

**Open Report on behalf of Richard Wills  
Executive Director, Environment & Economy**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>15 February 2016</b>
Subject:	<b>County Matter Application - H23/1042/15</b>

**Summary:**

Supplementary Report

Planning permission is sought by Mr Tony El Houly to operate a scrap yard at land at The Bungalow, Oxcroft Bank, Moulton Chapel.

This application was originally brought to the Planning and Regulation Committee meeting on 11 January 2016 with a recommendation that planning permission be refused. Having taken into consideration the comments and arguments put forward by the applicant, Officers considered that the proposed development conflicts with planning policy insofar as the applicant has not demonstrated that the development cannot be located within a defined settlement limit or that it would service a local need in this location and also felt that the highway infrastructure in this locality cannot support an increase in vehicle use of the type proposed. The detailed report presented at the 11 January 2016 meeting is attached as Appendix B.

At its meeting on 11 January 2016 the Planning and Regulation Committee resolved to defer the determination of the application in order to carry out a site visit to view the proposal site and its surroundings. The site visit took place on 2 February 2016.

**Recommendation:**

Following consideration of the relevant development plan policies it is recommended that planning permission be refused.

1. At its meeting on 11 January 2016 the Planning and Regulation Committee considered an application by Mr Tony El Houly for the proposed change of use of land at the Bungalow, Oxcroft Bank, Moulton Chapel to a scrap yard comprising principally of an end-of-life vehicle depollution, dismantling and re-use operation. As part of the application the applicant proposes to erect an open-sided sheet metal building within the site which would allow work on the vehicles to be carried out and also proposes to use an existing static caravan as a site office.

2. A copy of the detailed report presented to the 11 January 2016 Planning and Regulation Committee meeting is attached hereto as Appendix B. The Officer's recommendation as set out in that report was that planning permission be refused for the following reason:

The proposed new scrapyards would be an unacceptable development in the open countryside in terms of scale and use and would have a detrimental impact on the local transport network. The applicant has not provided sufficient information to demonstrate that the development cannot be located within a defined settlement limit or would be essential in the proposed location to service a local need or cause harm to the highways infrastructure. As a result, the applicant has failed to demonstrate that the proposed development accords with the criteria and objectives of Policies SG2, SG3, SG4, SG14 and EC3 of the adopted South Holland Local Plan (2006) and Policies WLP3 and WLP21 of the Waste Local Plan. The proposal is also considered to be contrary to the objectives of Policies W3, W7, DM1, DM3 and DM14 of the Core Strategy and Development Management Policies of the emerging Lincolnshire and Waste Local Plan.

3. During consideration of the application at the previous meeting, Members of the Planning and Regulation Committee considered it would be helpful to visit the site to view the condition of Oxcroft Bank and the local highway network leading to the site to get a better understanding of the impact of the proposed development on the local highway network. As a result, Members of the Committee resolved to defer the determination of the application in order to carry out a site visit to view the application site and its surroundings. The site visit took place on 2 February 2016.
4. Further discussions have taken place with Highways Officers following the comments made by Councillors at the January meeting. Highways confirm that their objection to the application is based on the fact that local highway network is not suitable to accommodate the vehicle movements that the application is expected to generate/attract. The carriageway surface of Randall Bank is un-metalled (it is believed to have a metalled surface beneath the unbound surfacing material). The unbound material has been placed on the top of the metalled surface without any consent from the Highways Authority. Being unbound, the carriageway surface will be more susceptible to damage and structural failure/rutting/ponding. Whilst this would not be an issue for agricultural traffic it would make it very difficult for the site to be accessed by purely road-going vehicles and with a commercial business on site requiring full-time access the Highway Authority would come under pressure to spend part of the highway maintenance budget on an unclassified road. In addition the site is in a remote location served only by narrow rural roads which are of low constructional standard and which are already suffering from drought damage. The introduction of unnecessary commercial vehicle movements onto this network of roads would only serve to hasten the deterioration of these roads.
5. The cost of resurfacing Randall Bank would be significantly disproportionate to the financial return from the proposed development and it is considered

that a Planning Obligation requiring a contribution from the applicant to undertake these works would not meet the tests of the NPPF set out in Paragraph 204 which requires that the obligation should only be sought where they are fairly and reasonably related in scale and kind to the development.

