural merit. However it is considered that the proposals would result in a better level of amenity for what is proposed to be the residential property on the site as the barn is sited further away from the quarry and there would be significantly less disturbance than that which the existing dwelling experiences. The existing dwelling is in very close proximity to the quarry and as offices can share the quarry's access and parking arrangements. The barn is clearly a pleasant rural/agricultural structure and there is merit in retaining it through the residential use proposed. On this basis it is considered that the proposal would not undermine the objectives of Policy DC7 of the East Lindsey Local Plan 1999.
15. There would be no additional material impact upon the amenity of the occupiers of Pigeon Cottage over and above the previously approved office use of the barn. The two buildings sit in relatively close proximity but Pigeon Cottage has a blank elevation directly facing the barn. There would not be any unacceptable levels of overlooking or loss of privacy.
16. Relevant and necessary conditions to ensure that landscaping and delineation of the boundary are carried out in good time should be imposed but otherwise there are no issues that would weigh against the proposals and permission should be granted. East Lindsey District Council request conditions to prevent the establishment of two dwellings on the site and the removal of permitted development rights. These objectives can both be achieved through the imposition of conditions on any permission granted and these are detailed below (conditions 8 and 9).

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within seven days of such commencement.
2. The development hereby permitted shall be carried out in strict accordance with the submitted details and recommendations and the following drawings:

- (a) 584 D 03 A received 15 July 2013
 - (b) 542 D 02 A received 16 January 2013
 - (c) 584 D 02 A received 15 July 2013
3. Prior to the commencement of development samples of the materials to be used in the construction of the external surfaces shall be submitted to, and approved in writing by, the Mineral Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
 4. Prior to the commencement of development a landscaping scheme shall be submitted to, and approved in writing by, the Mineral Planning Authority. This scheme will include details of trees and shrubs to be retained, all boundary treatment, the management and maintenance of all proposed planting, in addition to the details of planting to be carried out. Development shall thereafter be carried out in accordance with the approved details. All trees, shrubs, hedgerows and bushes shall be adequately maintained for the period of 10 years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.
 5. Unless otherwise agreed in writing by the Mineral Planning Authority, before the barn is first occupied as a residential property boundary treatment in the form of a Lincolnshire post and rail fence shall be erected around the perimeter of the site in accordance with details to be submitted to and approved in writing by the Mineral Planning Authority.
 6. No development shall take place until a scheme for the disposal of all foul drainage and surface waters has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and implemented before the barn conversion is occupied.
 7. No development shall take place until the written approval of the Mineral Planning Authority has been secured for a scheme for the incorporation of bio-diversity features such as bat roosting provision in the barn conversion. The scheme as approved shall be implemented in its entirety before the barn conversion is first occupied.
 8. Before the barn is first occupied as a residential property, the existing dwelling shall be converted to offices and that use shall have been implemented. The date of implementation of the office use of the existing dwelling shall be notified to the Mineral Planning Authority within seven days of taking place.
 9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, none of the development normally allowed by those provisions shall be carried out without a specific planning permission being applied for and approved in that regard.

Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development is carried out in an acceptable manner and for the avoidance of doubt as to the development that is permitted.
- 3, 4 & 5
In the interests of the visual amenity of the area.
6. To protect the natural environment and ensure adequate drainage is provided.
7. To ensure bio-diversity gains in accordance with Paragraph 118 of the NPPF.
8. To prevent the establishment of an additional dwelling in the open countryside.
9. To allow the relevant Local Planning Authority to retain control over alterations to the barn which could adversely affect its character and appearance.

Informatives

All site operatives must be advised of the possibility of roosting bats and/or owls being found on site. Should such species be encountered while work is being carried out then work must cease immediately and advice be obtained from Natural England on 01522 561470.

All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.

Appendices

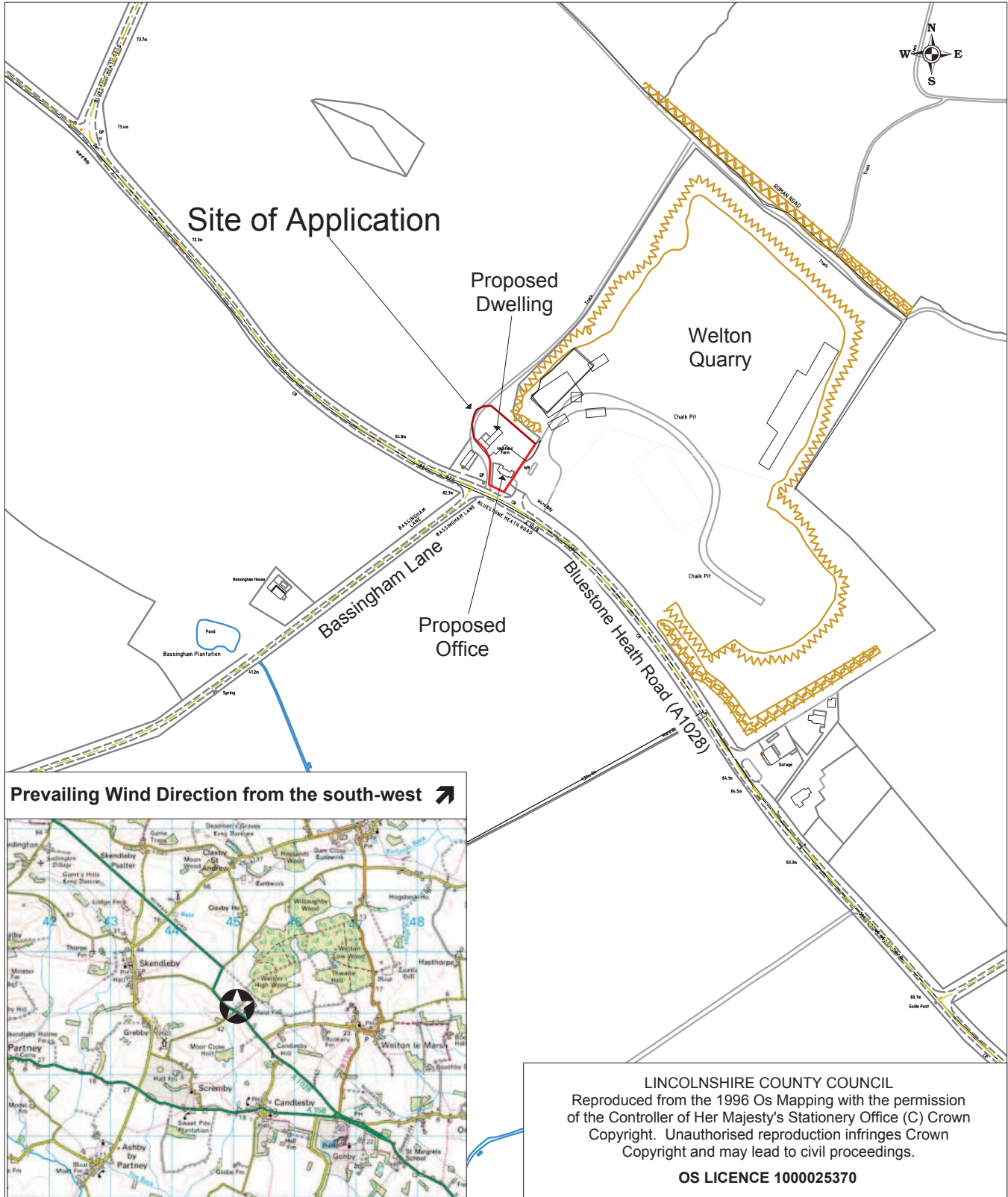
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File (E)N199/1320/13 (E)N199/1020/09	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	Communities and Local Government website www.gov.uk
Lincolnshire Minerals Local Plan 1991.	Lincolnshire County Council website www.lincolnshire.gov.uk
East Lindsey Local Plan 1999.	East Lindsey District Council website www.e-lindsey.gov.uk

This report was written by Mark Simmonds, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk



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<p>Location: Highfield Farm, adjacent to Welton Quarry Bluestone Heath Road Welton le Marsh</p> <p>Application No: (E)N199/1320/13</p> <p>Scale: 1:5000</p>	<p>Description: Proposed change of use of the existing offices to residential use and change of use of existing vacant cottage to B1 Office Use</p> <p>Page 241 Regulation Committee 2 September 2013</p>
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**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	2 September 2013
Subject:	County Council Development – S12/1101/13

Summary:

Supplementary Report

Planning permission is sought to construct a new one form entry primary school at land off Aintree Way, Bourne.

At its meeting on 15 July 2013 the Planning and Regulation Committee deferred determination of the application to allow full consideration of alternative access arrangements to the school site in order to increase parking and improve access for residents. Further information has since been submitted by the applicant in response to this request which states that there are no other current or proposed alternative vehicular access opportunities that would lead to the application site and that the access off Sandown Way would provide good cycle and pedestrian access from Elsea Park, which is the community the school is intended to serve.

Having considered the additional information submitted by the applicant and in light of the location of the proposed site within a developing Sustainable Urban Extension to the south of Bourne, on a site prescribed in the masterplan for Elsea Park, it is considered that the proposed development would not have a detrimental impact on the amenities of occupants of nearby residential properties could reasonably expect to enjoy or on highway safety.

Recommendation:

It is recommended that planning permission be granted.

Introduction

1. Planning permission is sought to construct a new one form entry primary school at land off Aintree Way, Bourne.
2. At the meeting of the Planning and Regulation Committee on 15 July 2013 determination of the application was deferred to allow full consideration to be given to the provision of an alternative access to the school site in order to increase parking and improve access for residents. In response to this, further information has been submitted by the applicant which can be summarised in the following points:

- the proposed primary school follows the approved masterplan for the whole outline development of Elsea Park and is provided to Lincolnshire County Council as a result of an existing s.106 planning obligation relating to a planning permission approved by South Kesteven District Council over 10 years ago;
 - considered the concerns raised at the Committee meeting and confirm that there are no other current or proposed alternative vehicular access opportunities that would lead to the site;
 - the masterplan shows the site access off Sandown Drive and this is classified as a "Major Access Road";
 - the site is bound predominantly by either mature natural environment to the north and west, and playing fields to the east to be provided through the s.106 planning obligation to Bourne Grammar School;
 - the small boundary of the site to the south east does not have a current or proposed access road into the site other than Sandown Drive;
 - the proposed access using Sandown Drive provides a network of links to Elsea Park and is in accordance with the hierarchy of roads with this major road serving the school, future retail units and community centre, as well as the existing and proposed homes; and
 - Sandown Drive has good links to cycle and pedestrian routes into Elsea Park.
3. Since the writing of the 15 July 2013 Committee report the following representations have been received which were reported in the update at the meeting of the Committee on 15 July 2013:

Elsea Park Community Trust – comment that the provision of the primary school is welcomed but concerned about provision for parking.

The number of spaces is considered to be low as understand all spaces will be reserved for school staff and therefore wish to know what if any provision is to be made for parents and visitors.

Main concern relates to impact of car parking on Sandown Drive with adverse effects on local residents. Also draw attention to the fact that the Trust own and manages the Centre on Sandown Drive. The Centre has car parking provision for visitors to the Centre but not for general use and fear an adverse impact on the car park and the Centre from school related car parking.

Also note that the Committee report indicates that the car park for the Centre may be available for school use. Wish to make it clear that this will not be the case, it is not a public car park and is used for the Centre hirers and staff and will be used during the day for this purpose.

Local Member – Councillor Mrs S Woolley – supports this application as the time is now right for a further primary school in Bourne. Aware of children moving to Bourne mid-term who have not been able to access this local school. Believe that other than in exceptional circumstances that should be able to attend this nearest most appropriate school if they wish to do so.

Need to be assured there is sufficient parking for parents to use when the school is holding special events without causing disruption to neighbouring properties. Have been contacted by two local residents who have concerns about a perceived lack of parking, road layouts and possible congestion. Believe the school will be a welcome piece of infrastructure for Bourne and more particularly the children and families living at Elsea Park.

Conclusions

4. As described in paragraphs 12 to 14 of the 15 July 2013 report (attached as Appendix B) and in the document submitted by the applicant, the application site is bounded by mature trees and shrubs to the west and part of the north boundaries and open fields to the east. The fields to the east have been agreed to be provided as playing fields to Bourne Grammar School as part of the s.106 planning obligation covering the overall Elsea Park development. The north, east and western boundaries therefore provide no opportunities for any new access points and to do so would result in loss of environmental and playing fields assets.
5. To the south east, the site is bounded by existing residential properties and therefore no opportunities exist for alternative access points along this part of the boundary.
6. The boundary of the site between the existing residential properties and the mature vegetation to the west presents the only possibility for an access point to the site. The land to the south of the application site is currently used as a site compound by one of the housebuilders currently developing Elsea Park and Sandown Drive is located between this site compound and existing residential properties. The only road serving the application site is Sandown Drive and no other roads exist which could link the proposed school site with the new Elsea Park development. As stated above, Sandown Drive is classed as a "Major Access Road" within the overall Elsea Park scheme. It is acceptable as a form of access to the site from a highway safety perspective and as stated in the previous report, subject to a number of matters in relation to the design and specification of the access and gate arrangements, Lincolnshire County Council Highways have raised no objections to the proposal to use this as the access to the site, indeed it was stated that it reflects the overall objectives of the masterplan for the site.
7. It is therefore concluded that there are no alternative access points to the proposed school site and that the current proposal is both acceptable in terms of highway safety and the impacts on the neighbouring residential properties.
8. In relation to the provision of parking within the school site, it is proposed to provide 18 car parking spaces, together with a vehicle drop-off route around the car park, which would provide space for approximately 20 additional cars to park. Lincolnshire County Council's published car parking standards set out maximum levels of car parking to be applied to new developments. In relation to primary schools, it states that each case should be assessed on

its merits and that typically one space per two members of staff and an allowance for visitors should be the maximum car parking sought. In this case, this would generate a maximum of eight car parking spaces plus an allowance for visitors. The 18 spaces proposed are therefore in excess of the maximum standards and it is concluded that this is acceptable and that it would not be justifiable to seek any further provision.

