

Open Report on behalf of Andy Gutherson - Executive Director for Place

Report to:	Planning and Regulation Committee
Date:	9 May 2023
Subject:	County Matter Application – B23/0106

Summary:

Planning permission is sought by V.W. Breakers UK Ltd (Agent: Design and Management.co.com) for the change of use from Use Class B1/haulage depot to end of life vehicles (ELV) dismantling facility at V.W. Breakers UK Ltd, The Old Smithy, Highgate, Leverton. This application has been submitted following the refusal of an earlier application which had sought permission for the same development/use (reference: B20/0201).

This new application contains very little new information or evidence to address and resolve the reasons for refusal cited in relation to the earlier application. In fact much of the information that has been provided in response to the reasons for refusal comprise of opinions and views rather than being based on any objective analysis or evidence which demonstrates that this proposal meets the criteria and policies cited previously for refusing the previous application.

Given the lack of any significant new information or evidence which satisfactorily addresses the previous reasons for refusal, your Officers recommendation therefore remains unchanged. This proposal would establish an entirely new small-scale waste management facility in a rural location and the applicant has again failed to demonstrate that there is a proven need to locate this facility outside of a main town/settlement. The proposed ELV facility is not well located to the arisings of the waste that it would manage and the existing fencing and use of trailers and storage containers/units erected around the boundaries of the site as a means to define the site and screen activities have an adverse visual impact which affects the rural character and charm of the local area. The retention of these structures is therefore not considered suitable and would be contrary to Policy 2 and 3 of the SELLP and Policies DM3 and DM6 of the CSDMP.

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.

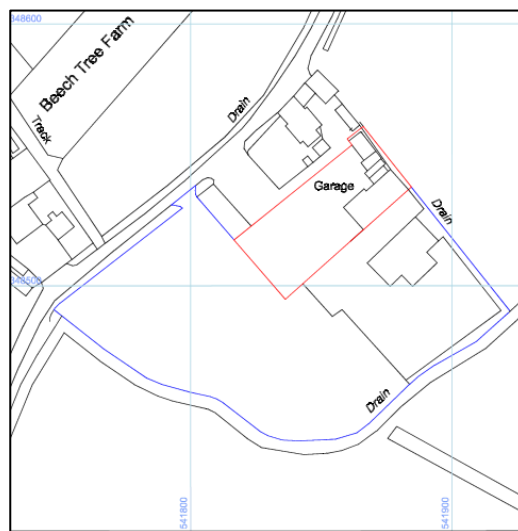
Background

1. On 26 July 2022 planning permission (reference: B22/0201) was refused for a change of use from Use Class B1/haulage depot to end of life vehicles (ELV) dismantling facility at V.W. Breakers UK Ltd, The Old Smithy, Highgate, Leverton. The application was refused for three reasons as set out below:
 - i) The proposed development lies within the open countryside and would establish an entirely new small-scale waste management facility in a rural location. The site is not well located to the market or source of wastes that is intended to serve and the applicant has failed to demonstrate a proven need or sufficiently robust case to justify the establishment of such a facility in this rural location. The proposed development is therefore contrary to Policy 1 of the South East Lincolnshire Local Plan and has failed to demonstrate full compliance with Policy W7 of the Lincolnshire Minerals and Waste Local Plan.
 - ii) The closest residential property to the development immediately abuts the proposal site. The property is in separate ownership to the proposal site and is no longer financially linked or associated with the current permitted use(s) of the site. Insufficient evidence or information has been presented to demonstrate that impacts such as noise could be controlled to an acceptable level or to support or justify exposure of the residents (current and future) to higher levels of noise or disruption than might otherwise be acceptable. The development therefore has the potential to have an unacceptable adverse impact on the amenity of the residents of this property and so is contrary to Policy 2 of the South East Lincolnshire Local Plan and Policy DM3 and full compliance with Policy W7 of the Lincolnshire Minerals and Waste Local Plan.
 - iii) The existing corrugated steel fencing and use of storage containers and trailers as a form of boundary treatment around the site is not appropriate as they have an unacceptable visual impact and are incongruous with the rural character and charm of the local area. The retention of these structures is therefore not suitable and is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan and Policies DM3, DM6 and full compliance with Policy W7 of the Lincolnshire Minerals and Waste Local Plan.
2. The applicant did not appeal the refusal of planning permission and the timeframe allowed for making any such an appeal has now expired. The applicant has now submitted a new application which is seeking permission for the same development as before. This report provides a summary of the latest application including any new or additional information provided which aims to address and

resolve the reasons for refusal cited previously. For the most part however, the proposed development remains unaltered from that which was proposed as part of the first application.

The Application

3. Planning permission is sought for the change of use of land to an end-of-life vehicle (ELV) de-pollution, dismantling and storage facility at The Old Smithy, Highgate, Leverton. The application site occupies land that retains planning permission for use as a haulage depot (reference: B15/0290/96) and is adjacent to a wider plot that once formed part of the permitted haulage depot, but which has been granted planning permission by Boston Borough Council for Light Industrial Use (Use Class B1) (reference: B20/2037). The land subject of this application is a roughly rectangular in shape and lies centrally within the wider site and includes the open yard and all existing buildings within its footprint.



