

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

Report to:	Planning and Regulation Committee
Date:	6 October 2014
Subject:	County Matter Application - S7/1936/14

Summary:

Planning permission is sought by PMK Recycling Ltd (Agent: CPK Architects) to vary condition 8 of planning permission S7/1775/11 which relates to the existing Materials Recovery Facility (MRF) at Bradstone Site, Baston Outgang Road, Baston. This application seeks to amend the wording of condition 8 to increase the annual tonnage of waste processed on the site from 25,000 tonnes to 50,000 tonnes.

The main issue in the consideration of this application is if the use of the site, can be undertaken without causing unacceptable harmful impacts on local residents and other land uses/users, specifically to possible impacts that a doubling of the throughput would generate in terms of increased HGV movements.

Lincolnshire County Council (Highways) have carefully scrutinised the proposal and have concluded that the increase in HGV movements which would be generated as a result of this proposal, would have a detrimental impact on the condition of Cross Road and are seeking a financial contribution, from the applicant, for necessary improvements. In addition it is recommended, to ensure that all HGVs generated in connection with the MRF avoid the village of Baston, the applicant be invited to enter into a routing agreement.

The applicant has been made aware of the request for them to enter into a S106 agreement. Whilst they would be happy to enter into an agreement regarding the routing of vehicle movements they have stated "for the same reasons set out in the report to the planning committee in January 2014 regarding the Household Waste Recycling Centre application the applicant would not be willing to make a financial contribution.

Recommendation:

That planning permission be refused on highways grounds as the increase in HGV movements associated with an additional 25,000 tonnes per annum, would have a detrimental impact on the condition of Cross Road and without a financial contribution to improve this road the development is unacceptable.

Background

1. In October 2011 planning permission S7/1775/11 was granted to change the use of land and building off Outgang Road, Baston, from Use Classes B2 (General Industry) and B8 (Storage and Distribution) and to a Materials Recovery Facility (MRF). The proposal comprised the construction of a substantial extension to an existing building, the construction of a compound for outside storage of spoil and hardcore as well as ancillary parking, weighbridge and security fencing. Planning permission was granted subject to 17 conditions, including Condition No 8 which states:

The total tonnage of waste processed at the application site shall not exceed 25,000 tonnes per annum. All waste brought to the site shall be weighed at the site's weighbridge. The weighbridge records shall be retained for at least two years and be available for inspection by the Waste Planning Authority upon request.

Reason

To ensure the environmental impacts are no greater than identified in the details submitted with the application.

2. Since the granting of the initial planning permission there have been several other applications made, and granted at the site, including two extensions to the building and a revision to the original site layout.
3. In April 2012 a planning application was submitted by the applicant on the land adjoining this site to be developed as a Household Waste Recycling Centre (HWRC) which would "feed" the MRF. Whilst it was resolved to grant planning permission for the HWRC the application remained undetermined by the Waste Planning Authority to await the signing of a Section 106 Obligation. The draft Obligation sought the developer to:
 - ensure all HGVs visiting the HWRC used the length of Outgang Road to the east of the application site to Cross Road and for the length of Cross Road to the A16;
 - to provide the sum of £6,500, to the Local Highways Authority for the administration, advertisement, consultation and implementation (and all associated works) for the erection of a digitalised speed sign, which would be used to highlight the speed restriction of 30 mph on Baston Outgang Road to private vehicles traveling to or from the HWRC through the village of Baston;
 - deposit the sum of £40,000 with the County Council to be utilised by the Local Highway Authority for maintenance and improvement works of the highway on the signed route to the site (the length of Outgang Road to the east of the application site to Cross Road and for the length of Cross Road to the A16).

4. The applicant, was unwilling to sign up to the Obligation, insofar as it related to the contribution of £40,000. Consequently the application was again brought back to committee in January 2014. Whilst the Highways Authority maintained that the £40,000 contribution was required, given that the proposal would not generate any additional HGV movements it was not considered that a refusal of the application on highway grounds, could be substantiated. It was therefore recommended, and Councillor's concurred, that the planning permission for the Household Waste Recycling Centre be released, without the obligation for a financial contribution being completed. However, since that resolution was taken the applicant has contacted the Waste Planning Authority stating that they no longer wish to develop the HWRC at that site, and withdrew that application.