9. In addition, provision would be made on site for the parking of 22 cycles and 24 scooters and a Travel Plan forms part of the package associated with this development, which promotes sustainable travel methods for pupils and staff. There is a good network of footpaths and cycle routes to the school to facilitate sustainable travel methods.
10. It is therefore considered that the level of car parking proposed is in excess of the maximum standards, that there is provision within the site for accommodating travel by cycle and scooter, that there is a good network of routes to the site to encourage cycling and walking and that it would not be justifiable or reasonable to require any further car parking associated with the proposed development.
11. In relation to the comments of the Elsea Park Community Trust regarding the use of their car park, it is acknowledged that this facility does not form part of the current proposals and is not required in order to achieve the necessary car parking levels, as set out in Lincolnshire County Council's car parking standards.
12. Having considered the additional information submitted by the applicant it is still concluded that the proposed development would not have a detrimental impact on the amenities of neighbouring residential properties and would be acceptable in relation to highway safety. Overall, the development is in accordance with the NPPF and policies SP1, SP3, EN1, EN2 and EN4 of the South Kesteven Core Strategy.

RECOMMENDATIONS

That planning permission be granted subject to the planning conditions and reasons for approval as set out in Appendix B of this report.

Appendices

These are listed below and attached at the back of the report	
Appendix B	Report Reference 7.2 to the Planning and Regulation Committee on 15 July 2013 relating to County Council Application S12/1101/13 to construct a one form entry primary school at land off Aintree Way, Bourne.
Appendix A	Committee Plan

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File S12/1101/13	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Guidance National Planning Policy Framework (2012)	Communities and Local Government website www.communities.gov.uk
South Kesteven Core Strategy (2010)	South Kesteven District Council website www.southkesteven.gov.uk

This report was written by Natalie Dear, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk

**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	15 July 2013
Subject:	County Council Application – S12/1101/13

Summary:

Planning permission is sought to construct an one form entry primary school at land off Aintree Way, Bourne.

The key issues to be considered in this case are the impacts of the proposed development on the surrounding neighbours, highway safety, impacts on nature conservation, flood risk and the impacts on any archaeology within the site.

Overall, it is concluded that the proposed development would not have a detrimental impact on the amenities of neighbouring residential properties, would be acceptable in relation to highway safety, would not be harmful to nature conservation and that any archaeological within the site can be appropriately addressed. The development would provide a primary school in association with a large scale housing development which forms a Sustainable Urban Extension to the town of Bourne and would be within walking distance of much of this new development.

Recommendation:

Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that planning permission be granted.

Background

1. The application site currently benefits from outline planning permission for a primary school which was granted by South Kesteven District Council on 12 June 2001 (reference SK94/0125/12) as part of a sustainable urban extension of the south west of Bourne, comprising of approximately 2,000 residential units and associated development, including a community centre and a south west relief road.

2. The south west relief road has been constructed (now the A151) and a proportion of the residential development in the southern area of the site has been completed with further construction ongoing.
3. As part of the outline planning permission granted in 2001, the current application site is the subject of a s.106 legal agreement which requires the provision of a one form entry primary school on this site, comprising:
 - (a) core buildings including a hall, library, head teacher's room, toilets, an Information, Communication and Technology room and a staff room;
 - (b) a total of seven classrooms; and
 - (c) a playground.

The Application

4. Full planning permission is now sought to construct a one form entry primary school at land off Aintree Way, Bourne.
5. The school is proposed to be a single storey building. The building is proposed to have a maximum length of 65.5 metres and a maximum width of 25.4 metres, although the provision of a canopy along the southern elevation of the building would increase the overall width to a maximum of 26.8 metres. The roof of the building is proposed to be comprised of a number of mono pitched roofs with the tallest part of the school building, that is, the main hall, standing to a maximum height of 6.85 metres. Each element of the roof is proposed to have a pitch of 10 degrees. 17 roof lights are proposed along the south elevation roof, together with 26 photovoltaic cells which would be positioned at a greater pitch than the roof.
6. The building is proposed to incorporate seven classrooms, a main hall, Information, Communication and Technology Suite, staff room, a number of ancillary teaching rooms, resource areas, store rooms, offices and a kitchen servery. All of the classrooms are proposed to open out under the canopy on the south elevation and into the hard surfaced playground area. It is proposed to separate the reception classroom playground area from the remainder of the playground by a 2.4 metre paladin fence and gates. The walls of the building are proposed to be finished with render and cladding although no further details of the building materials have been submitted to date. It is proposed to have a pressed aluminium roof covering.
7. Access to the site is proposed off Sandown Drive with both vehicular and pedestrian access proposed from this point. The school building is proposed to be located to the north west of the access. An eighteen bay car park is proposed to the north east of the access with a vehicle drop off route proposed to circulate around the centrally sited car parking spaces. To the north of the access, adjacent to the school building, 22 cycle racks are proposed together with scooter parking provision.
8. Beyond the car parking area a sprinkler tank and pump are proposed. The sprinkler tank and pump are proposed to be sited on a plinth approximately

0.25 metres high. The sprinkler tank is proposed to be 3.9 metres high, including the tank infill. The main cylindrical element of the tank would stand to a height of 3.1 metres. An access ladder is proposed to be attached to the tank which would extend to a height of 4.3 metres. The pumphouse would be 2.6 metres in height and approximately 1.9 metres long by 1.6 metres wide. These elements of the development are proposed to be surrounded within a 2.4 metre high close boarded timber fence enclosure, with an access gate to the east side. A metal shed approximately 4.4 metres long by 2.3 metres wide, with a pitched roof to a maximum height of 2.1 metres is also proposed to be sited within this enclosure.

9. To the north of the proposed school building and sprinkler tank and pump, playing fields are proposed, including a hard surfaced playing area and a trim trail. The area immediately surrounding the school is proposed to be laid to tarmac with raised islands of Astroturf, areas of soft pour surfacing, two freestanding canopies and an area set out as a dining garden.
10. In the most northerly area of the application site an existing 33kV overhead electricity pylon runs through the site and goes underground, and to the north of this, a further existing 132kV overhead electricity pylon goes across the site. Amended plans were received on 5 June 2013 which propose to fence off this northern area of the site with a 2.4 metre high paladin fence to prevent access to the electricity pylons by the pupils.
11. A 2.4 metre high paladin fence is proposed around the perimeter of the site, except where the site adjoins the existing residential development where there is an existing 1.8 metre high close boarded timber fence along the boundary and no further fencing is proposed in this location. External lighting is proposed around the school building and in the car park area, however, full details of the lighting scheme have not been provided at this stage.

Site and Surroundings

12. The application site lies to the south of Bourne town centre within a sustainable urban extension of residential and associated development, at a site known as Elsea Park. The application site lies to the north of residential development on Aintree Way and Sandown Drive and to the west of the dwellings on Doncaster Close. The boundary of the site adjoining the existing residential development is lined with a 1.8 metre high close boarded timber fence. The development of Elsea Park is ongoing with construction work continuing in the vicinity of the application site. The area of land immediately to the south of the application is currently being used as a site office and compound for one of the developers.
13. To the north west of the application site is a Public Right of Way and to the west are two County Wildlife Sites. The western boundary is lined with mature trees and shrubs and this extends beyond the northern boundary of the site. To the east of the application site are Bourne Grammar School and Willoughby School and between these two schools and the application site

is currently an area of open fields. In the northern area of the site two overhead electricity pylons cross the site, with one going underground within the site.

14. The access to the site is to the southern boundary and is off Sandown Drive. Along Sandown Drive, to the south of the application site, is a community centre with associated car park and a children's play area. Beyond this is an area of public open space.

Main Planning Considerations

National Guidance

15. The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's planning policies for England. It is a material consideration in the determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs of the NPPF are of particular relevance to this application:
 - paragraph 17 promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - paragraphs 29 to 41 promote sustainable modes of transport and state the importance of Travel Plans in securing this;
 - paragraph 38 encourages key facilities such as primary schools to be located within large-scale development within walking distance of most properties;
 - paragraph 72 sets out the requirement for local planning authorities to take a proactive, positive and collaborative approach to meeting education requirements and places great weight on the need to create schools;
 - paragraph 103 seeks to ensure that flood risk is not increased as a result of development, either on the development site itself, or off-site and directs development to those areas with the lowest flood risk wherever possible;
 - paragraphs 109, 117 and 118 seek to protect and enhance the natural environment;
 - paragraphs 120 to 125 protects the general amenities of surrounding land users, including from light and noise pollution;
 - paragraphs 128 to 141 seek to ensure that any heritage assets associated with development sites are appropriately addressed and sets out the need to protect these assets wherever possible; and
 - paragraph 215 states that 12 months after the publication of the NPPF (2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. This is of relevance with regard to the South Kesteven Core Strategy (2010).

Local Plan Context

16. The development plan in relation to this application comprises the South Kesteven Core Strategy (2010) and the South Kesteven Local Plan (1995, saved policies 2007). The following policies of the South Kesteven Core Strategy are confirmed as being in conformity with the NPPF and of relevance to this application:
Policy SP1 Spatial Strategy identifies Bourne as one of three key market towns.

Policy SP3 Sustainable Integrated Transport promote development which can be accessed by walking, cycling and public transport and seeks to secure travel plans to address the impacts of development.

Policy EN1 Protection and Enhancement of the Character of the District sets out the requirements for development to respect the character and significance of the landscape within which it is set and to pay particular attention to a number of factors, including:

2. local distinctiveness and sense of place;
3. historic character, patterns and attributes of the landscape;
4. the layout and scale of buildings and designed spaces;
5. the quality and character of the built fabric and their settings;
7. biodiversity and ecological network within the landscape;
10. visual intrusion;
11. noise and light pollution.

Policy EN2 Reducing the Risk of Flooding requires planning applications to demonstrate how surface water will be managed and discharged.

Policy EN4 Sustainable Construction and Design seeks to ensure that all new development uses natural resources efficiently and takes into account the effects of climate change. It requires new development to demonstrate water conservation measures.

There are no remaining saved policies of the South Kesteven Local Plan which are of relevance to this application.

Results of Consultation and Publicity

17. (a) Local County Council Member, Councillor Mrs S Woolley – consulted on 22 April 2013 but had not responded at the time of writing this report.
- (b) Bourne Town Council - no objection to the construction of the new school but has very serious concerns about vehicle access to and from the school on roads which are known to have parking problems. Also has concerns that future expansion of the school will eat into recreational / sports areas of the school.

- (c) South Kesteven District Council Environmental Health Officer – originally responded to state no comments to make. Reconsulted on updated information on 20 May 2013 in relation to the Ground Investigation Report and subsequently confirmed that the methodology and recommendations are satisfactory and that no remedial action is necessary to facilitate the proposed development of a school.
- (d) Environment Agency – originally objected due to inadequacies in the Flood Risk Assessment. Further to the receipt of additional information subsequently withdrew the objection, subject to the imposition of a condition relating to the requirement for the submission and approval of a surface water drainage scheme if planning permission is granted.
- (e) Anglian Water – no objections.
- (f) Natural England – originally objected due to a lack of information regarding the potential presence of Great Crested Newts. Further to the submission of additional information confirmed no objections.
- (g) Highways Officer – this application reflects the objectives of the Elsea Park Masterplan. Request that conditions be attached if planning permission is granted in relation to the following:
- requiring that any gates to the vehicle access must not open over the future adoptable highway;
 - the arrangement shown for the parking, turning and manoeuvring of vehicles, as shown, shall be available at all times the premises are in use;
 - that no development shall commence until the first 40 metres of access road from the connection with the adoptable highway has been completed;
 - no development shall commence before a surface water drainage scheme has been submitted and approved; and
 - that the Travel Plan shall be implemented, annually reviewed and analysed.

Also wish an informative to be included specifying that planning permission does not convey approval under the Flood and Water Management Act 2010.

- (h) Accessibility Officer, Lincolnshire County Council – originally objected to inadequacies in the Travel Plan. Further to the submission of a revised Travel Plan confirmed that this was acceptable.
- (i) Public Rights of Way Officer, Lincolnshire County Council – the Definitive Rights of Way Map shows Bourne Public Footpath no.4 affecting the site. It is expected that the definitive line and customary width of the path will not be affected by any proposed development.

- (j) Historic Environment Team, Lincolnshire County Council – confirmed that the Heritage Impact Assessment is very good and recommends a three part condition requiring a written scheme of archaeological investigation, the implementation of such a scheme and the submission of a report of the archaeologist's findings.
- (k) Trees Officer, Lincolnshire County Council – endorse the recommendations of the tree report and no objections.
- (l) Lincolnshire Wildlife Trust – consulted on 22 April 2013 but had not responded at the time of writing this report.
- (m) Lincolnshire Fieldpaths Association – consulted on 22 April 2013 but had not responded at the time of writing this report.
- (n) Ramblers Association – consulted on 22 April 2013 but had not responded at the time of writing this report.
- (o) National Grid – identified that it has no record of apparatus in the immediate vicinity of your enquiry therefore has no objection to the proposals.
- (p) Sport England – does not wish to comment on this application.
- (q) Western Power – consulted on 11 June 2013 but had not responded at the time of writing this report.

18. The application has been publicised by four site notices, an advertisement in the Bourne Local on 10 May 2013 and neighbouring residential properties were individually notified on 3 May 2013 and on 14 June 2013 subsequent to amended plans being received on 12 June 2013. As a result of this, representations have been received from three local residents from Sandown Drive. All three residents raise objections to the proposed development and their comments can be summarised as follows:

- object to the proposed use of the land for the purpose of a school, which is not considered suitable to meet the long term needs of the community which it is to serve;
- urge Lincolnshire County Council to take the opportunity to provide a “state of the art” school in a more appropriate location;
- raise concerns regarding the address given for the development as considered to be misleading;
- insufficient time allowed for objections to be submitted;
- query why only land use matters can be taken into consideration;

- objections raised in relation to the assumption that parents will walk to school with their children;
- concerns raised due to the number of vehicles movements associated with the development and the impact on the safety of the children coming to and from the school;
- suggest the vehicle access is moved to the far end of the proposed site and that provision should be made for a safe parking area for parents;
- concerns that a bottleneck will be created at the top of Sandown Drive, that this road is narrow and that there will be parking chaos;
- concerned that those residents living closest to the school will not have free access to their homes, including access concerns from one resident who has a carer;
- request that the land outside three of the dwellings closest to the school be transferred to the ownership of the residents of those properties;
- objections that the level of parking provision proposed is woefully inadequate;
- concerns that the cycle and scooter provision will not be enough;
- concerns regarding conflicts of interest given that the County Council is both the applicant and the local planning authority; and
- request that the Committee meeting is held in Bourne.