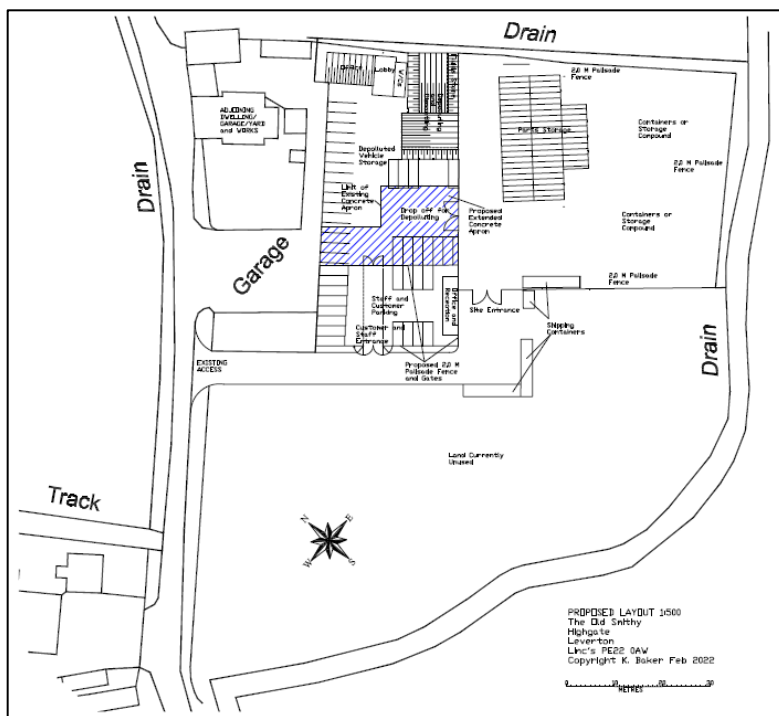
Location plan

4. This application is part retrospective in that the site is already in use however, the main depollution and dismantling operations proposed as part of this application have yet to commence. At present the site is largely being used for the importation and storage and used car parts that have already been stripped and removed from ELV's at one of the applicant's other premises. These parts are delivered to the site in containers where they are unloaded and stored within both the application site and the adjoining shed and yard area that is covered by permission B20/0237.
5. This proposal is seeking permission to use the land and existing buildings falling within the application site as an ELV depollution, dismantling and storage facility which would operate in conjunction with the current use carried out on the adjoining plot (subject of permission B20/0237). In addition to the existing activities, it is proposed that vehicles would be delivered to the site where they would be stripped and processed to recover reusable car parts that can then be

sold (via the internet) for use by individuals or businesses elsewhere. It is expected that no more than three vehicles would be processed per week.

6. Below is a summary of the typical processes and operations that would be undertaken:

- upon delivery to the site the vehicles would be stored inside the identified depollution building;
- all of the liquids (e.g. brake fluid, fuel, oils and coolants) would be drained and removed on a concreted surface and stored in separate containers. These would later be removed by a licensed operator;
- the engine and all usable spare parts (e.g. air bags, plastics, seats, etc) would be removed and transferred for storage either within the application site (yard and buildings) or within the adjoining site (e.g. land and building subject of permission B/20/0237). Parts stored within the building would be on racks/shelving;
- the shells of depolluted vehicles would be temporarily taken outside and stored on the external yard ready from removal off-site to a scrapyard.



Proposed Site Layout

7. The equipment to be used on site includes a hydraulic access ramp, liquid decommissioning equipment and small, electrically powered hand tools. There are no proposals to use heavy machinery or equipment or to undertake crushing at the site. In terms of mobile plant, an electric forklift would be used on site to help move materials around.
8. The proposed hours of operation are between 08:00 and 17:00 hours Monday to Friday only which are reduced from those currently permitted by permission

B20/0237) which allow operations between 07:00 and 18:00 hours Monday to Friday; 08:00 and 16:00 hours on Saturdays and 09:00 and 17:00 on Bank/Public Holidays.

9. The applicant has, for the most part, submitted the same information that supported the previous application along with a further Planning Statement/Explanation (received 27 February 2023) which sets out a response to the previous reasons for the refusal cited in connection with refused application B22/0201.

Relevant Planning History

10. B15/0290/96 (granted by Boston Borough Council on 9 December 1996) for *“Change of use from auto engineering and agricultural land to haulage depot”*. This permission covers a much wider area which includes the current application site. There are very few planning conditions or controls on this permission with these being limited to a requirement that between the hours of 22:00 and 07:00 any refrigeration plant is to be connected directly to the mains electricity supply; that only 15 vehicles can operate from the site and that the dwelling house located at the front of the site is to be occupied by someone that is employed or associated with the haulage use. There are no restrictions on operating hours or vehicle movements and so any changes would be lawful under the terms of this planning permission.