The Application

5. Planning permission is sought by PMK Recycling Ltd (Agent: CPK Architects) to vary condition 8 of planning permission S7/1775/11 which relates to the existing Materials Recovery Facility (MRF) at Bradstone Site, Baston Outgang Road, Baston. This application seeks to amend the wording of Condition No. 8 to increase the annual tonnage of waste processed on the site from 25,000 tonnes to 50,000 tonnes. The applicant has provided the following information in support of their application.
6. Depending on the materials being imported/exported the HGVs delivering to and from the site have a capacity of 20 to 28 tonnes. Currently the annual through put of the site is around 23,105 tonnes this generates an average of 3-4 loads per day (6 to 8 HGV movements). It is calculated that if the current maximum annual throughput was achieved (25,000 tonnes) this would generate an average of between 4 to 5 loads. The operator has calculated that the average load is 25 tonnes per HGV, divided into 50,000 tonnes per annum this would result in 2000 HGVs. Operations are carried out 306 days per year which equates to 6.5 HGV per day, giving between 12 and 14 HGV movements per day.
7. The operator imposes a strict regime on drivers delivering to and from the site, to prevent them accessing the site through Baston Village. All drivers have to sign in when accessing/leaving the site (the operator's staff and contractors) at this time HGV drivers are required to read in sign documentation regarding the need to avoid passing through the village. The applicant/operator has also erected signs located at the junction with Outgang Road which are clearly visible prior to leaving the site, these signs direct drivers of HGV to turn right out of the site to avoid the village of Baston. The applicant/operator has imposed these directions on drivers of HGV to limit any impacts of vehicle movement on the village of Baston.



Photo 1: Access Point

8. The applicant currently employs 46 people, including office staff. It is anticipated that should this permission be granted this would not only secure existing levels of employment but could result in up to 10 further jobs being created.
9. The Environment Agency licence which covers the site allows the processing of up to 75,000 tonnes per annum. However, the applicant is seeking to increase the through put to 50,000 to give some flexibility in seeking new contracts, to support and develop this successful recycling business and the employment it generates. The proposed increase in tonnage would not change the other elements of the existing activities at the site.



Photos: Views of existing operations

Site and Surroundings

10. Baston is located on the A15, 5km to the north west of Market Deeping. The site is located 1.5km to the east of Baston and to the south of Baston Outgang Road. The surrounding area is a mix of flat agricultural land,

gravel excavations, associated water bodies, interspersed with some industrial units. The northern boundary of the site runs parallel with Baston Outgang Road, from which access to the site is gained, a tree belt along the road provides some screening of the site. To the west, abutting the site is the access road to Cemex Aggregates. The road leads to a substantial plant site processing sand and gravel extracted from land to the north of the site imported to the plant site by conveyor and removed by HGV, abutting the southern boundary of the site. Beyond the road, further to the east, there is a small collection of industrial buildings used for commercial purposes, beyond which is the nearest residential property. To the west of the site is a small, planted, bund. Within the site is a substantial building, which has been extending since the original permission was granted. Prior to the land and building being developed as MRF they were previously used for the manufacturing and storage of concrete products (blocks and paving) and were vacant for sometime before the applicant took over the site.



Photo 4: View of existing operations

11. The closest residential properties are located along Baston Outgang Road when measured from the boundary of site one residential property is located 207m, boundary to boundary, and 231m boundary to property to the west. With another residential property located 120m to the east, boundary to boundary, and 151m when measured from boundary to property.

Main Planning Considerations

National Guidance

12. Paragraph 5 of the National Planning Policy Framework (NPPF) (March 2012) notes that it does not contain specific Waste policies as this will be captured in the National Waste Management Plan for England. However confirms that in taking decisions on waste applications regard should be had to relevant policies in the NPPF.