District Council's Observations

19. South Kesteven District Council originally responded to state that it has no objections to the proposed development in principle and is satisfied that the development is generally in conformity with the requirements of the master plan and section 106 Agreement associated with the Elsea Park development (application SK.94/0125) and the general policies of South Kesteven District Council.

It is considered that the general appearance of the proposed building will be in scale and character with other nearby developments in particular the community centre located to the south of the application site. It was however considered that the proposed sprinkler tank had the potential to be prominent when viewed from adjacent public vantage points and that consideration should be given to either relocating this to a less prominent location or minimising its visual impact by screening the tank with a suitable fencing material.

Given the limited parking and the close proximity of adjacent residential properties it is also recommended that careful consideration is given to the

parking arrangements and potential noise and disturbance to adjacent residential properties.

Conclusions

20. Planning permission is sought for a new one form entry primary school at land off Aintree Way, Bourne. The application site currently has outline planning permission for a primary school as part of a wider development of land to the south west of Bourne town centre, comprising approximately 2,000 houses and associated development and is the subject of a section 106 legal agreement to deliver a primary school on this site as part of that planning permission granted by South Kesteven District Council (reference SK94/0125/12) on 12 June 2001.
21. The principle of a primary school on this site has therefore already been established and it is necessary in this case to consider whether there have been any material changes in circumstance since the grant of planning permission in 2001 and whether the details included within this current application for full planning permission are appropriate and acceptable. The NPPF, published in 2012, at paragraph 72, contains a strong presumption in favour of creating new schools in order to meet education requirements and paragraph 38 particularly encourages schools as part of large scale development, within walking distance of most properties, thus establishing a positive framework within which the application should be considered. The key issues to be considered in this case are the impacts of the proposal on the surrounding area, highway safety, impacts on nature conservation, flood risk and the impacts on any archaeology within the site.

Impact on the surrounding area

22. Paragraphs 17 and 120 to 125 of the NPPF and Policy EN1 of the South Kesteven Core Strategy seek to protect the amenities of neighbouring land users from potential negative impacts of new development, for example in relation to visual intrusion, light and noise pollution.
23. The application site lies to the north of residential properties on Aintree Way and Sandown Drive and to the west of properties on Doncaster Close, which form part of a new residential estate to the south west of Bourne town centre. The side elevation of number 78 Sandown Drive is adjacent to the application site, whereas all of the other properties have their rear elevations and gardens facing towards the site. All of the properties sharing a boundary with the application site have a 1.8 metre high close boarded timber fence along this boundary. The existing boundary fence is proposed to be retained and no further boundary fence is proposed adjacent to these properties. The elements of the proposed development closest to the residential properties are the access, car park and turning area.
24. The land immediately to the south of the proposed site for the school building is currently used as a developer's compound in association with the housing development which is ongoing in the area neighbouring the

application site, although no detailed planning permission has been granted by the District Council for future development on this area of land. To the south of the existing site compound planning permission was granted on 5 August 2009 by South Kesteven District Council for a community centre, four retail units and 42 apartments for the over 55's with associated offices, residents facilities, parking, access and amenity space (reference S09/1245). At the time of writing this report, the community centre has been constructed, together with an area of car parking, however, the retail units, apartments and amenity space has not. The apartments are proposed to be located above the retail units in buildings which would be three storeys high.

25. Representations have been received from three local residents expressing concerns and objections to the siting of the school in this location for a number of reasons, including the impact on traffic associated with the school and parents and carers dropping off and picking up children using cars. The highways impacts of the proposals are discussed below. The car parking, drop off and turning area for the school are proposed adjacent to the boundary with the neighbouring residential properties. The impacts of noise and light disturbance associated with this element of the development are important considerations in relation to the impacts on the amenities of the residential properties. Whilst external lighting is proposed as part of the overall scheme, including within the car park area, no details of the types of lighting proposed have been submitted with the application at this stage. South Kesteven's Environmental Health Officer has not raised any objections to the proposal in relation to potential light pollution and therefore it is concluded that the principle of external lighting in this area is acceptable, subject to the details being submitted and agreed. In order to ensure that any external lighting does not have a detrimental impact on the amenities of the neighbouring properties, it is recommended that if planning permission is granted it is subject to a condition requiring the details of the external lighting scheme to be submitted and approved prior to their installation.
26. In relation to the impacts of noise on the neighbouring dwellings, the proposed car parking area, drop off and turning area is the most likely source of direct noise in relatively close proximity to the existing residential properties, other than that during playtimes and periods of outdoor learning. The proposed car parking spaces are set away from the nearest properties at a distance of at least 16 metres and vehicle movements would be most concentrated at the start and end of the school day. Whilst it is acknowledged that there would be a greater level of noise from the site than is currently the case, the Environmental Health Officer has not raised any objections due to noise disturbance and the presence of the existing 1.8 metre high close boarded timber fence along the boundary of the site would reduce the impacts of noise. In addition, the siting of the school in this location was chosen as part of the overall masterplan for the wider development of the area and the impacts from noise were not considered to be prohibitive at that stage.

27. The single storey school building is proposed to be sited to the south west of the application site and would not directly overlook any of the existing residential properties. The design is considered to be in keeping with the surrounding area and would not have a detrimental impact on the amenities of neighbouring land users. The proposed hard surface play area and playing fields are proposed to the north of the school building and car park and would not have a detrimental impact on the surrounding area but instead would maintain the existing openness of the site in this location with the built development being focussed in the southern area.
28. Bourne Town Council raised concerns regarding the impact of future development at the site on the recreation and sports areas of the school. This application must however be determined on the basis of the current proposals and not on speculation as to any possible future development of the site.
29. South Kesteven District Council has raised concerns regarding the potential visual intrusion of the proposed sprinkler tank. The proposed sprinkler tank would be a maximum of 3.9 metres high, including the tank infill, with the open framed ladder being to a height of 4.3 metres. The main tank itself would be 3.1 metres high. It would be set back a distance of approximately 40 metres from the nearest dwelling which is located on Doncaster Close, approximately 45 metres from the nearest dwelling on Sandown Drive and approximately 58 metres from the nearest dwelling on Aintree Way. A 2.4 metre high close boarded timber fence is proposed to be located around the sprinkler tank and pumphouse. Although the fence would not screen the whole height of the sprinkler tank or pumphouse, it would significantly reduce the impact of them and as such, they would not cause unreasonable visual impacts.
30. Also within the surrounding area is a Public Right of Way (PRoW) (Bourne Public Footpath no. 4), which runs adjacent to the north west boundary of the site. The proposed development would not have a detrimental impact on the line of this footpath and any views of the proposed development from the PRoW would be set against the background of the existing residential development and community centre. The proposed development would not have a harmful impact on the PRoW itself or the users of it.
31. Overall, and subject to the imposition of the recommended conditions, it is concluded that the proposed development would not be harmful to the amenities of the neighbouring residential properties or other land users in the surrounding area and as such would be in accordance with the NPPF and policy EN1.

Highways

32. The NPPF and policy SP3 of the South Kesteven Core Strategy seek to promote sustainable transport and to locate development in locations which can be accessed by walking, cycling and public transport wherever possible. Indeed, paragraph 38 of the NPPF makes specific reference to the need to

locate key facilities such as primary schools within large-scale development within walking distance of most properties.

33. A Travel Plan has been submitted with this application which sets out a number of targets to be met in order to encourage all users of the proposed school to travel using modes other than private car. As a one form entry primary school the proposed development would accommodate up to 210 pupils with eight full time equivalent teaching staff and seven additional members of staff. The intake to the school would be staggered over a number of years and it is anticipated that between 30 and 50 reception aged children and six full time equivalent members of staff would form the first intake in September 2014. This number would then gradually be increased over a number of years.
34. The Travel Plan highlights that there is an excellent network of footpaths and cycle paths both on and off road in the immediate vicinity of the school, connecting to the local community. It is stated that a plan showing this would be sent out to parents. A range of measures are proposed in the Travel Plan to promote the use of sustainable travel methods for the pupils and staff, including:
- the provision of storage for 22 cycles and 24 scooters;
 - taking part in walking and cycling initiatives such as Golden Boot Challenge, WoW (Walk or Wheels) Scheme, Steposaurus and Virtual Bike Race;
 - pedestrian training for Reception pupils;
 - Bikeability Scheme for Year 5 and Year 6 pupils;
 - encourage staff to car share, cycle, walk and use public transport; and
 - arrange for outside agencies, for example, the Police and a Sustainable Travel Officer, to deliver assemblies and run workshops.
35. The Travel Plan sets out timescales to achieve these actions and there is a commitment to annually monitor performance and keep the actions under review. It is also proposed to monitor safety in the vicinity of the school in liaison with the Police and Road Safety Partnership. A Travel Plan Coordinator is proposed to be appointed who would be responsible for implementing the agreed measures, promoting the benefits of the Travel Plan and acting as the contact point for all travel and Travel Plan matters. Liaising with parents would be a key role for this postholder.
36. The proposed access to the school would be off Sandown Drive, adjacent to the residential property at number 78 Sandown Drive. It is proposed to have a turning circle and drop-off point within the school grounds and to provide 18 car parking spaces on the site, including one disabled space. This would make provision for car parking for all of the school staff plus three additional spaces (one of which would be a disabled space). A one-way system is proposed to operate for the turning circle which would allow a number of vehicles to stop and drop off pupils whilst not obstructing the free flow of vehicles around the turning circle.

37. As stated above, representations have been received from three local residents objecting to the proposed development due to concerns regarding the impacts of vehicles travelling to and from the site, and questioning whether the level of car parking proposed is adequate to meet the needs of the development. Bourne Town Council has also raised concerns regarding this matter and state that the roads are known to have parking problems.
38. Lincolnshire County Council's published car parking standards set out the maximum levels of car parking to be applied to new developments. In relation to primary schools, it states that each case should be assessed on its merits and that typically one space per two members of staff and an allowance for visitors should be the maximum car parking sought. In this case a total of fifteen members of full time equivalent staff are proposed and so in accordance with the parking standards a maximum of eight car parking spaces, plus an allowance for visitors should be sought. The 18 car parking spaces which form part of this proposal are therefore in excess of the maximum standards. It is therefore concluded that the level of car parking proposed is acceptable and it is not considered justifiable to seek further provision. In addition to the staff parking a vehicle drop off route would be provided around the central parking bay area. This would allow parents to park off the highway and take the children into the school. This drop-off area would provide space for approximately 20 cars to park. In addition there are around 38 car parking spaces in the community centre to the south which would be infrequently used during the day. It is anticipated that by agreement this would be available for parents to use during the start and finish of the school day.
39. As previously stated, the application site currently benefits from outline planning permission for a primary school and this was granted as part of the overall residential and associated development scheme as a sustainable urban extension, known as Elsea Park, to the south of Bourne town centre. Indeed, the existing planning permission is subject to a s.106 agreement requiring the delivery of a primary school on the application site. In responding to the current application under consideration, Highways have not raised any concerns or objections to the proposed development and state that it reflects the objectives of the Elsea Park Masterplan. Highways have recommended that a number of conditions are imposed if planning permission is granted, to ensure that the measures set out in the submitted documents are implemented and that the Travel Plan is reviewed and analysed on an annual basis. This would enable the measures set out in the Travel Plan to be updated and amended to make them as effective as possible, taking into account the results and feedback from what has been happening in the previous 12 months.
40. Whilst the concerns and objections to the development in relation to vehicle movements to and from the site are acknowledged, no evidence of a material change in circumstances since the grant of outline planning permission in 2001 has been put forward to suggest that from a highway safety perspective the site is no longer suitable for a primary school. The proposed measures seek to facilitate and encourage sustainable modes of

travel to the school. It is considered that the proposed school is sited in an appropriate location to serve the wider residential development, some of which has been completed and some of which is either under construction or not yet commenced. It would be located within close proximity to the existing community centre and proposed retail outlets and would therefore form part of the area to be accessed by the whole community. It is inevitable that there would be vehicle movements to and from the school associated with both the staff and the pupils, however, providing that the measures set out in the Travel Plan are implemented, the proposed development is considered to be acceptable and would not have a detrimental impact on highway safety. Therefore, the combination of the parking available for parents on the school site, the actions and recommendations of the travel plan, the fact that a high proportion of children would live within the surrounding residential development and the probability that car parking would be available in the Community Centre would ensure that very few parents would be required to park on the highway.

41. The proposed development's location within the community of the new residential development with good opportunities for access by walking, cycling and scooting, means that it complies with paragraph 38 of the NPPF and policy SP3 of the South Kesteven Core Strategy as it would facilitate the use of sustainable modes of travel.

Archaeology

42. Paragraphs 128 to 141 of the NPPF and policy EN1 of the South Kesteven Core Strategy seek to protect the historic environment. The application site lies within an archaeologically sensitive area and an Archaeological Evaluation has been submitted with the application. This document sets out that archaeological trial trenching has been undertaken on the site and that Roman occupation has been recorded a short distance to the northeast and southeast of the site. Whilst no evidence of Roman remains were revealed in the evaluation, it is acknowledged that the majority of the trenches had been damaged by recent machine work on the site. In relation to the undisturbed trenches, features dating to the mid 14th to 16th century were found.
43. The Archaeological Evaluation report concludes that due to the discovery of significant medieval remains at the site and the potential for Roman remains in the area, that mitigation measures are required to address this and recommends a programme of strip, map and sample investigation, with the aim of preserving the historic assets by record. The County Council's Archaeologist supports the conclusions of this report and it is recommended that if planning permission is granted it is subject to a three-part condition requiring appropriate archaeological mitigation works to be undertaken. Subject to the imposition of such a condition, the proposed development would be in accordance with policy EN1 of the South Kesteven Core Strategy and the NPPF in this regard.