B20/0237 (granted by Boston Borough Council on 15 September 2020) for *“Change of use from haulage depot to light industrial (Class B1) with ancillary warehousing and creation of new site access”*. This permission covers an access track, building and land immediately abutting the south-eastern boundary of the current application site and is used by the applicant for handling and storage of pre-treated/imported vehicle parts. Conditions attached to this permission restrict the use of the premises to that defined in Use Class B1 and the operating hours to between 07:00 and 18:00 hours Monday to Friday, 08:00 and 16:00 on Saturdays and between 09:00 and 17:00 hours on Public Holidays. The site is not permitted to operate on Sundays. Another condition requires all works involving the use of electric hand tools and forklifts to take place within the confines of the building.

Site and Surroundings

11. The proposal site lies approximately 2.5km to the north-east of the village of Leverton, 9km to the north-east of Boston and 20km to the south-west of Skegness. The site is located outside the development limits of Leverton and so lies within the countryside and is surrounded by agricultural land with a number of residential properties located nearby. The nearest of these residential properties immediately adjoins the proposal site and is in separate ownership to the proposal site although is occupied by the former owner/operator of the site. The applicant has made an offer on the property, however, the sale and transfer of ownership has not been completed and there is no indication at this time if/when this is likely

to happen. As a result, at the time of writing the nearest residential property remains in separate private ownership to the land subject of this application and is outside the control of the applicant.



Position of residential dwelling in relation to the site

12. The land subject of this application is a roughly rectangular in shape and lies centrally within a wider area of open yard which accommodates two main existing buildings. The building lying within the footprint of this application is a steel framed unit with corrugated steel walls and flat roof. This building is proposed to be used as the main ELV depollution building. The external yard is currently being used for the storage of old vehicles and car parts. A brick built shed with corrugated steel roof and portacabin unit lie outside the footprint of this application and are currently being used for the storage of pre-treated car parts and an office. The portacabin building is proposed to be relocated into the application site for use as an office. The majority of the site's boundaries are formed by three high corrugated steel sheet fence panels and/or shipping containers/trailers. A 2m high palisade security fence is also present in places. Some of the shipping containers present on-site lie outside the application boundary of this application and do not appear to have consent under the terms of the existing permissions.



Showing building lying within the footprint



Showing corrugated steel fencing



View of yard

13. Access to the site is gained off Highgate via a hardcore track which runs along the south-eastern boundary of the site (which was formed as part of planning permission B20/0237).

Main Planning Considerations

Planning Policy Context

14. The National Planning Policy Framework (July 2021) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraphs 7 to 11 (Sustainable development) - states that there is a presumption in favour of sustainable development. Sustainable comprises of three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These objectives are economic, social and environmental.

Paragraph 47 and 48 (Determining applications) - planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible. Local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given).

Paragraphs 55 and 56 (Planning Conditions) - planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraphs 81 to 83 (Building a strong economy) - decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Planning policies and decisions should recognise and address the specific locational requirements of different sectors.

Paragraph 84 and 85 (Supporting a prosperous rural economy) - advises that decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Paragraphs 110 to 112 (Promoting sustainable transport) - states that when considering development proposals it is necessary to ensure that there is safe and suitable access to the site and that any significant impact from the development on highway safety is mitigated, would not have severe residual cumulative impacts on the road network and addresses the needs of people with disabilities and reduced mobility.

Paragraph 123 (Making effective use of land) - local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.

Paragraph 130 (Supporting good design and protecting amenity) - amongst other criteria, it is advised that decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Paragraph 166 and 167 (Planning and flood risk) - decisions should ensure that the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment.

Paragraph 183, 185 and 187 (Ground conditions and pollution) - state that decision should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). Ensuring development appropriate for its location by taking into account the likely effects on health, living condition and the natural environment through mitigation and reduction of potential adverse impacts. The focus should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes).

15. Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016) (CSDMP) – the following policies are of relevance to this application:

Policy W1 (Future requirements for new waste facilities) - states that the County Council will, through the Site Locations document, identify locations for a range of new or extended waste management facilities within Lincolnshire where these are necessary to meet the predicated capacity gaps for waste arising in the county up to and including 2031.

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 main urban areas subject to the criteria of Policy W4. It is added that proposals for new waste facilities, outside an urban area will only be permitted where they are:

- facilities for the biological treatment of waste including anaerobic digestion and open-air windrow composting (see Policy W5)
- the treatment of waste water and sewage (see Policy W9)
- landfilling of waste (see Policy W6)
- small-scale waste facilities (see Policy W7).

Policy W7 (Small Scale Facilities) - states planning permission will be granted for 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.

Policy DM1 (Presumption in Favour of Sustainable Development) - states that when considering development proposals, the County Council will take a positive approach. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy DM2 (Climate Change) - states that proposals for minerals and waste management developments should address, amongst others, the following matter where applicable:

- Minerals and Waste – Locations which reduce distances travelled by HGVs in the supply of minerals and the treatment of waste; and
- Waste – Implement the Waste Hierarchy and reduce waste to landfill.

Policy DM3 (Quality of life and amenity) - states that planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts to occupants of nearby dwellings or other sensitive receptors as a result of a range of different factors/criteria (e.g. noise, dust, vibrations, visual intrusion, etc.)