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

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

Paragraph 32 (Transport) states decisions should take account of whether, amongst other things, safe and suitable access to the site can be achieved for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

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

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

Paragraph 204 - requires that planning obligations, including requests for financial contributions, must meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development;
- fairly and reasonably related in scale and kind to the development.

Paragraph 215 and 216 – weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. This is of relevance to the South Kesteven Local Plan (2010), Lincolnshire Waste Local Plan (2006).

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

Annex E of PPS10 sets out the criteria which must be considered in determining application for new or extended waste management sites. Of particular relevance to this application are the issues relating to protection of traffic and access, noise and vibration.

13. Lincolnshire Waste Local Plan (2006) relevant policies are:

Policy WLP1 - Objective of the Plan, states that waste management proposals shall be considered in relation to their contribution towards the waste management hierarchy and assessed in terms of their accordance

with the proximity principle, regional self-sufficiency, waste planning policies and their compatibility with neighbouring land uses and any environmental implications of the development on its setting.

Policy WLP21 - Environmental Considerations, states that planning permission for waste management facilities will be granted where a number of environmental criteria are met including:

Dust, Odour etc

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

Transport System

- (xii) Where sufficient capacity is available on the local or wider road system for the traffic that is expected to be generated improvements or alternative modes of transport can be implemented and/or where there would not be an adverse effect on road safety;

Recovery of Materials

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

14. The following policies of the South Kesteven Core Strategy (July 2010) forms part of the Development Plan and, as confirmed by the NPPF, should continue to be given full weight in the determination of planning applications. The policies relevant to this proposal are as follows (summarised):

EN1: Protection and Enhancement of the Character of the District
Development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration. All development proposals and site allocations will be assessed in relation to the stated criteria.

E1: Employment Development - To meet the objectives of the Council's Economic Development Strategy and the Sustainable Community Plan the Council will ensure that a portfolio of land and buildings, with a range of sizes, uses and locations, with access to a good transport network is available to ensure a successful, competitive and well-balanced business environment. Within the rural areas new employment development that meets a local need will generally be supported within local service centres, providing that the proposals will not have an adverse impact on the character and setting of the village, or negatively impact on neighbouring land uses through visual, noise, traffic or pollution impacts.

Whilst Policy SAP3: Supporting Local Business in Local Service Centres, states that within or on the edge of Local Service Centres (which includes Baston) proposals for the expansion of existing employment development will be supported provided they meet certain criteria. The policy highlights that proposals should be appropriate in terms of scale and impact on the local service centre and existing neighbouring land uses, this including visual impact, noise or traffic generated by the proposals.

Results of Consultation and Publicity

15.
 - (a) Local County Council Member, Councillor T M Trollope-Bellew – who is a member of the Planning and Regulation Committee, reserves his comments until the meeting.
 - (b) Baston Parish Council – objects to this application on the grounds that an Environmental Impact Assessment should be done before this application is considered and that it would increase the commercial vehicle movements through the village.
 - (c) South Kesteven District Council, Environmental Health Officer – consulted on 3 July 2014 but had not replied.
 - (d) Lincolnshire Fire and Rescue – consulted on 31 July 2014 but had not replied.
 - (e) Environment Agency – have no objection to the application the site currently holds an environmental permit to operate a waste transfer station with waste treatment, which allows up to 75,000 tonnes of waste to be accepted a year. In addition, the site carries out additional waste activities covered by waste exemptions. The proposed change to the current planning permission to allow up to 50,000 tonnes a year is in accordance with the existing permit. However, the applicant will need to ensure that any waste activity carried out as a result of this proposal is compliant with all the conditions of both the environmental permit and registered waste exemptions for the site (e.g. types of waste accepted, storage requirements).
 - (f) Highways (Lincolnshire County Council) – object, Major developers with current proposals which impact on Cross Road have agreed to S106 Contributions towards highway improvements on Cross Road. This application has a similar impact on Cross Road and the required contribution would be £26,722.
 - (g) Welland and Deepings Internal Drainage Board – consulted on 3 July 2014 but had not replied.
16. The application has been advertised by site notice and a press notice in the Bourne Local on 11 July 2014. No objections or representations have been received as a result of this publicity.