Sustainability

44. Sustainable development is the core theme of the NPPF and paragraph 17 in particular highlights the importance of high quality design in achieving this. Policy EN4 of the South Kesteven Core Strategy seeks to ensure that all new development uses natural resources efficiently and takes into account the effects of climate change. This policy also requires new development to demonstrate water conservation measures.
45. Supporting Statements in relation to Sustainability and Reduction of Water Consumption Methods have been submitted with this application and there is also a section within the Design and Access Statement dedicated to sustainability. A number of forms of renewable energy sources were taken into consideration in the design stages of the proposed development and it was determined that 26 photovoltaic cells should be installed on the south facing roof over the class bases of the proposed school building in order to generate renewable energy.
46. The Design and Access Statement states that the building has been designed to maximise natural daylight and natural ventilation. In addition measures are proposed to reduce the time and intensity for which energy is used in lighting by incorporating presence detection and automatic daylight dimming measures within the scheme.
47. In relation to the measures to reduce water consumption, it is proposed to install all WCs with dual flushing devices and cisterns with low water volume. All sinks and basins are proposed to be fitted with low flow taps and the hot water system is proposed to deliver hot water immediately, avoiding the need to run taps for long periods to bring the water up to temperature.
48. The Design and Access Statement states that the development aims to achieve a sustainability rating equivalent to a BREEAM very good. Overall, it is concluded that the above measures, together with the commitment set out in the Travel Plan to encourage travel to and from school by modes of transport other than private car, would result in the proposed development being sustainable and in accordance with Policy EN4 of the South Kesteven Core Strategy and the NPPF.

Nature Conservation

49. The NPPF and policy EN1 of the South Kesteven Core Strategy seek to protect and enhance the natural environment. To the west of the application site are two County Wildlife Sites, Bourne Station and Bourne Wildlife Park.
50. An Ecological Appraisal Report, Reptile Survey, Survey for Great Crested Newts and Tree Constraints and Protection Report have been submitted with this application. The Ecological Appraisal Report recommended that further survey work should be undertaken in relation to Great Crested Newts, which was subsequently carried out and it was concluded that the

proposed development would not be likely to be harmful to Great Crested Newts. Natural England have accepted this conclusion and have subsequently withdrawn their initial objection to the proposals.

51. Overall, the impacts of the proposed development are not considered to have a harmful impact to nature conservation and the Ecological Appraisal Report recommends that any vegetation to be removed should be done outside the bird nesting season; that a buffer strip of native broadleaved trees should be planted along the western and northern boundaries against the County Wildlife Sites; that tree protection zones should be implemented; and that bat and bird boxes should be installed. The Tree Constraints and Protection Report sets out good working practices in relation to the protection of trees and concludes that the loss of any trees would have a negligible impact, with the opportunity to establish a new generation of trees and shrubs through the new landscaping scheme. Lincolnshire County Council's Trees Officer has endorsed the recommendations of the Tree Constraints and Protection Report and has raised no objections to the proposals.
52. A detailed landscaping scheme has not been submitted with this application, however, if planning permission is granted, it is recommended that it is subject to a condition requiring the submission, approval and implementation of a scheme, which should include the measures outlined above. It is also recommended that a condition requiring any vegetation removal to be outside the bird nesting season should be imposed. As such, the proposed development would be in accordance with the NPPF and policy EN1 of the South Kesteven Core Strategy in relation to nature conservation.

Flood Risk

53. Paragraph 103 of the NPPF and Policy EN2 of the South Kesteven Core Strategy seek to reduce the risk of flooding both on and off site as a result of new development. The application site lies within Flood Zone One, the zone with the lowest probability of flood risk. A Flood Risk Assessment (FRA) has been submitted with this application as the site area is over hectare.
54. The Flood Risk Assessment states that the development has been designed so as to not affect the drainage of the surrounding area and that there is no history on the site of standing water flooding from any source. The FRA acknowledges the needs to incorporate into the design an allowance of 30% increase in run off to climate change and that a sustainable urban drainage system must be used. It also recommends that finished floor levels should be set 150mm above the surrounding paved areas.
55. Whilst a detailed drainage scheme has not been submitted with this application, the FRA concludes that the proposal is not at risk from flooding and would not increase flood risk elsewhere. Highways recommend that if planning permission is granted it should be subject to a condition requiring a scheme of surface water drainage to be submitted and approved.

56. The Environment Agency initially objected to the proposed development due to a lack of detail in the FRA regarding the discharge rates of water to Anglian Water Services. Whilst Anglian Water Services object to the proposed development, confirmation was sought from them that they were willing to accept the discharge rates proposed in the FRA. On 20 June 2013 Anglian Water confirmed that they would have no objections to a connection to the surface water drainage system at the rates set out in the FRA and the Environment Agency subsequently withdrew their objection, subject to the imposition of a condition requiring the submission and approval of a scheme of surface water drainage, should planning permission be granted.
57. Overall, it is therefore concluded that the proposed development would not be at risk from flood risk and would not increase flood risk elsewhere. It would therefore be in accordance with the NPPF and Policy EN2 of the South Kesteven Core Strategy in this regard.

Overhead Power Lines

58. There are two overhead power lines which run through the application site, one of which goes underground within the site itself. Following discussions with the applicant, an area around the overhead power lines has been proposed to be fenced off in order to prevent any access by the pupils at the school to them, in the interests of their health and safety.
59. The National Grid were consulted on this application and have responded to state that they have no record of any apparatus in the immediate vicinity of the application site. Western Power, who are understood to operate the overhead power lines, have also been consulted on the application but had not responded at the time of writing this report and therefore confirmation regarding the necessary clearance distances from the overhead power lines has not been obtained.
60. In order to ensure that an appropriate clearance distance between the overhead power lines and the usable area of playing fields is secured, it is recommended that if planning permission is granted it is subject to a condition requiring details of a scheme for the fencing off of an area around the overhead power lines to be submitted and approved prior to the site becoming operational.

Other Matters Raise By Objectors

61. As stated above, representations have been received from three local residents in relation to the proposed development. Two of these residents raised issues which needed to be addressed and as such, letters were sent to both residents in response to their representations.
62. The first query relates to the address given for the development proposals as land off Aintree Way, Bourne. Concern was raised that this was misleading and that many residents may have misunderstood where the development is proposed. A site plan was sent out with all of the letters

notifying neighbours in the surrounding area of the receipt of this application. However, in order to clarify this and ensure that there was no misunderstanding, a further letter was sent (on 14 June) to all of those residents originally notified, explaining that the application site is on land to the north of Aintree Way and Sandown Drive and the proposed access point to the site is at the top of Sandown Drive, adjacent to the property at 78 Sandown Drive.

63. The second additional matter relates to the length of time allowed for representations to be made. The site notices, press notice and the neighbour notification letters gave a period of 21 days in which representations could be made. This is in accordance with the provisions of the Town and Country Planning (Development Management Procedure)(England) Order 2010. In the subsequent letter sent to neighbours of the proposals, the date at which the application was due to be taken to the meeting of the Committee was specified and a further 14 days allowed for any additional representations to be made.
64. One resident also requested that the land to the front of the three properties nearest to the proposed entrance to the school on Sandown Drive be transferred to the residents of these properties. This is not a planning matter and this request has been forwarded to the relevant Highways Officer who has advised that the road has not yet been adopted but that the County Council would need to protect its interests in maintaining the carriageway once the road is adopted and that it would also be likely that objections would be raised due to the presence of utilities.
65. These matters do not have a material impact on the determination of this application and are outlined here for clarification.

Overall Conclusion

66. Overall, it is concluded that the proposed development would not have a detrimental impact on the amenities of neighbouring residential properties, would be acceptable in relation to highway safety, would not be harmful to nature conservation and that any archaeological within the site can be appropriately addressed. The development would provide a primary school in association with a large scale housing development which forms a Sustainable Urban Extension to the town of Bourne and would be within walking distance of much of this new development. In this respect the proposal complies with paragraphs 38 and 72 of the NPPF. Overall, the development is in accordance with the NPPF and policies SP1, SP3, EN1, EN2 and EN4 of the South Kesteven Core Strategy.

RECOMMENDATIONS

It is recommended that planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within seven days of such commencement.
2. The development hereby permitted shall be carried out in strict accordance with the submitted details and recommendations and the following drawings:
 - a) 0100 Rev A "Site Location Plan" (received 10 April 2013);
 - b) 0110 Rev D "Proposed Site Plan" (received 12 June 2013);
 - c) 0120 Rev B "Proposed Site Setup" (received 12 June 2013);
 - d) 0150 Rev C "Proposed Block Plan" (received 12 June 2013);
 - e) 0151 Rev C "Proposed Ground Floor Plan" (received 15 April 2013);
 - f) 0152 Rev A "Proposed Roof Plan" (received 10 April 2013);
 - g) 0153 Rev B "Proposed Elevations" (received 16 April 2013);
 - h) 0154 Rev A "Sprinkler Tank & Pump Details" (received 10 April 2013);
and
 - i) 0155 Rev A "Shed Details" (received 12 June 2013).
3. Prior to the commencement of development a construction management plan shall be submitted to, and approved in writing by, the County Planning Authority. The construction management plan shall include details of measures that will be employed to control the impact of noise, vibration, dust and dirt from the construction phase, including in relation to the demolition works. Development shall thereafter be carried out in accordance with the approved details.
4. Prior to the commencement of development samples of the materials to be used in the construction of the external surfaces (buildings and paving) shall be submitted to, and approved in writing by, the County Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
5. Prior to the commencement of development, a surface water drainage scheme for the development, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development shall be submitted to, and approved in writing by, the County Planning Authority. The drainage scheme should demonstrate that surface water run-off generated up to and including the 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall include details of the maintenance and management of the system after completion. The scheme

shall be implemented in accordance with the approved details prior to the development being completed.

6. Prior to the commencement of development a comprehensive landscaping scheme shall be submitted to, and approved in writing by, the County Planning Authority. This scheme will include all boundary treatment, incidental structures and furniture, bird and bat boxes, the management and maintenance of all proposed planting, in addition to the details of planting to be carried out across the site. Development shall thereafter be carried out in accordance with the approved details. All trees, shrubs, hedgerows and bushes shall be adequately maintained for the period of ten years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.
7. With respect to archaeology, the following measures shall be undertaken:

Part 1

Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation shall be submitted to and approved in writing by the County Planning Authority. This scheme should include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements)
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work.

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Part 2

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in Part 1. The applicant will notify the County Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the County Planning Authority.

Part 3

A report of the archaeologist's findings shall be submitted to the County Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within three months of the works hereby given consent being commenced unless otherwise agreed in writing by the County Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

8. Prior to the commencement of development the first 40 metres of access road from its connection with the adoptable highway Sandown Drive and as shown on drawing DC/012/0020/0120 Rev B (received 12 June 2013) shall have been completed.
9. Construction work shall only be carried out between the hours of 07:30 and 18:00 on Mondays to Fridays; 07:30 and 13:00 on Saturdays; and at no time on Sundays or Bank Holidays, unless specifically agreed in writing by the County Planning Authority beforehand.
10. Site clearance operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to August inclusive, unless specifically agreed in writing by the County Planning Authority beforehand.
11. Prior to installation, full details of all external lighting and an assessment of the offsite impacts of all external lighting shall be submitted to, and approved in writing by, the County Planning Authority. The impact assessment shall identify any mitigation measures that are necessary to minimise the impact of light from all external lighting. The approved details and mitigation measures shall be implemented prior to the commissioning of the lighting and shall be maintained thereafter.
12. Prior to the installation of any CCTV cameras, full details including locations of such cameras and heights of any columns, shall be submitted to, and approved in writing by, the County Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
13. Prior to the development hereby permitted becoming operational, and notwithstanding the details on the submitted plans, a scheme for the fencing off of an area around the overhead power cables within the site shall be submitted to, and approved in writing by, the County Planning Authority. The fencing scheme shall thereafter be implemented and retained at all times the development is operational and overhead power cables are present within the site.
14. Heavy Duty Vehicles (including refuse vehicles and delivery vehicles) shall only be permitted to access the site between 07:00 and 22:00 hours on Mondays to Saturdays; and 08:00 to 18:00 on Sundays, Bank or Public Holidays.
15. The arrangements shown on the approved plan DC/012/0020/0150 Rev C (received 12 June 2013) for the parking / turning / manoeuvring / loading / unloading of vehicles and cycles shall be available at all times when the premises are in use.
16. Any gates to the vehicular access shall not open over the future adoptable highway as indicatively shown on drawing number DC/012/0020/0120 Rev B (received 12 June 2013).

17. In accordance with the approved Travel Plan (received 8 May 2013) an annual review and survey shall be undertaken, analysed and submitted to the County Planning Authority that will provide details of the implementation of the Travel Plan. The school shall ensure that travel arrangements are fulfilled in accordance with the Travel Plan unless the County Planning Authority stipulates approval to any variation.

Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development is carried out in an acceptable manner and for the avoidance of doubt as to the development that is permitted.
- 3, 9, 11, 12, 14
To protect the amenities of local residents.
- 4 & 6 In the interests of the visual amenity of the area.
5. To prevent increased risk of flooding, both on and off site.
7. To ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site.
- 8 & 15
To enable calling vehicles to wait clear of the carriageway of Sandown Drive to ensure safe access to the site in the interests of residential amenity, convenience and highway safety.
10. To avoid disturbance to birds during the breeding season.
13. To provide a safe clearance distance from the overhead power cables.
16. In the interests of safety and convenience of the users of the public highway.
17. To ensure that access to the site is sustainable and reduces dependency on the car.

Reason for Granting Planning Permission

The development would not have a detrimental impact on the amenities of neighbouring residential properties, would be acceptable in relation to highway safety, would not be harmful to nature conservation and that any archaeological within the site can be appropriately addressed. The development would provide a primary school in association with a large scale housing development which forms a Sustainable Urban Extension to the town of Bourne and would be within walking distance of much of this new development. In this respect the development complies with paragraphs 38 and 72 of the NPPF. Overall, the development is in

accordance with the NPPF and policies SP1, SP3, EN1, EN2 and EN4 of the South Kesteven Core Strategy.

In dealing with this application the County Planning Authority has worked with the applicant in a positive and proactive way by seeking further information and revisions to the application in order to seek solutions and address issues raised during the consideration of this application. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development and is consistent with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework.

Policies Referred To

National Guidance

National Planning Policy Framework (2012)

South Kesteven Core Strategy (2010)

Policy SP1 - Spatial Strategy

Policy SP3 - Sustainable Integrated Transport

Policy EN1 - Protection and Enhancement of the Character

Policy EN2 - Reducing the Risk of Flooding

Policy EN4 - Sustainable Construction and Design

Informatives

Attention is drawn to the information contained in the following consultation responses:

- (a) response from Lincolnshire County Council Highways (received 20 May 2013); and
- (b) letter from National Grid (dated 18 June 2013).