6. Highways would support the stopping-up of Randall Bank (the road ceasing to be classed as a public highway) but there is a requirement to undertake comprehensive consultation before this can take place and it is likely that objections would be received from adjoining landowners.
7. Since the original report was written, a draft version of the South East Lincolnshire Local Plan has been publicised for public consultation and this plan will eventually replace the current South Holland Local Plan. Although this plan and the policies within it are at a very early stage of preparation and therefore, in line with paragraph 216 of the NPPF, carry little weight in the determination of planning applications. Policies 1, 2, 3, 5, 7 and 29 are considered to be of relevance to this proposal and reflect the general strategy and objectives of the current South Holland Local Plan in terms of ensuring new development is appropriate in its location and does not give rise to adverse impacts on the its setting, the environment or amenity of other nearby users.
8. Taking into account the additional highways comments, having considered the proposals against both the adopted and emerging policies contained within the Development Plan your Officers maintain the view that planning permission for this development should be refused for the same reasons as cited in the original report.

## **RECOMMENDATION**

That planning permission be refused for the following reason:

1. The proposed new scrapyards would be an unacceptable development in the open countryside in terms of scale and use and would have a detrimental impact on the local transport network. The applicant has not provided sufficient information to demonstrate that the development cannot be located within a defined settlement limit or would be essential in the proposed location to service a local need or cause harm to the highways infrastructure. As a result, the applicant has failed to demonstrate that the proposed development accords with the criteria and objectives of Policies SG2, SG3, SG4, SG14 and EC3 of the adopted South Holland Local Plan (2006) and Policies WLP3 and WLP21 of the Waste Local Plan. The proposal is also considered to be contrary to the objectives of Policies W3, W7, DM1, DM3 and DM14 of the Core Strategy and Development Management Policies of the emerging Lincolnshire and Waste Local Plan.

## Appendix

These are listed below and attached at the back of the report	
Appendix B	Report reference 5.1 to the Planning and Regulation Committee on 11 January 2016 relating to County Matter Application, to operate a Scrap Yard at land at The Bungalow, Oxcroft Bank, Moulton Chapel by Mr Tony El Houly
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 H23/1042/15	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Waste Local Plan (2006)	Lincolnshire County Council's website <a href="http://www.lincolnshire.gov.uk/">http://www.lincolnshire.gov.uk/</a>
Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (Pre-Submission Draft) January 2015	Lincolnshire County Council website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
South Holland Local Plan (2006)	South Holland District Council's website <a href="http://www.sholland.gov.uk/">http://www.sholland.gov.uk/</a>
South East Lincolnshire Local Plan Policies (Draft) January 2016	<a href="http://southeastlincslocalplan.org/wordpress/">http://southeastlincslocalplan.org/wordpress/</a>

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**Open Report on behalf of Richard Wills  
Executive Director, Environment & Economy**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>11 January 2016</b>
Subject:	<b>County Matter Application - H23/1042/15</b>

**Summary:**

Planning permission is sought by Mr Tony El Houly to operate a Scrap Yard at land at The Bungalow, Oxcroft Bank, Moulton Chapel.

**Recommendation:**

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

## Background

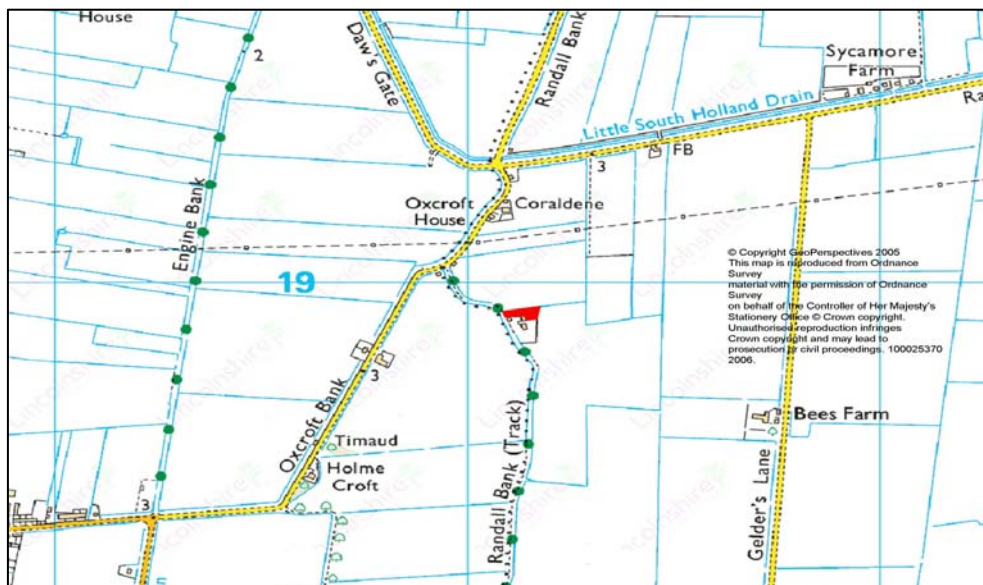
1. The site to the north of The Bungalow, Oxcroft Bank is currently used in part for the storage of pallets although there is no record of planning permission having been granted authorising this use. In 2004 a time-limited planning permission was granted by South Holland District Council (reference: H23-1252-03) which allowed the site to be used for the distribution of aggregates. A condition imposed on this permission required the land to be cleared of structures and materials associated with the business and stated that after 3 years the land would revert to uses incidental to the enjoyment of the dwelling. In 2013 planning permission was refused by South Holland District Council (reference: H23-0755-13) for the erection of two domestic dwellings within the site.