Policy DM6 (Impact on Landscape and Townscape) - states that planning permission will be granted provided that due regard has been given to the likely impact of the proposed development on the landscape, including landscape character, valued or distinctive landscape features and elements and important views. If necessary additional design, landscaping, planting and screening will also be required and where new planting is required it will be subject to a minimum 10 year maintenance period. Development that would result in residual, adverse landscape and visual impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme. Where there would be significant adverse impacts on a valued landscape considered weight will be given to the conservation of that landscape.

Policy DM14 (Transport by Road) - states that planning permission will be granted for minerals and waste development involving transport by road where the

highways network is of appropriate standard for use by the traffic generated by the development and arrangements for site access would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity or the Environment.

Policy DM15 (Flooding and Flood Risk) - states that proposals for minerals and waste developments will need to demonstrate that they can be developed without increasing the risk of flooding both to the site of the proposal and the surrounding area, taking into account all potential sources of flooding and increased risks from climate change induced flooding. Minerals and waste development proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations. Development that is likely to create a material increase in the risk of off-site flooding will not be permitted.

16. South East Lincolnshire Local Plan (2011-2036) (SELLP) – the following policies are relevant to this application:

Policy 1 (Spatial Strategy) - lists a hierarchy of settlements. All land outside of the identified settlements falls within the Countryside and development will be permitted which is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Policy 2 (Development Management) - states proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses
2. quality of design and orientation
3. maximising the use of sustainable materials and resources
4. access and vehicle generation levels
5. the capacity of existing community services and infrastructure
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion
7. sustainable drainage and flood risk
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets.

Policy 3 (Design of New Development) - states all development should create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Development proposals are required to demonstrate compliance with a range of criteria/issues set out within the policy and of particular relevance

in this case includes: the landscape character of the location and; residential amenity.

Policy 4 (Approach to Flood Risk) - sets out the criteria to be applied when considering the impact of development to and from flooding. It states that development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) application must be supported by a site specific flood risk assessment, covering risk from all sources of flooding including the impacts of climate change. The Flood Risk Assessment should demonstrate the location of the development meets the Sequential Test and demonstrate that the vulnerability of a proposed use is compatible with the relevant flood zone. It also states that appropriate drainage and flood resistance and resilience measures should be provided and that where necessary appropriate flood warning and evacuation procedures be Demonstrated.

Policy 30 (Pollution) - states that development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:

1. health and safety of the public
2. the amenities of the area; or
3. the natural, historic and built environment
4. air quality, including fumes and odour
5. noise including vibration
6. light levels
7. land quality and condition; or
8. surface and groundwater quality.

Results of Consultation and Publicity

17. (a) Local County Council Member, Councillor P Skinner – is also a member of the Planning and Regulation Committee and therefore reserves his position and any comments on the proposal until the application is considered by the Committee.
- (b) Leverton Parish Council – fully supports the objections raised by Boston Borough Council to this proposal (see below) and state that they are extremely disappointed that the applicant has continually ignored all points stipulated in the previous decision notice setting out the reasons for refusal.
- (c) Environmental Health Officer (Boston Borough Council) – has commented that the information supporting this application (inc. noise assessment, contaminated land assessment and air quality assessment) are short statements and not full assessments. The main issue here is that of noise, particularly in relation to the residential property at the frontage of the site

which appears to be in separate ownership from the business. The applicant indicates that only electric hand tools will be used (all within the building), and two forklifts will operate during business hours - again within the confines of the building. The business operating hours would be 8am-5pm Monday to Friday and these factors should limit the noise impacts however to what extent, and whether this is to acceptable noise levels in terms of the immediate neighbour, is unknown in the absence of a proper professional noise assessment to BS4142:2014 '*Methods for rating and assessing industrial and commercial sound*'. Such an assessment needs to be undertaken for the proposed use to assess noise from all site activities including site transport/storage movements as this would quantify the noise impacts arising from the proposed use on the residential neighbour and detail any further mitigation or attenuation methods required should they be necessary.

- (d) Highway and Lead Local Flood Authority (Lincolnshire County Council) – has commented that the site is part of a former haulage yard and therefore not only has the local highway network been used by HGVs but those roads would also be likely to see a reduction in HGV use as a result of this development. The site is served by a new vehicle access onto Highgate which has suitable visibility for safe egress into the highway. Security gates have also been provided and these are set-back a sufficient distance from the carriageway edge for a vehicle to be parked in front of them while the driver is locking or un-locking them, without obstructing the free passage of other road users.

In view of the above, and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

- (e) Lincolnshire Police – no objection.
- (f) Environment Agency (EA) – no objection.
- (g) Councillor P Bedford (Boston Borough Council Ward Councillor for the Coastal Ward) objects on the basis that the proposal does not fit within the open countryside.

The following persons/bodies were notified of the application on 6 July 2022, but no response had been received within the statutory consultation period or by the time this report was prepared:

Old Leake Parish Council (adjoining Parish)

Historic Places (Lincolnshire County Council)

Public Health (Lincolnshire County Council).