Appendix

These are listed below and attached at the back of the report	
Appendix A	Committee Plan

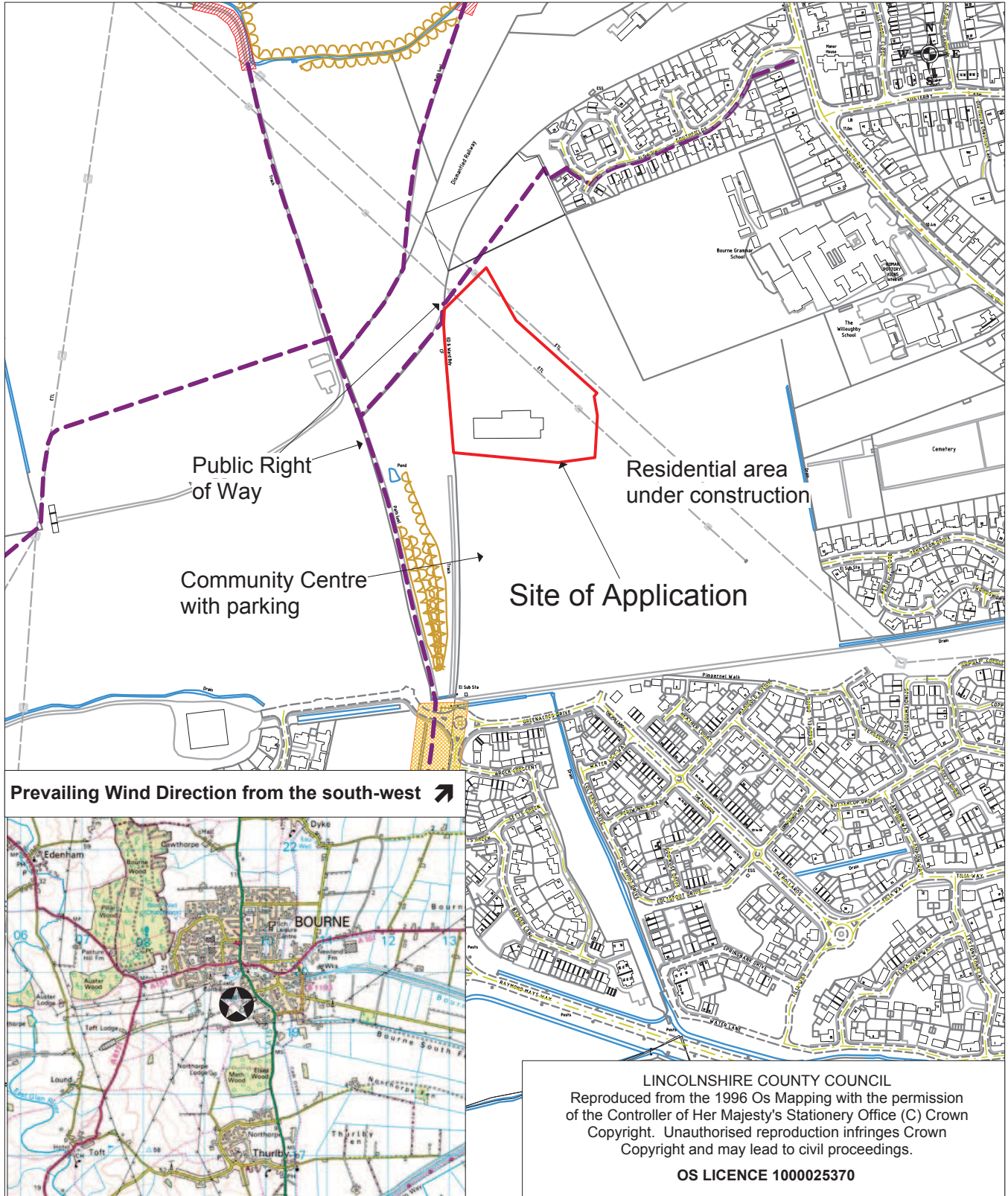
Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File S12/1101/13	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Guidance - National Planning Policy Framework (2012)	Communities and Local Government website www.gov.uk
South Kesteven Core Strategy (2010)	South Kesteven District Council website www.southkesteven.gov.uk

This report was written by Natalie Dear, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL Appendix A PLANNING



Location:
 Land off Aintree Way
 Bourne

Description:
 To construct a one form entry primary school

Application No: S12/1101/13
Scale: 1:5000

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**Open Report on behalf of Richard Wills, Executive Director
(Development Services)**

Report to:	Planning and Regulation Committee
Date:	2 September 2013
Subject:	County Council Development – L/0855/13

Summary:

Planning permission is sought for the provision of new services connections, ramped and stepped entrance, hardstanding and a ramped footpath to improve access to the Bath House, Lincoln Castle, Lincoln.

The key issues to consider in this case are the impact of the proposals on the Bath House as a listed building, Lincoln Castle as a scheduled monument and listed building and the surrounding conservation area.

Overall, it is concluded that whilst the development may result in some harm to Lincoln Castle as a scheduled monument, the potential for harm has been minimised and the benefits of the development would outweigh the limited harm caused.

Recommendation:

Following consideration of the development plan policies and comments received through consultation and publicity it is recommended that conditional planning permission be granted.

Background

1. Lincoln Castle is a medieval Castle which is a scheduled monument and listed building and is host to a number of listed buildings. The Bath House is located within the grounds of Lincoln Castle and is a grade II listed building. It is sited approximately midway along the north curtain wall. It is thought to have been constructed in 1814 to replace an earlier bath house on the same site.
2. The current proposals form part of a wider project to enhance and revitalise the Castle site, with the intention of enabling a greatly enhanced visitor experience. The project is known as Lincoln Castle Revealed. Following consideration by the Planning and Regulation Committee, planning permission was granted on 3 September 2012 for the conversion of the Bath House into office space (reference L/0301/12) and listed building consent was granted on 19 October 2012 for these works. That application had

originally included a proposal for a ramped access but this element of the proposals had been removed during the course of processing the application as a result of concerns which had been raised, to enable further consideration to be given to the proposed location and design. The current application proposes an alternative to the ramp which had been originally proposed.

3. An application for listed building consent has also been submitted with this application but is under consideration separately and will be forwarded to the Secretary of State for determination.

The Application

4. Planning permission is sought for the provision of new services connections, ramped and stepped entrance, hardstanding and a ramped footpath to improve access to the Bath House, Lincoln Castle, Lincoln.
5. Taking each of these elements in turn, the proposed new services connections would involve the laying of a new foul drainage pipe and services connection route from the Bath House going in a south westerly direction towards the north east corner of the Crown Court to connect to an existing drain. The proposed route of these services follows the existing concrete footpath to the Bath House. Following the installation of the services, it is proposed to fill and turf over this area.
6. At the front of the Bath House an area of hardstanding, including ramps and steps to facilitate access to the Bath House is proposed. The shape of this area would reflect the general shape of the Bath House itself and would extend to a maximum width of approximately 5.8 metres to the front of the Bath House and would be approximately 14.7 metres long at its longest. The proposed steps would be located centrally with ramped access proposed to either side. Cast iron railings are proposed to either side of the steps.
7. At present, there is an area of hardstanding to the front of the Bath House, however, this does not extend as far as the proposed area of hardstanding and the grassed area beyond the existing hardstanding then falls away down a bank. It is proposed to regrade an area of this bank to enable the area of hardstanding to protrude approximately 3.2 metres further than it would otherwise be able to. The ground is proposed to be filled with a band of compacted hardcore underneath the proposed hardstanding and the remainder of the bank regraded and seeded back to a grass bank. The area of hardstanding is proposed to be constructed of York Stone paving.
8. In addition to this, a new ramped footpath is proposed. This would be an extended "U" shape and extend from the south west corner of the Bath House in a westerly direction before turning back on itself to exit at the north east corner of the Crown Court. The proposed footpath would result in the loss of a small, young tree but otherwise is stated to have been designed to avoid any tree root damage and to fit into the gentle curve of the existing

grassed bank. The gentle gradient of the proposed path is stated to enable wheelchair access to the Bath House. The footpath is proposed to be level, with the grassed bank being built up as necessary to facilitate this. The footpath is proposed to be constructed using a permeable material.

9. All of the proposed works require Scheduled Monument Consent, which it is understood is being dealt with separately.

Site and Surroundings

10. The application site consists of the Bath House, a grade II listed building, and an area running to the south west across an existing grassy bank, located within the grounds of Lincoln Castle. Lincoln Castle is both a scheduled monument and a listed building. The scheduled monument designation applies to the Castle's standing fortifications and all of the area below ground, whereas the above ground features are individually listed. The Castle grounds host the Crown Court and former prisons as well as open garden areas. The Bath House is sited approximately midway along the north curtain wall of the Castle and due to the existing Castle walls, the Bath House is not visible from outside the Castle grounds.
11. Lincoln Castle is located within the Cathedral and City Centre Conservation Area, as designated by the City of Lincoln Council. It sits on one of the highest points within the city of Lincoln and can be viewed from significant distances, against the backdrop of Lincoln Cathedral, which is located to the east of the Castle.
12. The List of Buildings of Special Architectural or Historic Interest describes the Bath House Grade II listed structure as follows:

Bath house inside north wall of Lincoln Castle

"Bath house, now an exhibition room. Early C19. Coursed squared rubble with roof hidden by crenellated parapet. Gothik style. Chamfered plinth and eaves band. Pointed arched windows with hoodmoulds. Single storey, 5 bays. Projecting centre, 3 bays, has a chamfered pointed arched doorway with hoodmould, flanked by single windows with wooden Y-tracery. Beyond, on either side, a similar window, that to the left blocked.

(Buildings of England: Lincolnshire: Pevsner N: Lincolnshire: London: 1989-:506)"

Main Planning Considerations

National Guidance

13. The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's planning policies for England. It is a material consideration in the determination of planning applications and adopts a presumption in

favour of sustainable development. A number of paragraphs of the NPPF are of particular relevance to this application:

- paragraph 17 seeks high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- paragraph 109 seeks to conserve and enhance the natural environment;
- paragraph 131 sets out issues which should be taken into account when determining planning applications affecting heritage assets:
 - *“the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *the positive contribution that conservation of heritage assets can make to sustainable communities in their economic viability; and*
 - *the desirability of new development making a positive contribution to local character and distinctiveness.”*
- paragraph 132: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification ... Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments ... grade I and II* listed buildings ... should be wholly exceptional.”*
- paragraph 134: *“Where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*
- paragraph 186 requires planning authorities to approach decision taking in a positive way to foster the delivery of sustainable development;
- paragraph 187 requires planning authorities to look for solutions rather than problems and at every level should seek to approve sustainable development where possible and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area; and
- paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. This is of relevance in relation to the City of Lincoln Local Plan.

Local Plan Context

14. The policies of relevance and confirmed as being in conformity with the NPPF in the City of Lincoln Local Plan (1988) are:

Policy 34 (Design and Amenity Standards) states that planning permission will be granted for development meeting a set of eight criteria, including:

- complementing the architectural style and townscape character of the locality;
- ensuring a satisfactory physical and functional relationship to adjoining properties and streetscape;
- takes full advantage of any natural features of the site and surroundings.

Policy 45A (Trees and Other Ecological and Landscape Features on Development Sites) states that new development proposals will have full regard to a number of features including:

- the retention or enhancement of existing trees, shrubs, hedgerows ...

Results of Consultation and Publicity

15. (a) Conservation Officer, City of Lincoln Council – consulted on 26 June and 31 July 2013 but had not responded at the time of writing this report.
- (b) Local County Council Member, Councillor R Parker – consulted on 26 June 2013 but had not responded at the time of writing this report.
- (c) English Heritage – no objection in principle to the proposed scheme. Although archaeological recording is covered by Scheduled Monument Consent conditions, advise the standard Lincolnshire archaeological conditions for recording, as applied by Lincolnshire County Council archaeological advisors, are applied to the planning consent. Advise that the application should be determined in accordance with national and local policy guidance, and on the basis of detailed specialist conservation advice.
- Reconsulted on 31 July 2013 regarding amended plans and responded to state that they have no further comments to add to earlier advice.
- (d) Lincoln Civic Trust – no objections.
- (e) Lincolnshire Historic Buildings Committee – consulted on 26 June 2013 but had not responded at the time of writing this report.
- (f) Georgian Group – consulted on 26 June 2013 but had not responded at the time of writing this report.

- (g) Victorian Society – consulted on 26 June 2013 but had not responded at the time of writing this report.
- (h) Historic Environment, Lincolnshire County Council – although it would be better not to make changes to the historic environment which will potentially cause harm to the significance of the site, easy access to the Bath House is clearly needed to bring the building into full use, which will be good for the building's long term sustainability. The route for the path which has been chosen is the least intrusive to the setting of the buildings. It is also mitigated by the removal of the existing path. Consider that the proposal will very much improve the setting of the Bath House, and will mean that visitors will notice and appreciate this elegant building far more than at present.

Note that the works will be subject to Scheduled Monument Consent, with all ground works being archaeologically monitored. Suggest also an archaeological condition.

Reconsulted on 31 July 2013 regarding amended plans and responded to state no further comments to make.

- (i) Anglian Water – no comment.
- (j) Lincolnshire County Council Trees Officer – on the basis of the report the plan is to work within the Root Protection Areas to install the drainage pipe through trenchless pipe technology (T3-T6), and to use 'sensitive methods' to excavate for the pathway using high pressure air or water (T1-T3 and T5), also to work within the RPA of T3 using sensitive construction methods.