## The Application

2. Planning permission is sought for a change of use of land at the Bungalow, Oxcroft Bank, Moulton Chapel (Plan 1) to a scrap yard comprising principally of an end of life vehicle depollution, dismantling and reuse operation. It is proposed that an open sided sheet metal building would be erected to allow work on the vehicles and an existing static caravan (Photo 1) would be used as a site office.
3. The proposed building would measure 3 metres in height to the eaves with a sheet metal pitched roof over to a height of 4 metres, the floor of the building

would be concreted to provide a sealed surface. The building would measure 10 metres in length by 8 metres wide. End of life vehicles would be brought to the site where they would be depolluted and dismantled within the new building. The operations would be as follows:

- draining/removal of the liquids into sealed containers;
  - removal of other material from the vehicles including car seats, air bags and plastics for ongoing recycling; and
  - removal of the engine and all other useable spare parts, for reuse/resale.
4. Processing and dismantling operations would be carried out by hand, using power tools where necessary and the vehicle shells would be stored in the yard before removal to an appropriate recycling facility. Vehicle parts would be stored on site in advance of being resold. Approximately four end of life vehicles a week would be processed and these would be brought to site by a flatbed truck or breakdown vehicle/tow truck. The shells would be removed by truck.
  5. The hours of operation would be 08:00 to 18:00 Monday to Friday with occasional working on Saturdays between 08:00 and 13:00. There would be no working on Sundays or Bank Holidays. The operation would employ two people.
  6. The proposal site lies within Flood Zone 2 and so the applicant has submitted a Flood Risk Assessment in support of the application. This assessment states that the proposed use of the site has been assessed against the Flood Risk Vulnerability Classification contained within the NPPF and it is considered to be a 'less vulnerable' development and so is deemed appropriate within Flood Zone 2.



Plan 1



## Site and Surroundings

7. The proposal site is located immediately to the north of a residential property known as 'The Bungalow' which also has a number of outbuildings. The southern boundary of the site is demarked by a 1.5m high wooden garden fence, a 3m high blockwork building (Photo 1) which is used for storage and leisure uses by the owner of the 'The Bungalow' and a further 3m high blockwork built shed abuts the western boundary of the site. Between the buildings is an open space giving access between the yard and The Bungalow. The eastern boundary consists of a 1.5m high closed board wooden fence backed by a mature stand of leylandii trees to a height in excess of 10m. This boundary fencing continues along the northern edge of the site, with mature deciduous trees up to a height of 8m interspersed with shrubs to a height of 2.5m.



Photo 1

Access (Photo 2) to the site is gained from the single track lane known as Randall Bank which leads to Oxcroft Bank approximately 250m to the north (Photo 3).



Photo 2



Photo 3



The sites entrance consists of substantial double gates constructed of wooden closed boards, supported by concrete block and brick built concrete gate posts. The gates are flanked by block built walls with brick courses surmounted by wooden closed board fencing to the height of the gates and backed by mature leylandii trees grown to a height in excess of 10 metres. The wider landscape comprises of flat fenland (Photo 4) which is dominated by agricultural fields together with isolated domestic and agricultural buildings. The nearest settlement is Moulton Chapel approximately 1.5 km to the south west, with the towns of Holbeach and Spalding approximately 5km to the north east and north west respectively.