18. The application has been publicised by notices posted at the site (posted 15 March 2023) and in the local press (Lincolnshire Free Press on 21 March 2023). Letters of notification were also sent to the nearest neighbouring residents and any persons that made representations on the previous application. Six representations have been received as a result of this publicity/notification. A summary and outline of the objections and comments made are as follows:

- very loud power tools can frequently be heard from the site. The noise far exceeds that of the previous light haulage yard;
- the use of shipping containers as fencing around the property is not in keeping with this beautiful countryside area;
- the site has been operating late at night;
- a static caravan has been stationed on the site which appears to be for living accommodation without planning permission;
- the site has continued to dismantle vehicles since the failed application for change of use in May 2022;
- over the last year, several storage containers have been added to the site without planning permission and are an eyesore on the open countryside;
- this industrial activity is more suited to an industrial area where environmental impact would be much less;
- increased traffic from this development will lead to more damage to the highway and other road users;
- the grassfield at the side of the site has been used for car racing and performing doughnuts;
- Oil, fuel, rubber and plastic arising from the dismantling of vehicles should be stored in safe conditions to avoid contamination of nearby dykes and water courses. Burning or waste should be prevented and wastes collected by authorised persons;
- there is no mention of the environmental consideration for pollutants in the vehicles if this planning application were to be granted. Breaking vehicles inevitably results in oil, petrol, diesel, coolant and other pollutants which must be disposed of and we as residents are not assured that this has been given any focus in the application; and
- the applicant claims that the site will provide “Significant” economic, community and employment opportunities. We know of no local people employed at the site. In addition, the application proposes only 1 additional role so we fail to understand how one job could by any standard be described as “significant”.

District Council’s Recommendations

19. Boston Borough Council raise concerns to the proposed change of use for the following reasons:

- i) The site is located in the open countryside. It does not propose an agricultural or rural business and does not demonstrate that it is necessary to such a location, as per Policy 1 of the South East Lincolnshire Local Plan. In the first instance, the proposed use should be directed to allocated employment sites or established industrial areas within the Borough.
- ii) The level of information submitted with the application is insufficient to fully assess the impacts of the proposal.
- iii) The proposal has the potential to adversely impact upon the amenity of neighbouring properties through noise, vibrations, odour, outside storage and vehicle movements, contrary to Policy 2 and Policy 30 of the South East Lincolnshire Local Plan.
- iv) The use of storage containers as a means of boundary treatment would have an adverse impact on the character of the area regardless of the finish. It is noted that those shown on drawings that support the application appear to lie outside the red line and therefore are not included within this application. Contrary to the planning statement these do not benefit from any existing planning permission either as part of planning permission B/20/0237 or a separate change of use for the siting of storage containers. Clarification is required as to whether these are to be included within this application or if this matter should be pursued separately through planning enforcement.

Conclusions

20. Planning permission is sought for the change of use of land to an end-of-life vehicle (ELV) de-pollution, dismantling and storage facility at The Old Smithy, Highgate, Leverton. This is a new application following the refusal of a previous application in July 2022 which had sought the same development/use. The proposed development remains unaltered from that proposed previously and much of the same information as that provided previously has been resubmitted. An additional document/statement has however also been provided this time which sets out the applicants response to the reasons for refusal cited previously. This document however contains opinions and views rather than any significant new information, evidence or objective analysis that addresses the reasons for refusal cited previously.
21. The main issues to be considered in the determination of this new application are therefore the same as that previously considered in connection with application B22/0201, these being:
 - whether the proposed development is acceptable given its location within the countryside and;
 - whether the proposed use can be carried out causing unacceptable harm or detriment to residential amenity and the environment.

Locational Considerations

22. In spatial and locational terms, the broad thrust and ethos of planning policy is to direct most new development towards urban centres and settlements, sites allocated for such purposes (as identified in the Development Plan) and away from rural areas and the open countryside. This is reflected in Policy 1 of the SELLP which states development in the open countryside will only be permitted where it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Policy W3 of the CSDMP similarly reflects this broad approach by seeking to direct and lend support to the establishment of waste management facilities in and around the main urban areas with only certain types of facility being supported outside of those areas. Types of facility that are identified as considered suitable outside of main urban areas include small-scale waste management facilities which are then required to demonstrate compliance with the criteria under Policy W7.
23. Policy W7 of the CSDMP states that small-scale facilities can be acceptable if there is a proven need to locate such a facility outside of the main urban areas; the facility would be well located to the arisings of the waste it would manage; it would be located on land which is constituted as previously developed and/or contaminated land, existing or planned industrial/employment land, or redundant agricultural and forestry buildings and their curtilages, and; the proposal accords with all relevant Development Management policies set out in the Plan.
24. As before consideration is therefore given to each of these criteria below.

Proven need & well located to source of wastes - Policy W1 of the CSDMP supports the development of waste management facilities where these are necessary to meet an identified capacity gap for wastes arisings in the County. ELV facilities such as this are not listed as a specific waste management type/facility and therefore a need or capacity gap has not been identified at a strategic level. The absence of any strategic requirement does not however mean that proposals which seek to establish such facilities cannot be acceptable so long as they meet the spatial and locational policies of the CSDMP; meet any other specific criteria as set out within relevant policies, and; where they are capable of being operated without giving rise to any unacceptable adverse environmental or amenity impacts.