The best way of dealing with these works are to tie down precisely how they are going to carry the works out through a number of conditions as suggested below:

- prior to any works commencing on site the applicant is to submit a plan showing the Construction Exclusion Zone (CEZ) referenced in the tree report at 4.10;
- prior to any works commencing on site the applicant is to submit a Tree Protection Plan (TPP), the plan should detail the location of the protective fencing to be employed on site, the plan should also detail the location of the ground protection (Cellular mattress) referenced in Appendix 6;
- prior to any works commencing on site the applicant to submit a method statement detailing how the cellular mattress is to be deployed on site and retrieved without causing any damage to the Root Protection Areas (RPA) of the retained trees;
- protective fencing to be erected around the RPAs, as per the applicant's specification in Appendix 5, using 2m high weldmesh panels attached to a scaffolding framework secured firmly into the

ground. Protective fencing to have a sign attached stating 'CONSTRUCTION EXCLUSION ZONE – NO ACCESS';

- any protective fencing employed on site, is to remain on site until completion of all the proposed works (not removed on completion of demolition work as suggested in report);
- the installation of the drainage pipe within the Root Protection Areas (RPA) of T3-T6, must be carried out using directional drilling, no trenching will be permitted within the RPA. Any entrance or exit holes for the directional drilling should be excavated outside the RPAs of the affected trees;
- any access chamber or rodding point for the drainage system should preferably be located outside the RPA of the protected trees, if the access chamber or rodding point has to be within the RPA, then the applicant to submit a method statement detailing how the works will be undertaken without damaging the tree roots;
- any minor excavation required for construction of the pathway to the bath house, shall be excavated using an Air Spade, any root greater than 25mm diameter which requires removal shall only be undertaken under the supervision of a competent arboriculturalist;
- prior to any works being carried within the RPA of T3 the applicant should submit a method statement detailing the sensitive construction methods to be employed to prevent damage to the trees root system through construction and in the long term (i.e. waterlogging and lack of soil aeration), as per section 7.4 in BS 5837:2012 Trees in Relation to Design Demolition and Construction – Recommendations.

16. The application has been publicised by two site notices and a press notice (Lincolnshire Echo on 4 July 2013). No objections or representations had been received when this report was prepared.

District Council's Observations

17. The City of Lincoln Council does not wish to raise any objections to this proposal.

Conclusions

18. The NPPF sets out a clear presumption in favour of the conservation of heritage assets, with the more important the asset, the greater weight to be attributed to its conservation. As stated above, Lincoln Castle is a scheduled monument and a listed building and as such is designated at international and national levels. Considerable weight should therefore be afforded to its conservation.
19. The Bath House, which is the subject to this application, is one of a number of listed buildings within the Castle. In accordance with the NPPF significant weight should also be afforded to the conservation of the Bath House.

20. The NPPF also requires consideration to be given to the desirability of sustaining and enhancing heritage assets by putting them to viable uses consistent with their conservation. The proposed development would provide level access and the connection of services to the Bath House, in association with its authorised change of use to an office. It is therefore necessary to consider the impacts of the proposed development on the historically sensitive setting, in light of the benefits which would be achieved.

Impact of the development on the Bath House as a Grade II Listed Building

21. The Bath House is a grade II listed building which is thought to have been constructed in 1814. In accordance with the NPPF there is a presumption in favour of its conservation.
22. The proposed development would involve the removal of the existing area of concrete slab hardstanding associated with the Bath House and would replace this with a larger area of York stone paving, including ramped and stepped access to the centrally located door of this building. In relation to the fabric of the Bath House as a listed building, the only alterations proposed relate to the removal of the existing concrete slabs adjoining the south elevation wall of the building, the installation of York stone paving, including ramps to either side of the door and the installation of a foul drainage pipe. It is not considered that this would be detrimental to the fabric of the Bath House as a listed building.
23. The main impacts of the proposed development therefore relate to the setting of the Bath House as a listed building. Whilst the existing concrete slab hardstanding adjoins the Bath House, it does nothing to enhance its setting. It is therefore not considered that its removal would have a detrimental impact on the setting of this building. Although the replacement area of hardstanding paving would be larger than the existing, and would involve the building up of the grass bank in front of the Bath House in order to accommodate the additional paving, this would not be detrimental to its setting. The introduction of steps and associated handrails and ramps to the entrance door of the building would provide a new feature which is not currently present, however, it is considered that this has been designed to minimise its impact, whilst enabling access to the Bath House for wheelchairs. It would therefore result in an overall benefit in terms of access to the building. Overall, it is concluded that the proposed area of hardstanding in front of the Bath House would not have a detrimental impact on its setting.
24. The proposed access ramp from the north east corner of the Crown Court to the Bath House would also introduce a new feature to the setting of the building. However, the proposals also include the removal of the existing concrete slab stepped path which did not enhance the setting of the building. The proposed access ramp follows the gentle slope of the existing grassed bank and would not be detrimental to the setting of the Bath House.

25. The proposed services connections would use the line of the existing path and would be grassed over once installed. The removal of the existing path would improve the setting of the Bath House and once the area has been restored, it would not have any further impact on the setting of the building.
26. Overall, it is therefore concluded that the proposed development would not be detrimental to the fabric of the Bath House as a listed building and would not detrimentally impact upon its setting. It would also have the benefit of improving access for all to this building and therefore encourage greater use of this historic asset. The proposed development is therefore in accordance with the NPPF in this regard.

Impact of the development on Lincoln Castle as a Scheduled Monument and Listed Building

27. The weight to be afforded to Lincoln Castle as a scheduled monument and listed building is significant in accordance with the NPPF. The scheduling includes all archaeological remains beneath the modern structures and separately listed buildings, although these structures and buildings are not included themselves. The proposed development must be assessed in relation to its impact on the scheduled monument itself and also on its setting. It must also be considered in relation to the impact on the setting of Lincoln Castle as a listed building. The proposed development would involve groundworks which require Scheduled Monument Consent (which is dealt with separately by English Heritage on behalf of the Department for Culture, Media and Sport).
28. The proposed hardstanding, including the extension of this area, would involve a degree of ground disturbance, although the proposals rely primarily on building up existing ground levels rather than going deeper into the ground. This is also the case with the proposed ramped pathway, which also proposes the building up of the existing grassed bank to provide a level access ramp. The proposed installation of services connections would, however, involve groundworks to a deeper level than has previously been required in relation to the existing path. In order to address these proposed works, English Heritage and the County Council's Historic Environment Officer advise that if planning permission is granted, it is subject to a condition relating to archaeological investigation and recording to ensure that this asset is appropriately dealt with. It is therefore recommended that if planning permission is granted it is subject to such a condition.
29. Whilst the proposed development would introduce new areas of hardstanding within Lincoln Castle grounds and would therefore have an impact on the setting of the Castle as both a Scheduled Monument and Listed Building, it is not considered that the impacts in relation to either designation would be detrimental and the removal of the existing area of hardstanding and path would provide some mitigation in relation to this.
30. Overall, it is therefore concluded that whilst there may be an impact on Lincoln Castle as a Scheduled Monument due to the proposed

groundworks, any such impacts can be justified due to the benefits of the proposed development in providing much greater public access to the Bath House and, through the use of a condition, the archaeology can be appropriately dealt with. As such, the proposed development is in accordance with the NPPF in this regard.

Impact of the development on the Cathedral and City Centre Conservation Area

31. Lincoln Castle sits within the north western part of the Cathedral and City Centre Conservation Area, as designated by the City of Lincoln Council. This Conservation Area covers the City Centre to the south and encompasses many historic buildings, including Lincoln Cathedral which is sited to the east of Lincoln Castle.
32. Lincoln Castle and Cathedral are located on the highest point within the city, in what is known as “uphill” Lincoln. As such this area can be viewed from significant distances. When considering the impact of the proposals on the Conservation Area, it is therefore necessary not only to look at the area immediately surrounding the application site, but also the views of the Conservation Area from significant distances.
33. All of the proposed development would take place within the grounds of Lincoln Castle, in association with the Bath House. They would not be visible from outside the walls of the Castle and would therefore have no impact on the character and appearance of the Conservation Area outside the Castle grounds. Whilst the appearance of the Conservation Area within the Castle would be altered, it would not be to its detriment and the character of the Conservation Area would not be harmed.
34. Overall, it is concluded that the proposed development would not have a detrimental impact on the character or appearance of the Cathedral and City Centre Conservation Area.

Trees

35. Policy 45A of the City of Lincoln Local Plan seeks to retain trees within new development proposals. This application includes the proposal for a new access ramp and installation of services connections on an existing grassed bank which is host to a number of trees. A Tree Report has been submitted in support of the application and the Combined Design and Access Statement and Heritage Impact Statement states that the route of the path was selected to avoid any tree root damage. One small, young tree would be removed in order to accommodate the proposed ramped footpath.
36. The Tree Report identifies that a number of the trees are at potential risk from damage to their roots if appropriate root protection measures are not adopted. It states that sensitive construction methods should be employed and also recommends that a Tree Protection Plan should be put in place. Lincolnshire County Council’s Trees Officer has recommended that if planning permission is granted it is subject to a number of conditions

designed to protect the existing trees on site from harm during the construction period. It is recommended that if planning permission is granted it is subject to a condition to protect the existing trees and further details should be sought through the condition to ensure that there would be no conflict in relation to archaeology and the scheduled monument. No objection has been raised to the removal of a small, young tree and it is not considered that this would have a detrimental impact on the setting of this sensitive historic landscape.

37. Subject to the imposition of conditions to protect the existing trees on site, it is concluded that the proposed development would not conflict with Policy 45A of the City of Lincoln Local Plan and that the existing trees would be afforded appropriate protection.

Overall Conclusions

38. Overall, it is concluded that the proposed development would not harm the fabric of the Bath House as a listed building and would not be detrimental to its setting.
39. Whilst the groundworks may cause some disturbance in relation to Lincoln Castle as a scheduled monument, the impacts are considered to have been minimised and the imposition of an archaeology condition would ensure that this is dealt with appropriately. The impacts of any such disturbance are concluded to be outweighed by the benefits of providing access to the Bath House.
40. The proposals would not have an adverse impact on the character or appearance of the Cathedral and City Centre Conservation Area.
41. The proposals are therefore in accordance with the NPPF and Policies 34 and 45A of the City of Lincoln Local Plan.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within seven days of such commencement.
2. The development hereby permitted shall be carried out in strict accordance with the submitted details and drawing numbers:
 - (a) 882-06-103 Rev F "Bath House as proposed – Site and Locality plan" (received 25 July 2013);
 - (b) 882-06-104 Rev H "Bath House as proposed – Drainage layout plan" (received 25 July 2013);

- (c) 882-06-105 Rev E "Bath House as proposed – Plan and roof plan" (received 5 April 2013);
- (d) 882-06-106 Rev D "Bath House as proposed – Elevations" (received 5 April 2013);
- (e) 882-06-107 Rev D "Bath House as proposed – Section A-A" (received 3 June 2013);
- (f) 882-06-120 Rev A "Detailed Plan of Bath House and disabled access ramp as proposed" (received 5 April 2013);
- (g) 882-06-121 Rev A "Detailed Section A-A through proposed disabled access ramp landing" (received 5 April 2013);
- (h) 882-06-122 Rev A "Detailed Section C-C through length of proposed disabled access ramp (received 5 April 2013);
- (i) 882-06-123 Rev A "Detailed Section D-D through width of proposed disabled access ramp" (received 5 April 2013);
- (j) 882-06-125 Rev C "Ramped pathway detail section" (received 25 July 2013);
- (k) 882-06-127 Rev D "Bath House as proposed – Detailed Plan" (received 3 June 2013); and
- (l) 882-06-133 "Drainage trench detail" (received 31 July 2013).

3. With respect to archaeology, the following measures shall be undertaken:

Part 1

Prior to the commencement of development, a written scheme of archaeological investigation shall be submitted to, and approved in writing by, the County Planning Authority. This scheme shall include the following:

- 1. an assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements);
- 2. a methodology and timetable of site investigation and recording;
- 3. provision for site analysis;
- 4. provision for publication and dissemination of analysis and records;
- 5. provision for archive deposition; and
- 6. nomination of a competent person/organisation to undertake the work.

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Part 2

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in part 1. The applicant will notify the County Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the County Planning Authority.

Part 3

A report of the archaeologist's findings shall be submitted to the County Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within three months of the works hereby given

consent being commenced, unless otherwise agreed in writing by the County Planning Authority; and the archive of all archaeological work undertaken hitherto shall be deposited with the County Museum Service, or another public depository willing to receive it.

4. Prior to the commencement of development samples of all materials shall be submitted to, and approved in writing by, the County Planning Authority, in consultation with English Heritage. Development thereafter shall be carried out in accordance with the approved details.
5. Prior to the commencement of development a comprehensive strategy for the protection of the existing trees on site shall be submitted to, and approved in writing by, the County Planning Authority. This shall include:
 - a plan showing the Construction Exclusion Zone;
 - a Tree Protection Plan, detailing the specification and location of the protective fencing to be employed on site, the method of securing this fencing into the ground and the location of the ground protection (cellular mattress);
 - a method statement detailing how the cellular mattress is to be deployed on site and retrieved without causing any damage to the Root Protection Areas of the retained trees;
 - a method statement detailing the sensitive construction methods to be employed to prevent damage to the tree root system of T3, as identified in the Tree Report received 13 May 2013, through the construction period and in the long term, including in relation to waterlogging and lack of soil aeration, in accordance with section 7.4 of BS 5837:2012 “Tree in Relation to Design Demolition and Construction Recommendations”;
 - a method statement detailing how any access chamber or rodding point required for the drainage system will be located outside the Root Protection Areas of the trees, and if it is not possible to be outside this Root Protection Area, how the works will be undertaken to avoid any damage to the tree roots;
 - a method statement regarding the installation of the drainage pipe within the Root Protection Areas of T3 to T6, as identified in the Tree Report received 13 May 2013; and
 - a method statement regarding any minor excavation required for the construction of the pathway to the Bath House.

Thereafter, the approved strategy shall be implemented in full and prior to the commencement of development protective fencing shall be erected in the approved location. At all times the protective fencing shall host a sign stating “CONSTRUCTION EXCLUSION ZONE – NO ACCESS” and the fencing shall remain on site until completion of the development hereby permitted.

Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.

2. To ensure that the development is carried out in an acceptable manner and for the avoidance of doubt as to the development that is permitted.
3. To ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site.
4. To ensure that development is carried out in an acceptable manner, specifically in relation to visual amenity and the impact on the heritage asset.
5. To afford appropriate protection to the existing trees on site.