Photo 4

## Main Planning Considerations

### National Guidance

8. 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. In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development.
9. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 14 - sustainable development in accordance with the development plan;

Paragraph 28 – sustainable growth and expansion in rural areas;

Paragraph 32 – Transport Statement to demonstrate safe and suitable access to the site;  
Paragraphs 56 to 64 – design and visual appearance and place;  
Paragraph 103 – flood risk assessment;  
Paragraph 111 – re-using land that has been previously developed;  
Paragraph 120 – seeks to protect general amenity;  
Paragraph 122 – acceptable use of land and the impact of the use;  
Paragraph 125 – impact of light pollution;  
Paragraph 128 – historic environment;  
Paragraphs 186 and 187 - pre-application advice on the development and by processing the application efficiently;  
Paragraph 215 & 216 - due weight should be given to relevant policies in existing adopted plans according to their degree of consistency with the NPPF. This is of relevance to the South Holland Local Plan (2006) and Lincolnshire Waste Local Plan (2006). Given its advanced stage of preparation greater weight can also be given to policies contained within the emerging Lincolnshire Minerals and Waste Local Plan.

10. In addition to the NPPF, in March 2014 the Government published the web based Planning Practice Guidance (PPG). The PPG entitled 'Waste' also sets out the overall requirements for waste sites, including in relation to assessing the need to add to these with consideration of relevant impacts on environmental quality as well as economic potential.

11. National Planning Policy for Waste (NPPW) October 2014 sets out the national approach to waste management when determining planning applications:

Paragraph 007 – consider the likely impact on the local environment and amenity against criteria in Appendix B and ensure waste management facilities in themselves are well-designed, so as to contribute positively to the character and quality of the area in which they are located;

Paragraph 046 – Unallocated sites - where a proposal is consistent with an up to date plan there is no need to demonstrate 'need';

Appendix B – Locational Criteria. In testing the suitability of sites and area in determining planning applications, including type and scale:

- a. protection of water quality and resources and flood risk management - Considerations will include the proximity of vulnerable surface and groundwater or aquifers. The suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination, will also need particular care;
- c. landscape and visual impacts - Considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character;

- e. conserving the historic environment - Considerations will include the potential effects on the significance of heritage assets, whether designated or not, including any contribution made by their setting;
- f. traffic and access – consideration will include the suitability of the road network and the extent to which access would require reliance on local road; and
- j. noise, vibration – consideration will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including the noise and vibration from goods vehicle traffic movements to and from the site. Intermittent and sustained operating noise may be a problem if not properly management.

### Local Plan Context

12. 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 when applying the hierarchy and assessing the need for waste facilities regard will be paid to:

- proximity principle;
- waste planning policies and proposals of neighbouring areas; and
- best available techniques and the environmental setting of the facility.

Policy WLP3 (Scrap Yards) states that planning permission will be granted for new sites for the handling, transfer or storage of scrap vehicles 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 – where development would not be at unacceptable risk from all sources of flooding;
- (viii) Archaeology - where the development would not adversely affect potential significant archaeological remains, with respect archaeological remains the approach will be dependent upon the significance of the potential remains;

- (xi) Dust, Odour etc - where the development including its associated traffic movements, visual impact, noise, dust, odour, litter... 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; and
- (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.

13. South Holland 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 are considered to be generally consistent with the NPPF and of relevance to this proposal:

Policy SG1 (General Sustainable Development) supports proposals where the development is consistent with 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 development must be located having regard to sustainable principles stating:

- 1) a sequential approach which give priority to the use of previously development land **and** building within defined settlement limits, then to greenfield land within defined settlement limits and finally to land adjacent to defined settlement limits; and
- 4) ensure that the development is acceptable in terms of traffic generation and road safety in the surrounding area.

Policy SG3 (Settlement Hierarchy) sets out the strategy for locating new development. Of relevance to this application is:

- 4) Other Rural Settlements which states that only very limited amount of new development will be permitted and only in exceptional circumstances to meet demonstrated local needs and location is well related to the built up area of settlement.

Policy SG4 (Development in the Countryside) where development is essential in the proposed location and cannot reasonably be accommodated within defined settlement limits 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 SG14 (Design and Layout of New Development) states new development should be designed to ensure that it makes a positive contribution to the visual quality of its surroundings taking into account the following matters:

- 5) the scale, form and height;
- 7) the effect of the development on the amenity of nearby residents in terms of general disturbance; and
- 9) the layout of vehicular access, parking and manoeuvring facilities.