The need case presented by the applicant is largely unchanged from that presented previously and argues that the need for siting this development in this location is based on economic, operational and efficiency benefits that it is stated result from co-locating the ELV process with the existing car parts/sales business. The applicant has again stated that ELV wastes to be treated at this site would be sourced from across the UK. By enabling ELVs to be processed on-site, and co-locating these with the existing industrial/sales business, it is argued this will achieve greater efficiency and control over the entire dismantling and recovery process allowing immediate distinction to be made between those parts that are

reusable and those that are not. It is argued overheads and operational costs can also be reduced by having a single site thereby helping to support the economic viability of the business and safeguard existing employment.

Policy 1 of the SELLP does allow for development in the open countryside where there are not clear economic or environmental benefits however it also seeks to limit development to that which is necessary in such a location. Similarly, Policy W7 of the CSDMP requires applicants to demonstrate a proven need for their facilities and given this site is in a rural location greater scrutiny and evidence needs to be presented before the establishment of such a facility can be supported.

In this case, whilst there may be economic and sustainability benefits to be gained by co-locating the two elements of the applicant's business, as before, these benefits are not considered so great to support or justify this proposal and insufficient evidence has been presented to demonstrate a quantitative or proven need to support the establishment of a ELV facility in this rural location. The nearest main urban areas are Boston and Skegness however, these are some distance from the site and it is unlikely there would be enough vehicles from within a reasonable radius of this rural site to maintain this activity alone. The applicant has again stated that ELV wastes would be sourced across the UK and so would come from much further afield than the local area. Consequently, as was the case previously, the site is not well located to the market or source of wastes that is intended to serve and in the absence of a proven need or sufficiently robust case to justify the establishment of a new ELV waste management facility in this rural location the proposal fails to meet 2 of the 4 criteria within Policy W7 or compliance with Policy 1 of the SELLP.

Suitable site/existing permitted use - Policy W7 requires small-scale waste management facilities outside of main urban areas to be located on a certain specified types of land or sites. The purpose of this criterion is to limit new development to the re-use and re-development of existing land/sites rather than the creation of new sites which would lead to a loss of greenfield land. Examples of suitable sites identified within Policy W7 includes existing or planned industrial and employment land.

The proposal site is not identified or allocated for industrial or commercial use within the Development Plan (both the SELLP and CSDMP) however the land subject of this application is covered by planning permission B15/0290/96 which allows for the use of the premises as a haulage depot. The access track which serves this site (along with the land that lies outside the footprint of this proposal site but which is functionally linked to it) is subject of planning permission B20/0237 and allows for light industrial uses (Use Class B1). The application (as submitted) proposes a change of use to the land and existing permitted building and does not seek to extend the lateral footprint or boundaries of the permitted haulage depot. All activities associated with this use are proposed to take place within the confines of the site and/or permitted building and so not lead to any

further encroachment or expansion into the surrounding countryside. Given the existing permitted use of the land and building, the redevelopment and use of these for a small-scale ELV development would accord with the types of site identified as suitable by Policy W7.

Environmental and amenity considerations/compliance with other Development Management Policies

25. Under this proposal the number of daily HGV vehicles movements is low and so would be much less than that which was experienced when the site operated as a haulage depot. Similarly, the land immediately adjoining this site (which is functionally linked and owned by the applicant) allows for light industrial uses falling within Use Class B1. This permission therefore allows a range of potentially very different light industrial activities and uses to be carried out on the adjoining site without the need for any further consideration or planning permission to be sought. Although there is a condition which limits the operating hours on the adjoining industrial land, like the haulage depot permission, there is no restriction on HGV movements associated with that use. Therefore, if the haulage use were to resume or there was an increase in HGV traffic associated with the adjoining use this would be lawful under the terms of the current planning permissions. Consequently, whilst objections have been raised by local residents about traffic movements associated with the proposed ELV use, no objections have been raised by the Highways Officer and given the low number of traffic movements proposed when compared with that which could feasibly and lawfully be experienced in association with the current permitted use(s), this proposal would not have a severe impact on the function, safety or condition of the local highway network.
26. In terms of other potential impacts, as indicated the proposed ELV use would be a small-scale operation and akin to that of light industrial uses which, subject to certain conditions, have been deemed acceptable on the land that immediately adjoins the proposal site. Boston Borough Council has imposed planning conditions on the use of the adjoining light industrial land to limit operating hours and which require tools and equipment to be used inside of the building. These were imposed to safeguard the amenity of the nearby residents. Again whilst it is feasible that many of the potential impacts associated with the proposed ELV use could also be controlled, mitigated, minimised and reduced through the use of planning conditions (e.g. restrictions on hours of use, traffic movements, storage heights, flood risk, etc) a notable difference between the ELV use proposed and that of the existing permitted haulage depot use and adjoining light industrial use is the relationship and proximity of this development to the nearest residential property.
27. In respect of the permitted industrial use, the proposed ELV site lies between this and that of the closest residential property and so provides some separation between these two uses. Conversely, this residential property shares an immediate boundary with the proposed ELV site and whilst this land does retain a permission for use as a haulage depot, a condition imposed on that permission