Appendices

These are listed below and attached at the back of the report	
Appendix A	Committee Plan

Background Papers

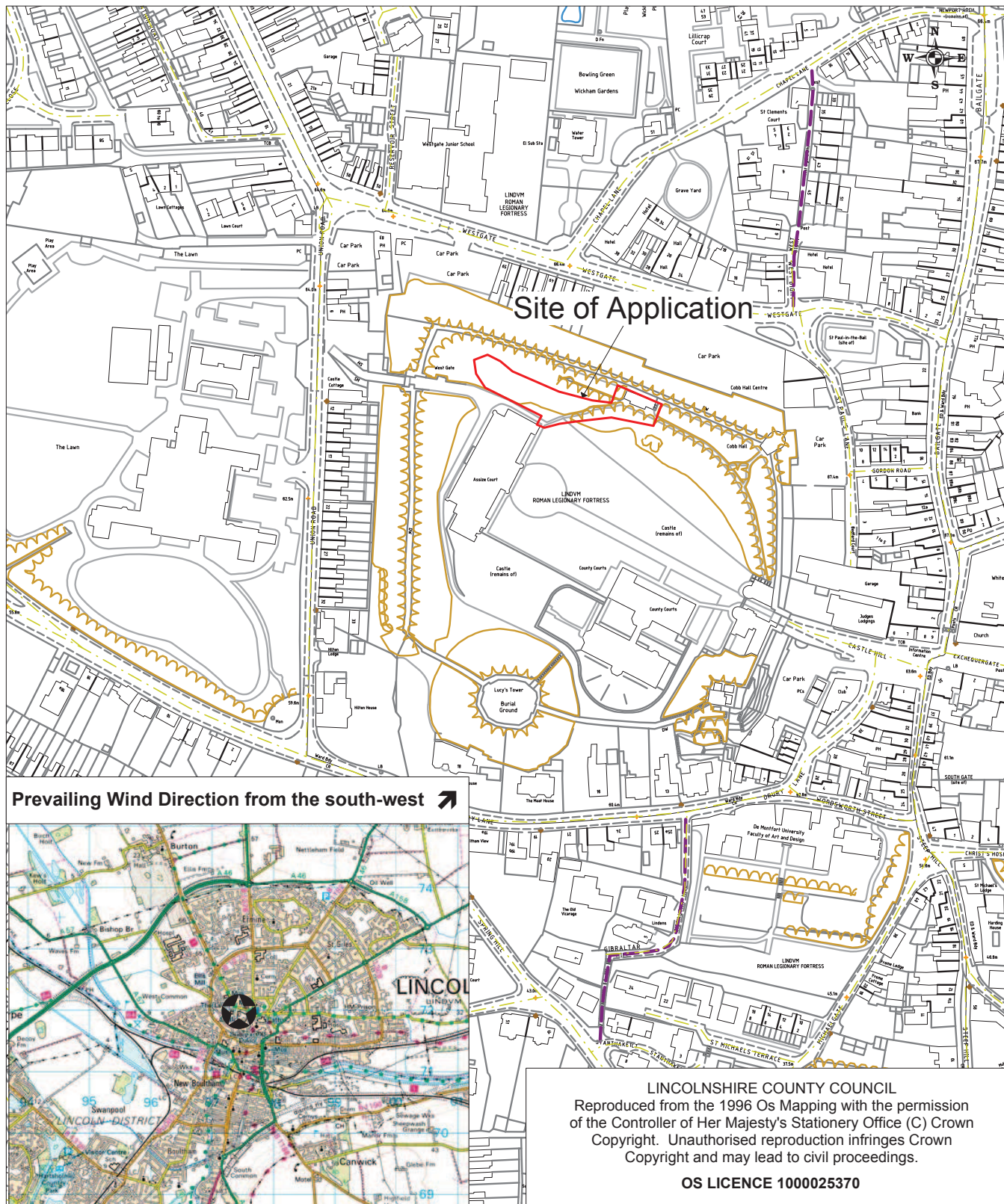
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File L/0855/13	Lincolnshire County Council, Spatial Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	Communities and Local Government website www.gov.uk
City of Lincoln Local Plan (1998) (saved 2007)	City of Lincoln Council website www.lincoln.gov.uk

This report was written by Natalie Dear, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL Appendix A

PLANNING



Prevailing Wind Direction from the south-west ↗



Location:
The Castle
Lincoln

Description:
Provision of new services connections, ramped and stepped entrance, hardstanding and a ramped footpath to improve access to the Bath House

Application No: L/0855/13
Scale: 1:1250

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**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	2 September 2013
Subject:	County Council Development – B/0263/13

Summary:

Planning permission is sought to vary Condition 5 of planning permission B05/0648/03 so as to allow the school's existing sports hall to be used by both the school and the local community outside normal school hours (i.e. 07:30 to 21:00 Monday to Friday and 08:00 to 21:30 Saturday and Sunday) at Boston Haven High Academy (formerly the Boston St Bede's Catholic Secondary School), Tollfield Road, Boston.

The main issue in the consideration of this planning application is the possible impact of the proposed changes on the amenity of local residents. It is considered that any impacts can be mitigated by the imposition of a suitable condition restricting access to the sports hall and adjacent car parking from Fernleigh Way.

Recommendation:

Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

The Application

1. Planning permission is sought to vary Condition 5 of planning permission B05/0648/03 at Boston Haven High Academy (formerly Boston St Bede's Catholic Secondary School), Tollfield Road, Boston. Planning permission was granted to erect a sports hall and construct a vehicular access to the rear of the school buildings in December 2003. Several conditions were imposed on the planning permission including Condition No. 5 which stated:

"The sports hall, vehicular access and associated car park shall not be used outside of normal school hours.

Reason: In the interest of local residential amenities"

2. This application has been made to enable the use of the sports hall by the school and the local community outside normal school hours (i.e. 07:30 to 21:00 Monday to Friday and 08:00 to 21:30 Saturday and Sunday). The school are aware of the concerns that were raised by local residents when

the original planning application for the sports hall and car park was being considered and in particular their concerns regarding traffic generation/ parking along Fernleigh Way. It is therefore the school's intention to address these concerns by ensuring that the car park constructed in association with the school hall is not available for use outside of normal school hours. Instead the school intend that visitors/users of the sports hall would use the main car park accessed via Tollfield Road. The extended hours of use would allow the school to provide its pupils with additional sporting activities and clubs outside of the school's standard curriculum and also provide the school with income from lettings to the local community or uses by sports clubs, dance companies, children's groups etc.

Site and Surroundings

3. Boston Haven High Technology College (formerly Boston St Bede's Catholic Secondary School) is situated off Tollfield Road, which is a predominantly residential area to the north east of Boston. The school site is an elongated rectangular shape and the buildings, which are predominantly single storey brick, are positioned in the eastern half of the school site. The school is enclosed by 2m high fencing, with hedges, shrubs and trees along some sections of the fencing. The school sports hall and associated car parking area are located to the rear of the complex of school buildings and main school car parking area, close to the southern boundary of the school site, which runs parallel to the highway (Fernleigh Way/Ashlawn Drive). The sports hall is set back almost 21m from the school boundary, which is marked by 2m chain link fence, with lockable double green steel palisade gates allowing vehicle access off Fernleigh Way into the car park.
4. The sports hall and parking area are substantially screened by mature hedges and tree/shrub planting along the school side of the boundary fence. Beyond the boundary of the school is a grassed verge (just under 10m wide), the highway (Fernleigh Way/Ashlawn Drive), then the nearest residential properties (just under 18m from the school boundary fence to the boundary of the nearest property and 23m from the property itself)

Main Planning Considerations

Local Plan Context

5. The Boston Borough Local Plan forms part of the Development Plan and pursuant to the advice contained in the National Planning Policy Framework (NPPF) due weight should be given to the relevant policies in existing plans according to their degree of consistency with the Framework with the closer the policies in the plan to the policies in the Framework the greater the weight that may be given. The following policies are considered to be relevant and in conformity with the NPPF:

Policy CF3 (New Community Facilities) supports the provision of new community facilities within settlements provided the proposal does not cause unacceptable traffic or parking problems and would not cause unacceptable

harm to the amenities of neighbouring land users and residents and is compatible with the existing character of the area in terms of its scale, layout design and materials.

Policy G1 (Amenity) states planning permission will only be granted for development which would not substantially harm the amenities of other nearby land users or residents or harm the general character of the area because of nature, scale, density, layout, appearance or level of traffic generation.

Results of Consultation and Publicity

6.
 - (a) Local County Council Member, Councillor Miss E Ransome – consulted on 10 July 2013 but had not replied at the time this report was prepared.
 - (b) Environment Agency – raise no objection.
 - (c) Highways (Lincolnshire County Council) – raise no objection.
 - (d) Witham 4th Internal Drainage Board – raise no objection.
7. The application has been publicised by site notice and the occupiers of two neighbouring properties located close to the vehicular access to the sports hall car park have been individually notified of the application. Both neighbours have replied setting out the following comments/concerns/objections (summarised):
 - should permission be granted users of the facility may congregate outside nearby residential properties, late at night prior to and following use of the sports hall, causing disturbance to local residents;
 - the original condition was imposed to protect residential amenity. In 2012, for a short period of time, the school permitted local groups to use the hall at night and weekends. This temporary use highlighted several problems:
 - (i) the car park, constructed in association with the sports hall was not large enough to accommodate all those using the hall. This resulted in cars being parked on the highway and grassed verges outside the school on Fernleigh Way;
 - (ii) children as young as 7 or 8 were playing in the car park and running into Fernleigh Way, raising concerns for the safety of these children;
 - the condition, as it stands would appear to prevent the site being accessed from Fernleigh Way during the school holidays for maintenance nor does it enable the sports hall to be used to its full potential. It is therefore suggested that should Councillors be minded to grant planning permission a condition be imposed which would protect both the local residents and children using the facility. This condition

should ensure that the access gates from the school onto Fernleigh Way may only be opened between the hours of 08:00 and 18:00 Monday to Friday and kept closed at all other times except in the case of emergency.

District Council's Observations

8. Boston Borough Council has no objections to the proposal subject to the imposition of a condition preventing the use of the car park adjacent to the sports hall which is accessed off Fernleigh Way.

Conclusions

9. The main issue in considering this application relates to the impact that an increase in the hours of opening and the use of the sports hall by the wider community, rather than just the school, would have on the amenity of local residents.
10. The application should be assessed against the requirements of Local Plan Policy CF3 and Policy G1. Policy CF3 supports the provision of new community facilities, however, the first criterion of Policy CF3 requires that the development should not cause unacceptable traffic or parking problems and would not cause harm to the amenity of neighbouring residential properties. Similarly Policy G1 aims to protect the amenity of other land users, including local residents from substantial harm.
11. As noted in the report, given the objections which were received from local residents when planning permission for the sports hall and associated parking was applied for in 2003, the school has carefully considered the potential impact on residents prior to the submission of this application. In order to address these concerns the school have proposed that the car park off Fernleigh Way is not made available for use outside of normal school hours and that outside of these hours users of the sports hall would utilise the main school car park off Tollgate Road. The school hope that this proposed manner of control would mitigate any concerns raised by local residents regarding noise and disturbance caused by vehicles accessing the sports hall outside normal school hours. As noted in the report, the two local residents have raised concerns/objections to the proposed extended hours on the grounds that the use of the access and car parking area off Fernleigh Way outside normal school hours would be problematic. Whilst Boston Borough Council have not objected to the proposal they too have reflected similar concerns to those residents but have suggested any impacts could be reduced or mitigated by imposing a condition to define and restrict which access may be used outside of school hours.
12. It is considered that the imposition of a condition restricting access to the school sports hall outside of the normal school hours from Fernleigh Way would ensure the requirements of Policy CF3 and G1 of the Local Plan are not compromised and therefore it is concluded that the application is not contrary to the provisions of the Boston Borough Local Plan.

RECOMMENDATIONS

That planning permission be granted for the variation of Condition No.5 as set out in the Council's Decision Notice reference B5/0648/03 dated 5 December 2003 and subject to all other conditions so far as the same are still subsisting and capable of taking effect, the following new condition be imposed to replace Condition No. 5 so as to allow for the use of the sports hall by the school and the local community outside normal school hours.

5. The access gates from the school onto Fernleigh Way shall only be used for access and egress between the hours of 08:00 and 18:00 Monday to Friday during term time and kept closed at all other times except in the case of emergency or were required for maintenance. Members of the public and other visitors to the sports hall, outside of normal school hours, shall use the main car park accessed directly off Tollfield Road.
6. The use of the sports hall for school and non school related activities shall be restricted to the following hours:

Mondays to Fridays	07:30 to 23:00 hours
Saturdays	08:00 to 23:00 hours
Sundays, Bank and Public Holidays	09:00 to 18:00 hours

Reasons

5 & 6 To protect residential amenity from noise and disturbance.