Policy EC3 (Existing Employment Areas/Premises) states that proposals for new development, redevelopment and changes of use for employment uses will be permitted provided they are acceptable in terms of environmental impact, the level of traffic movement and intrusion into the open countryside.

14. The Core Strategy and Development Management Policies (Pre-submission Draft) of the emerging Lincolnshire Minerals and Waste Local Plan was examined in October 2015 and the final draft consultation will run for a period of six weeks from November 2015. In line with paragraph 216 of the NPPF, the policies contained within this document can be given greater weight in the determination of planning applications and the key policies of relevance in this case are:

Policy W3 (Spatial Strategy for New Waste Facilities) states that proposals for new waste facilities, including extensions to existing waste facilities, will be permitted in and around the following main urban areas as indicated on the key diagram subject to the criteria of Policy W4. Proposals for new waste facilities, outside the above areas will only be permitted where they are:

- biological treatment of waste (Policy W5);
- landfilling of waste (Policy W6);
- small scale waste facilities (Policy W7); and
- treatment of waste water and sewage (Policy W9).

Policy W7 (Small Scale Waste Facilities) proposes that small scale waste facilities, including small extensions to existing waste facilities, outside of those areas specified in Policy W3 provided that:

- there is a proven need to locate such a facility outside of the main urban areas; and
- the proposals accord with all relevant Development Management Policies set out in the Plan; and
- the facility would be well located to the arisings of the waste it would manage; and
- they would be located on land which constitutes previously developed and/or contaminated land, existing or planned industrial/employment land, or redundant agricultural and forestry buildings and their curtilages.

Proposals must accord with all relevant Development Management Policies set out in the Plan. The most relevant to this proposal are as follows:

Policy DM1 (Presumption in Favour of Sustainable Development) states that County Council will take a positive approach that reflects the presumption in favour of sustainable development and to secure development that improves the economic and environmental condition in the area. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy DM3 (Quality of Life and Amenity) planning permission will be granted for mineral and waste development provided that it does not generate unacceptable adverse impacts arising from amongst other factors visual intrusion and traffic. In addition the policy states that in respect of waste, development is well designed and contributes positively to the character and quality of the area in which it is to be located. Where unacceptable impacts are identified, which cannot be addressed through mitigation measures, planning permission will be refused.

Policy DM14 (Transport by Road) states that planning permission will be granted for waste development involving transport by road where the highway network is of, or will be made up to, an appropriate standard for use by the traffic generated by the development; and arrangements for site access and traffic generated by the development would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity or the environment.



## Results of Consultation and Publicity

15. Local County Council Member, Councillor R Fairman and the Environmental Health Officer (South Holland District Council) were consulted on 6 November 2015 but had not responded at the time that this report was prepared.

(a) Whaplode Parish Council – have no objections.

(b) Moulton Parish Council - has concerns regarding the access routes to the proposed site being unsuitable, citing Randall Bank being a 'green lane' and Oxcroft Bank as being totally unsuitable for large HGV's. They have commented that the highway is narrow and in a poor state of repair and not deemed by County Highways Officer as 'high priority' for maintenance. The southernmost corner along Oxcroft Bank is also a blind corner and it is detrimental to highway safety.

It is further stated that traffic accessing this proposed site would ultimately have to travel through the village of Moulton Chapel along Roman Road which is the main residential area of the village and runs through the centre of the village. The roads are being carved up by large vehicles which are totally unsuitable and it is believed that further flatbed trucks will simply add to the ongoing issues. Whilst the application states that there will be no more than four vehicles per week this will in fact create four travelling in and four travelling out in addition to the vehicles collecting the scrap twice a week. The Parish Council believes that further heavy traffic would impact on local amenities.

In addition to the highways issues raised, the Parish Council are also extremely concerned about the potential of pollution to the water resources and that this could have a catastrophic effect on drainage, agricultural land nearby and livestock. Whilst the Environment Agency would be required to regulate the proposed operation there is huge concern that vehicle liquids could easily seep into the soil and this would be totally inappropriate for our open countryside.

Overall, the Parish Council do not believe that this proposed site is in accordance with the County Waste Local Plan and is totally unsuitable for this type of industrial use. In addition to this it was felt that the visual impact would undoubtedly have an adverse effect on the local landscape.