requires the residential property to be occupied by someone that is employed or associated with that use. The residential property does not lie within the planning application boundary of this application and is in separate ownership to that of the applicant and therefore has no financial or functional link with the proposed use of this site. Whilst it is understood that the applicant is seeking to purchase this property, no evidence has been provided which demonstrates that the sale and transfer of ownership has been completed and there is no indication at this time of if/when this is likely to happen. As a result, the nearest residential property remains in separate private ownership to the land subject of this application and the Waste Planning Authority has no means to control or restrict the occupancy of this property at this time. Like previously, it is incumbent upon the Waste Planning Authority to therefore ensure the amenity of the current and any future residents of this property are protected and insufficient evidence or information has been presented by the applicant to demonstrate that impacts such as noise could be controlled to an acceptable level or that there are grounds to support or justify exposure of the residents of this property to higher levels of noise or disruption than might otherwise be accepted (i.e. there is a financial link or relationship with the site or the applicant/owner of the development). Consequently, in the absence of any evidence to demonstrate otherwise, the development has the potential to have an unacceptable adverse impact on the amenity of the residents of this property (current or future) and so the applicant has again failed to demonstrate compliance with Policy 2 of the SELLP and DM3 of the CSDMP.

28. Policies 2 and 3 of the SELLP and DM3 and DM6 of the CSDMP seek to ensure that development is well designed and contributes positively to the character and quality of the area within which it is located and not have an adverse landscape and visual impact. In this case, the proposal site contains a number of existing buildings which already benefit from planning permission and, other than a few minor changes to the external elevations, these are to be retained and used to carry out the ELV operations and supporting ancillary activities. A number of shipping container/storage units, trailers and an approx. 3m high corrugated steel panel fence are also present in and around the boundaries of the proposal site and access track leading to it. The plans submitted as part of this application do not identify the existence of these structures/features and the applicant claims these are permitted development however Officers disagree. Boston Borough Council have also confirmed that contrary to claims made by the applicant these do not benefit from any existing planning permission either as part of planning permission B/20/0237 or a separate change of use for the siting of storage containers. These fall outside the boundary of this application and so even if permission for this application were to be granted these would remain unauthorised development and either permission would need to be sought and gained to retain these or enforcement action taken which would require the landowner to remove them.
29. The plans supporting the application do however show the proposed erection of a 2m palisade fence around the frontage of the site and relocation of an office unit from the adjoining industrial land into the site. It would appear that the existing fencing, containers and trailers around the site are proposed to be retained as part

of this proposal however the corrugated steel fencing and use of storage containers and trailers as a form of boundary treatment is not considered appropriate as they are themselves incongruous with the rural character and charm of the local area and have an unacceptable negative visual impact on the area. The retention of these structures is therefore not considered suitable and would be contrary to Policy 2 and 3 of the SELLP and Policies DM3 and DM6 of the CSDMP.

Human Rights Implications

30. The Committee's role is to consider and assess the effects that the proposal will have on the rights of individuals as afforded by the Human Rights Act (principally Articles 1 and 8) and weigh these against the wider public interest in determining whether or not planning permission should be granted. This is a balancing exercise and matter of planning judgement. In this case, having considered the information and facts as set out within this report, should planning permission be granted the decision would be proportionate and not in breach of the Human Rights Act (Articles 1 & 8) and the Council would have met its obligation to have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

Final Conclusion

31. This application has been submitted following the refusal of an earlier application which had sought permission for the same development/use. This new application contains very little new information or evidence to address and resolve the reasons for refusal cited in relation to the earlier proposal and much of the information that has been provided in response to those reasons is opinion rather than based on any objective analysis or evidence which demonstrates that this proposal meets the criteria and policies cited previously for refusing the application.
32. Consequently, the Officers recommendation remains unchanged from that previously in that this proposal would establish an entirely new small-scale waste management facility in a rural location and the applicant has again failed to demonstrate that there is a proven need to locate this facility outside of a main town/settlement. The proposed ELV facility is not well located to the arisings of the waste that it would manage and the existing fencing and use of trailers and storage containers/units erected around the boundaries of the site as a means to define the site and screen activities have an adverse visual impact which affects the rural character and charm of the local area. The retention of these structures is therefore not considered suitable and would be contrary to Policy 2 and 3 of the SELLP and Policies DM3 and DM6 of the CSDMP.

RECOMMENDATIONS

That planning permission be refused for the following reasons:

1. The proposed development lies within the open countryside and would establish an entirely new small-scale waste management facility in a rural location. The site is not well located to the market or source of wastes that is intended to serve and the applicant has failed to demonstrate a proven need or sufficiently robust case to justify the establishment of such a facility in this rural location. The proposed development is therefore contrary to Policy 1 of the South East Lincolnshire Local Plan and has failed to demonstrate full compliance with Policy W7 of the Lincolnshire Minerals and Waste Local Plan.
2. The closest residential property to the development immediately abuts the proposal site. The property is in separate ownership to the proposal site and is no longer financially linked or associated with the current permitted use(s) of the site. Insufficient evidence or information has been presented to demonstrate that impacts such as noise could be controlled to an acceptable level or to support or justify exposure of the residents (current and future) to higher levels of noise or disruption than might otherwise be acceptable. The development therefore has the potential to have an unacceptable adverse impact on the amenity of the residents of this property and so is contrary to Policy 2 of the South East Lincolnshire Local Plan and Policy DM3 and full compliance with Policy W7 of the Lincolnshire Minerals and Waste Local Plan.
3. The existing corrugated steel fencing and use of storage containers and trailers as a form of boundary treatment around the site is not appropriate as they have an unacceptable visual impact and are incongruous with the rural character and charm of the local area. The retention of these structures is therefore not suitable and is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan and Policies DM3, DM6 and full compliance with Policy W7 of the Lincolnshire Minerals and Waste Local Plan.