Appendices

These are listed below and attached at the back of the report

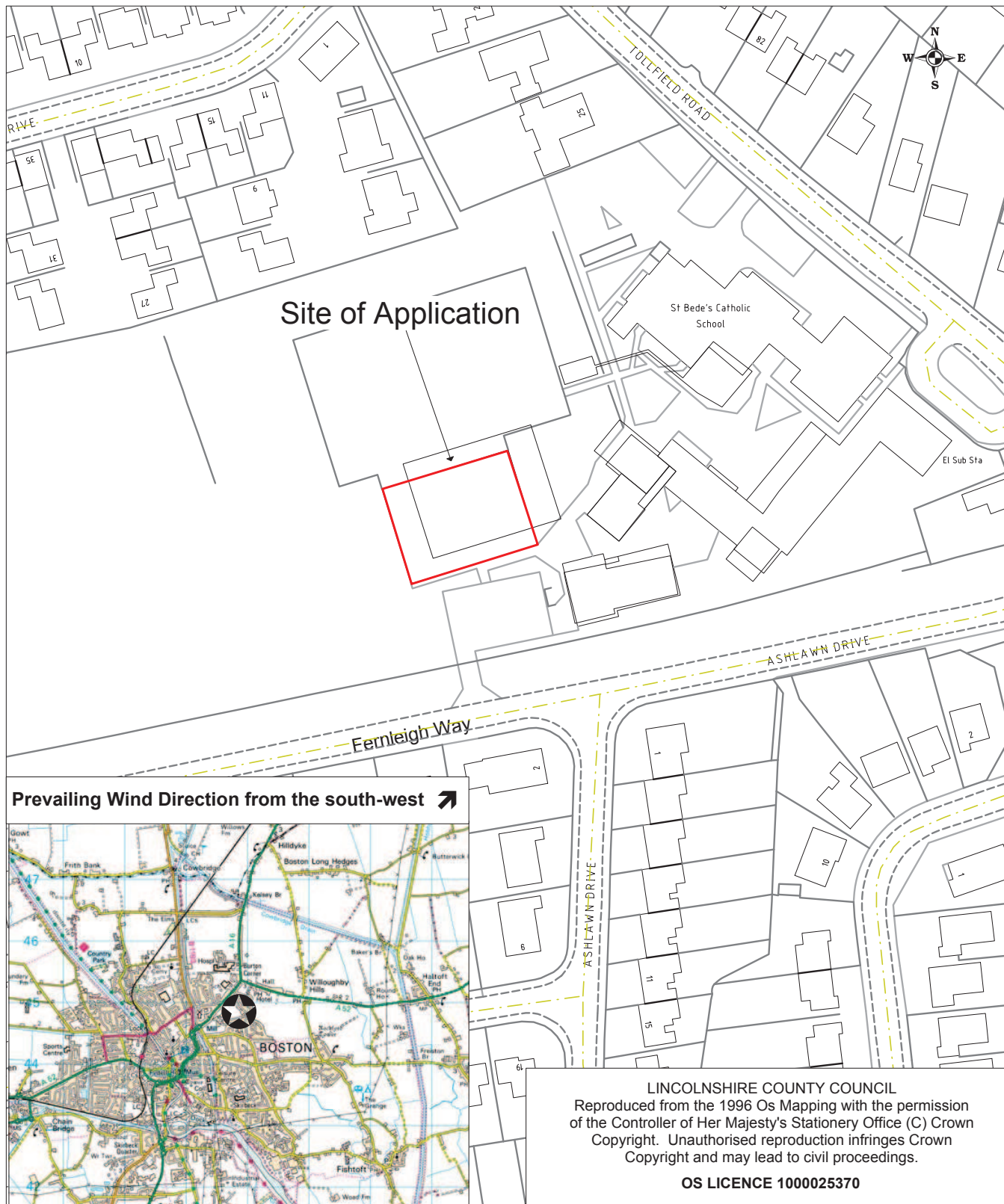
Appendix A	Committee Plan
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Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File B/0263/13	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
Boston Borough Local Plan (1999)	Boston Borough Council website www.boston.gov.uk

This report was written by Anne Cant, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk



Location:

St Bede's Catholic Secondary School
Tollfield Road
Boston

Application No: B/0263/13

Scale: 1:1250

Description:

To vary Condition 5 of planning permission B/03/0648/LCC3 to allow for the use of the sports hall by the school and the local community outside normal school hours (07:30 to 21:00 Monday to Friday and 08:00 to 21:30 Saturday and Sunday)

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**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	2 September 2013
Subject:	County Council Development – (E)S35/1246/13

Summary:

Planning permission is sought to vary Condition No. 1 of planning permission (E)S35/1197/08 which relates to the Visitor Centre at the Battle of Britain Memorial Flight premises at Dogdyke Road, Coningsby, so as to extend the time period permitted for the retention of the modular building until 31 May 2018.

Recommendation:

That the variation of Condition No. 1 of planning permission (E)S35/1197/08 be approved.

Background

1. In 1997 the former Planning and Regulation Sub-Committee granted planning permission (ref: (E)S35/1751/97) to station a relocatable building for use as a visitor centre for the Battle of Britain Memorial Flight (BBMF) at RAF Coningsby. The permission was limited by condition to a period of five years. At the time it was accepted that the building would be inappropriate as a permanent feature by reason of its design but, given the uncertain future of the location of the Memorial Flight it was considered that a temporary planning permission would be appropriate.
2. In 2002 a further application was made to both retain the relocatable building and to station a further relocatable building on the site to provide additional exhibition and educational space at the visitor centre. Although planning permission (ref: (E)S35/2207/02) was granted for a further period of five years, it was accepted that the future of the Memorial Flight at RAF Coningsby was becoming more secure and that the possibility of erecting a permanent building should again be considered.
3. Since 2002 no progress had been made on securing a permanent building because:

- the site is within the perimeter fence of the RAF Station and it was uncertain whether the RAF/MOD would give permission for a permanent building on their property; and
 - whilst the future of RAF Coningsby was secure at that time, there was no guarantee that the BBMF would not be relocated, in which case the building would become redundant.
4. On 13 June 2008 planning permission (ref: (E)S35/1197/08) was granted to retain the visitor centre at the Battle of Britain Memorial Flight premises, Dogdyke Road, Coningsby for a further period of five years, but direction was given to the Director for Communities, to explore further the provision of a permanent building.
 5. Planning permission is now sought to retain the existing buildings for a further five years.

The Application

6. Planning permission is sought to vary Condition No. 1 of planning permission reference (E)S35/1197/08 in order to retain and continue to use the visitors' centre. This condition states that:

"The buildings hereby permitted shall be removed on or before 31 May 2013."

and was imposed because:

"The buildings by reason of their design would be inappropriate as a permanent feature in this locality."

7. It is estimated that 30,000 people now visit the centre each year. In addition to the centre being the starting point for guided tours of the hanger housing the 12 planes of the BBMF, the building also has an exhibition area and shop together with an activity area used for temporary exhibitions and education. It is also proposed that the activity area would provide a small area for refreshment sales to enhance the visitor experience.
8. In 2012 analysis was carried out into the feasibility of a permanent building to replace the whole of the Visitor Centre. It was identified that external or partnership funding would be required to provide the necessary finance to complete a building project. In addition the permission from the Ministry of Defence for construction on their land would be required. To date there has been no reassurance that the operations of the RAF, and thus provision to accommodate the Memorial Flight, would continue to operate from Coningsby for a period of time sufficient to justify the cost of a permanent building. Therefore planning permission is sought to retain the existing mobile units.
9. The centre comprises two modular buildings which are linked by a 1m length corridor. The larger of these buildings is 31m in length, up to 13m in width

and 3.3m in height. The smaller building is up to 11.8m in length, 9.4m in width with a height not exceeding 3.3m. The buildings are dark green with flat grey roofs and there are three flights of brick built steps, together with two access ramps into the building. The windows are white uPVC and there are green painted wooden doors.

Site and Surroundings

10. The Battle of Britain Memorial Flight Visitor Centre is located immediately to the south of Coningsby village, 12 km south of Horncastle and 6km south east of Woodhall Spa. It is accessed from Dogdyke Road.
11. The site is located within the perimeter fence of RAF Coningsby to the east of Dogdyke Road. To north, east and south of the site is the operational area of RAF Coningsby, including the aircraft hanger housing the BBMF.

Main Planning Considerations

National Guidance

12. The National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 28 – To promote a strong rural economy, local and neighbourhood plans should:

Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Paragraph 129 – Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 215 – States that 12 months after the publication of the NPPF (March 2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework the greater weight may be given). This is of relevance to the East Lindsey Local Plan and the policies which are of relevance and should be given due weight are cited below.

Local Plan Context

13. The following policies contained within the East Lindsey Local Plan Alteration 1999 (ELLP) are considered relevant to this proposal:

Policy T1 (Tourism Strategy) states that development proposals for leisure and tourism will normally be permitted where they (relevant criteria cited):

- d) provide for visitor quiet enjoyment of the countryside whilst, at the same time and in every case they have due regard to protecting the district's natural and heritage assets and the amenities of local communities.

Policy A5 (Quality and Design of Development) sets out a number of criteria that development proposals will be required to meet which include reflecting the character of the area through design, layout, scale, appearance or choice of materials, etc.

Results of Consultation and Publicity

14. (a) Local County Council Member, Coucillor C Mair – was notified of the application on 2 July 2013 but no comments/response had been received at the time of writing this report.
- (b) Coningsby Town Council – support the application.
- (c) Anglian Water Services – no comments to make on the application.
- (d) Witham 3rd Internal Drainage Board – no observations to make on the application.
- (e) Witham 4th Internal Drainage Board - no observations to make on the application, however if there is any change to the surface water or treated water disposal arrangements from the development, the board should be contacted.
- (f) Highways (Lincolnshire County Council) – no observations. It is considered by the Highway Authority that the proposed development will not be detrimental to highway safety or traffic capacity.
- (g) Ministry of Defence – was notified of the application on 2 July 2013 and 22 July 2013 but no comments/response had been received at the time of writing this report.
15. The application has been publicised by a notice posted at the site and a letter of notification was sent to the nearest neighbouring property to the site. No representations had been received as a result of this publicity/ notification at the time of writing this report.

District Council's Observations

16. East Lindsey District Council has no objection to the application.

Conclusions

17. The BBMF visitor centre has increasingly become an important tourist attraction and given its proximity to RAF Coningsby is considered to be appropriate given the historic context. The main consideration, however, is whether a further planning permission should be granted to allow the retention of building considered inappropriate as a permanent feature in the area.
18. Since planning permission was first granted in 1997 a number of issues have contributed to delays in securing permanent accommodation in a more appropriate building. Initially these included uncertainty over the future of RAF Coningsby and potential issues regarding gaining consent from the RAF/MOD for a permanent building on their land. More recently, the lack of available finances also contributed towards not being able to secure a permanent building. However, having regard to these potential issues, and given the support of both the District and Town Councils, it is considered that it would be appropriate to allow the retention of the modular buildings for a further period of five years. On this basis it is considered that the proposal would accord with the NPPF Paragraphs 28 and 129 and Policies T1 and A5 of the East Lindsey Local Plan Alteration 1999.

RECOMMENDATIONS

That planning permission is granted for the variation of Condition No. 1 of planning permission (E)S35/1197/08 and a new condition be imposed to replace Condition 1 to read as follows:

1. The building hereby permitted shall be removed on or before 31 May 2018 and the land restored to its former use.

Reason

1. The buildings by reason of their design would be inappropriate as a permanent feature in this locality.

Appendices

These are listed below and attached at the back of the report

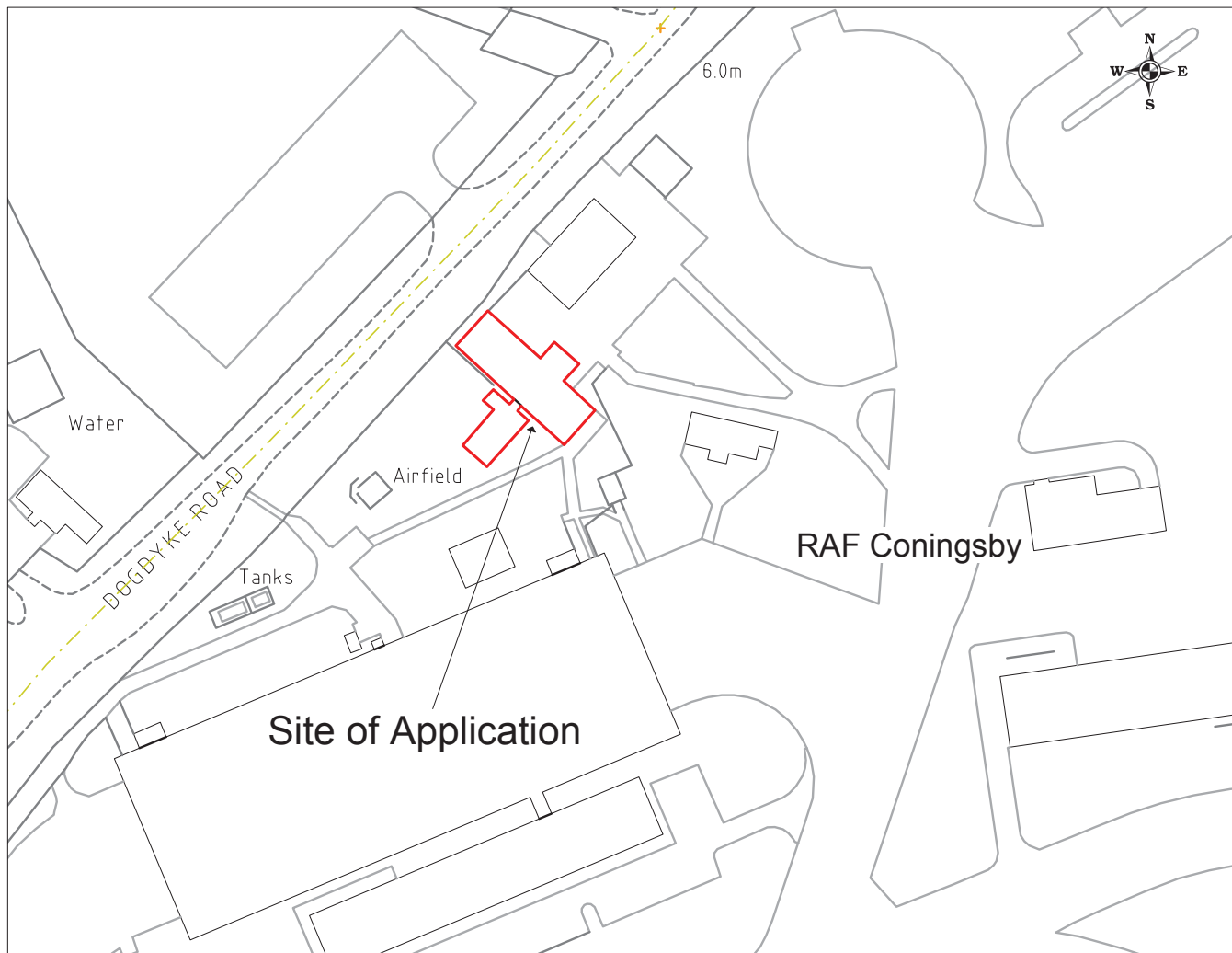
Appendix A	Committee Plan
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Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application Files (E)S35/1197/08 (E)S35/2207/02 (E)S35/1751/97	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	Communities and Local Government website www.communities.gov.uk
East Lindsey Local Plan Alteration 1999	East Lindsey District Council website www.e-lindsey.gov.uk

This report was written by Felicity Webber, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk



Prevailing Wind Direction from the south-west ↗



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Location:

Battle of Britain Memorial Flight
Dogdyke Road
Coningsby

Description:

To vary condition No. 1 of planning permission
(E)S35/1197/08 to extend the time limit permitted
for the retention of the modular building

Application No: (E)S35/1246/13

Scale: 1:1250

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