(c) Environment Agency –have no objection to the application but wish to provide the following informative comments:

An environmental permit will be required to carry out the proposed activity. No vehicles intended for breaking can be accepted at the site before a permit is granted and the site infrastructure is satisfactory. Our local Waste team has had preliminary discussions with the

applicant regarding the need for a permit. Further pre-application contact is expected.

- (d) Highways Officer (Lincolnshire County Council) – recommends that planning permission be refused. The Highways Officer notes the low number of vehicle movements proposed by the applicant, however, it is stated that Randall Bank is inadequate in terms of its width and construction to serve the proposed development. The road is an un-surfaced public highway (not a private road as indicated on the submitted details) which is single-track only. Consequently, there is generally insufficient width to permit vehicles to pass one another and the additional vehicular activity likely to be generated by the proposed development would result in an increased incidence of movements along this road. The manoeuvring of passing vehicles would also lead to vehicles overrunning the edge of the narrow, un-surfaced carriageway and adjoining verge thereby causing an unacceptable level of damage to both as well as possible structural failure of the carriageway. Such conditions are contrary to the interests of safety and free passage of the public within the public highway.
- (e) Historic Environment Officer (Lincolnshire County Council) – has recommended that further information be provided from the applicant, in the form of an archaeological evaluation, in order to provide the local planning authority with sufficient information to enable it to make a reasoned decision on this planning application. This evaluation should consist of trial excavation as cropmarks surrounding the site show that this site forms part of an extensive, probably late Iron Age/Roman landscape, and cropmarks are particularly dense in this area.

This site has not been subject to pre-determination evaluation and the site-specific archaeological potential has not been determined. It is therefore recommended that the planning application be withdrawn until information is provided on the nature and depth of the archaeology and of the proposed ground impact.

- (f) Lincolnshire Fire & Rescue – has objected and recommended the following measures in order to remove the objection (summarised):

'The installation of a fire hydrant to British Standard in respect of this application, within 90 metres of the site'.

- (g) Local County Council Member, Councillor N Pepper – who is a member of the Planning and Regulation Committee was consulted on the application but reserves his position until the date of the meeting.

16. The application has been publicised by notice posted at the site and in the local press (Spalding Guardian) on Thursday 12 November 2015 and two letters of notification were sent to the nearest neighbouring residents. No responses had been received at the time that this report was written.

## District Council's Recommendations

17. South Holland District Council – objects to the application as it is considered that the proposal will create a discordant feature in the open countryside and will have a detrimental impact on the private road leading to the proposed business.

## Conclusions

18. 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

19. 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 car shells 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 NPPW 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.
20. Whilst the proposed development would therefore accord with the wider principles and objectives of the waste local plan and waste hierarchy, it is also necessary to consider whether the development would be acceptable in terms of its location and could be carried out without having any adverse environmental or amenity impacts.

## Locational Considerations

21. In terms of location, Policy SG2 of the South Holland Local Plan requires developments to be located with regard to sustainable principles and states that given a sequential approach, priority should be given to previously developed land and buildings within defined settlement limits (as defined in Policy SG3), then to greenfield land within defined settlement limits and finally to land adjacent to defined settlement limits. Policy W3 of the emerging Core Strategy similarly reflects the spatial approach advocated by Policy SG2 by seeking to primarily direct new waste management facilities in and around main urban areas. Policy WLP3 of the Lincolnshire Waste Local Plan (2006) relates specifically to scrap yards and identifies sites with existing General Industrial Uses, specifically Use Class B2, as being suitable for new scrap yards and emerging Policy W7 states that proposals for new waste facilities outside of main urban areas will only be supported where they are small in scale and that preference will be given to sites that are previously developed, existing or planned industrial/employment land

and buildings or land already in waste management use, or site allocated in the Site Locations Document.