Informative

Attention is drawn to:

In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by processing the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

Appendix

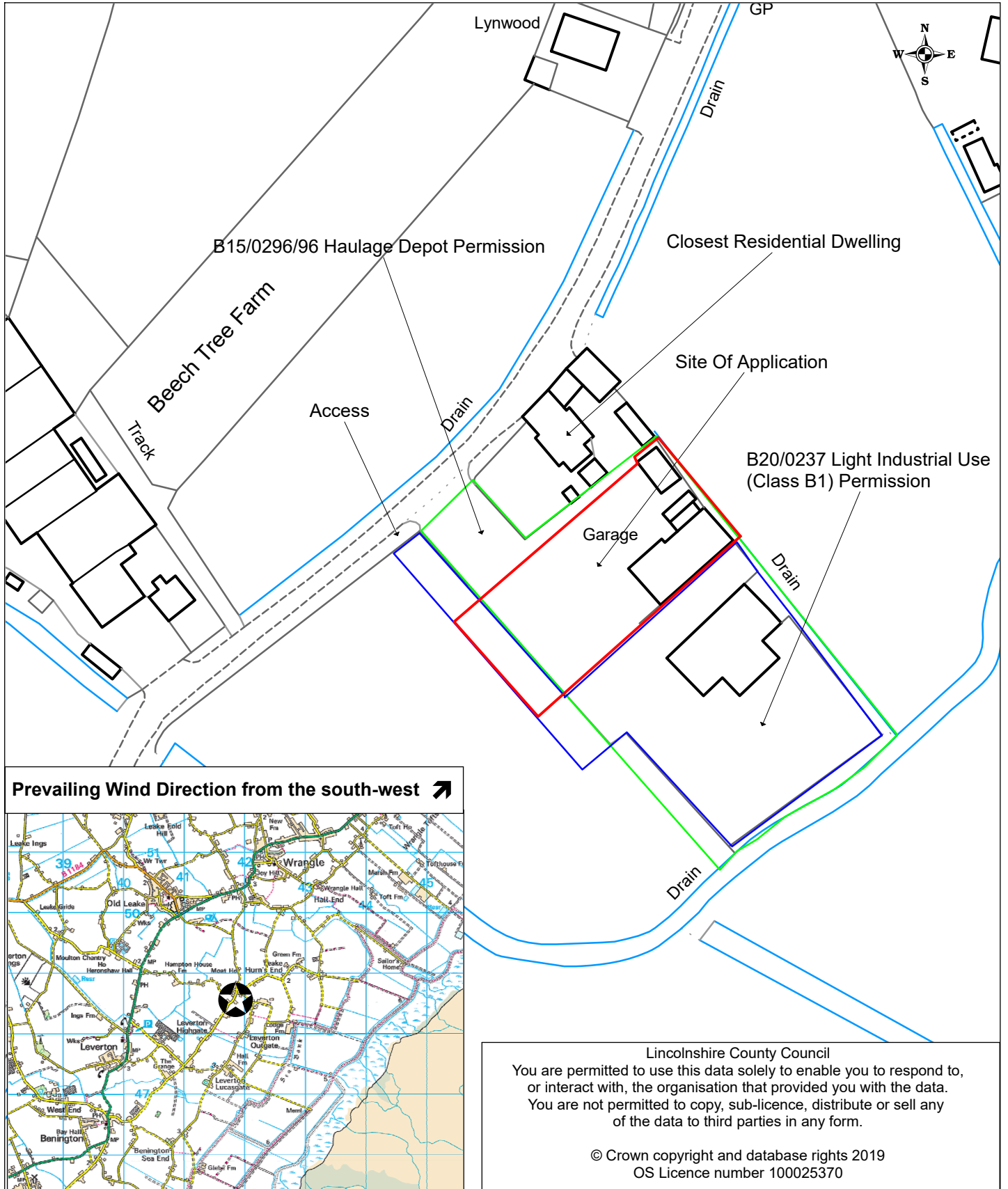
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

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 B23/0106	Lincolnshire County Council's website https://lincolnshire.planning-register.co.uk/
National Planning Policy Framework (2021)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan (2016)	Lincolnshire County Council's website www.lincolnshire.gov.uk
South East Lincolnshire Local Plan (2019)	Boston Borough Council's website www.mybostonuk.com

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Lincolnshire County Council
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Location:
 V.W. Breakers UK Ltd
 The Old Smithy
 Highgate, Leverton

Application No: B/23/0106
Scale: 1:1250

Proposal:
 For change of use from Use Class B1/haulage depot to end of life vehicles (ELV) dismantling facility

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