22. In this instance the proposal site is located outside of the defined settlement boundary and limits of the nearest village of Moulton Chapel and therefore is not located within the defined settlement of an established urban area or other such smaller settlement as advocated by Policy SG2 and SG3 and emerging Policy W3. By virtue of a condition imposed by a former permission, the proposal site comprises of land which is classed as being incidental to the enjoyment of a domestic dwelling (i.e. The Bungalow) and therefore does not have planning permission for any industrial or commercial use. As a result, the proposed location and uses on this site would also not accord with the locational criteria cited by Policy WLP3 or the spatial approach advocated by emerging Policy W3.
23. The proposal site itself therefore falls within the open countryside and whilst emerging Policy W7 does lend support to the establishment of small scale waste management facilities outside of urban areas these will only be supported where there is a proven need to locate such a facility outside the main urban areas (also reflected by Policy SG4) and only where the facility is well located to the arisings of the waste and where they are located on previously developed land, existing or planned industrial/employment land and buildings or land already in waste management use, or site allocated in the Site Locations Document which is in accord with Policy EC3 of South Holland Local Plan insofar as the site is not allocated as being within an existing Employment Area/Premises. The applicant has not indicated the origin of end of life vehicles and as a consequence has not demonstrated a need for a scrap yard in this locality. Consequently, given the permitted uses of the site and its location, in this instance the proposal fails to meet any of the specified locational criteria of the cited policies within the adopted South Holland Local Plan or Lincolnshire Waste Local Plan and is not considered to meet the criteria set out in the Policy W7 of the emerging Core Strategy.

## Environmental & Amenity Considerations

### Flood Risk

24. The site a falls within Flood Zone 2 and the NPPF, South Holland Local Plan Policy SG9 and Waste Local Plan 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 Zone 2 as shown on the Environment Agency's indicative Flood Zone Maps and is therefore categorised as being in an area at low to medium risk and probability of flooding from main rivers or the sea. However, the proposed development in this application are categorised by the Planning Policy Guidance Table 2 Flood Risk Vulnerability Classification as being 'less vulnerable' form of development in

terms of their flood risk vulnerability and therefore this use is considered appropriate form of development for this flood zone and therefore meets this criteria of Policy WLP21(v).

### Historic Environment

26. Lincolnshire County Council's Historic Environment Officer has identified the potential for archaeology within the site and therefore has recommended that an evaluation of the site be carried out, including a trial excavations, in order to determine the significance of any heritage assets that may be potentially affected by the proposal. Whilst it is accepted that the proposed development would result in only limited excavations (e.g. associated with the construction of the new building) the crop markings in the immediate vicinity of the site are particularly dense and therefore features of potential archaeological interest could lie at depth and therefore be adversely affected. The Historic Environment Officer has consequently recommended that the applicant withdraw the application with a view to discussing the extent of evaluation needed to determine the significance of any heritage asset. As no such evaluation has been carried out, at this time, the applicant has failed to demonstrate that the development would not have an adverse impact on potential archaeology and therefore Officers cannot conclusively confirm that the development would accord with Policy WLP21(viii).

### Highways

27. The Highway's Officer identified Randall Bank as Public Highway and inadequate in terms of its width and construction to serve the proposed development. The development, although small in scale, would result in an increase of vehicular movements including HCV transportation and given the nature of the public highway (Randall Bank), being both un-surfaced and single track, the Highways Officer has recommended that the application be refused as the traffic associated with the proposal would have unacceptable impact on the highway. As a result, the proposed development would conflict with the aims and objectives of WLP21(xi) and (xii) in that it would have an adverse effect on local land uses and would exceed the capacity of the local road system. The proposal is also considered to fail to accord with emerging Policies DM1, DM3 and DM14 insofar as it is not considered to be in a sustainable location, would not improve the environmental condition of the area and would be likely to cause degradation to the local highway network and the free flow of traffic.

## **RECOMMENDATIONS**

That planning permission for the following application reference H23/1042/15 be refused for the following reason:

1. The proposed new scrapyards would be an unacceptable development in the open countryside in terms of scale and use and would have a detrimental

impact on the local transport network. The applicant has not provided sufficient information to demonstrate that the development cannot be located within a defined settlement limit or would be essential in the proposed location to service a local need or cause harm to the highways infrastructure. As a result, the applicant has failed to demonstrate that the proposed development accords with the criteria and objectives of Policies SG2, SG3, SG4, SG14 and EC3 of the adopted South Holland Local Plan (2006) and Policies WLP3 and WLP21 of the Waste Local Plan. The proposal is also considered to be contrary to the objectives of policies W3, W7, DM1, DM3 and DM14 of the Core Strategy and Development Management Policies of the emerging Lincolnshire and Waste Local Plan.

## 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.

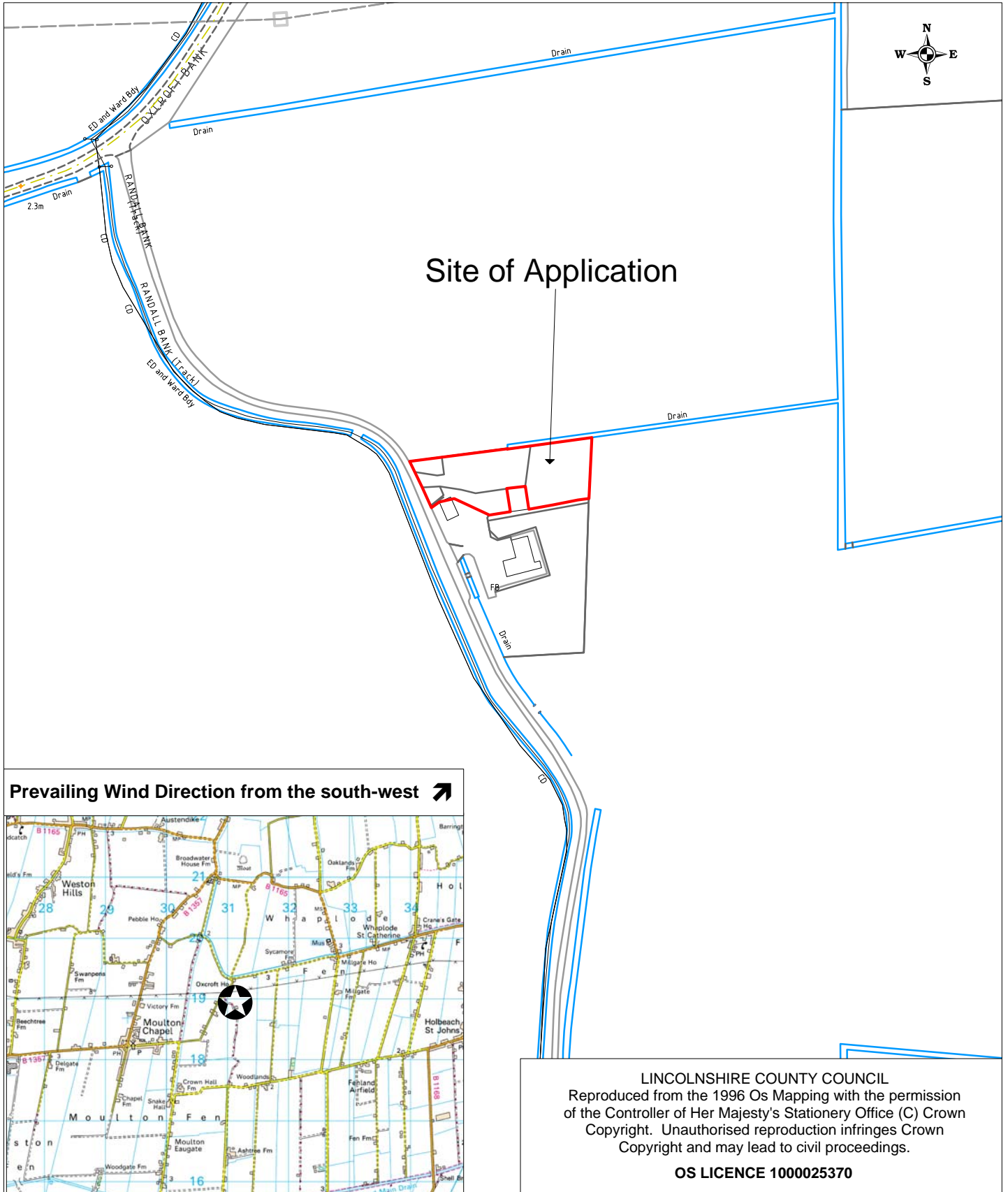
Document title	Where the document can be viewed
Planning Application File H23/1042/15	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Waste Local Plan (2006)	Lincolnshire County Council's website <a href="http://www.lincolnshire.gov.uk/">http://www.lincolnshire.gov.uk/</a>
South Holland Local Plan (2006)	South Holland District Council's website <a href="http://www.sholland.gov.uk/">http://www.sholland.gov.uk/</a>

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# LINCOLNSHIRE COUNTY COUNCIL Appendix A

## PLANNING AND REGULATION COMMITTEE 11 JANUARY 2016



**Location:**  
 Land at The Bungalow,  
 off Oxcroft Bank  
 Moulton Chapel

**Description:**  
 To operate a Scrap Yard

**Application No:** H23/1042/15  
**Scale:** 1:2500

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