District Council's Recommendations

17. The South Kesteven District Council have no objections to the proposed development subject to the Waste Planning Authority being satisfied that the proposed increased annual tonnage of waste processed on the site to 50,000 tonnes would not lead to an increase in the outside storage nor significant impact upon the amenities of nearby dwellings or the villages thorough either the day to day operations of the site or vehicle movements to and from the site.

Conclusions

18. The thrust of planning policy at national and local level is to give priority to proposals involving previously developed land, to support the development of existing operational sites and development which is sustainable, provided the impacts of the proposal are carefully considered and would not result in unacceptable harm to other land uses/users. In this instance the main issue to be considered would be the impact of the proposed increase of Heavy Good Vehicle movements on the local road network and the amenity of other land uses/users – including the impact on the amenity of the residents of the village of Baston. It is noted that the applicant has stated that this application has been made in anticipation of the future growth of their business enabling expansion without further recourse to planning. However, consideration of this application must be based on the anticipated impact as a result of the MRF working to the requested through put of 50,000 tonnes. The applicant has set out that existing vehicle movements are in the range of 6 to 8 movement per day and that should permission be granted this would increase to between 12 and 14 movements per day. As noted the applicant has also imposed a routing regime to direct HGV movements away from the village of Baston. Over and above the changes to the HGV it is considered that the revised development would not exacerbate or give rise to any new on site significant environmental or amenity impacts over and above those which have already been deemed acceptable in relation to the similar proposal permitted by S11/1775/11 and which could be mitigated by the imposition of planning conditions. Although the proposal would lead to an increase in waste materials being processed within the site and would result in an increase in vehicle movements, it is considered that with an routeing agreement to ensure HGV's avoid Baston increased HGV movements would not be severe, in terms of the impact on the amenities of the village of Baston.
19. However, Highways consider that the proposed increase in HGV movements, would contribute to a detrimental impact on the condition of Cross Road, therefore a financial contribution would be required from the applicant to enable improvements to be made to Cross Road. The size of the contribution has been calculated using a similar methodology to the contributions determined for the other development proposals in the Baston area. The applicant has been requested to enter into a S106 agreement to deposit £26,722 with the Highways Authority towards highway improvements on Cross Road. A precedent has been set for such a

request, as other major developers with proposals for mineral extraction which impact on Cross Road, have agreed to S106 Contributions. As noted above the applicant is unwilling to enter into this element of the necessary S106 agreement.

20. The S106 Contribution of £26,722 towards highway improvements on Cross Road is necessary to make the development acceptable in planning terms, it is directly related to the development and is fairly and reasonably related in scale and kind to the development in line with the requirements of Paragraph 204 of the NPPF. Paragraph 32 (Transport) of the NPPF states that decisions on planning applications should take account of whether, amongst other things, safe and suitable access to the site can be achieved for all people.

Planning Policy Statement 10 (PPS10) – Planning for Sustainable Waste Management, reiterates the principles of sustainable waste management and the waste hierarchy. However in considering planning application for enhanced waste management facilities, Waste Planning Authorities should consider the likely impact of the development on the local environment and amenity, in this case it is considered that without the S106 contribution the impact of the additional HGV movements would be detrimental to the highway network.

21. Similarly Lincolnshire Waste Local Plan (2006) Policy WLP21 (xii) stresses there has to be sufficient capacity available on the local or wider road system for the traffic that is expected to be generated by the proposal or that improvements be implemented to ensure the proposal would not result in an adverse effect on road safety. South Kesteven Core Strategy (July 2010) Policy E1 supports employment development however sites must have access to a good transport network and should not result in an adverse impact in terms of traffic generation. Similarly, the South Kesteven Site Allocation and Policies Development Plan Document (Adopted April 2014) incorporates a policy, SD1: Presumption in Favour of Sustainable Development. This indicates that planning permission for sustainable development will grant permission unless material considerations indicate otherwise, this includes taking into account any adverse impacts which significantly and demonstrably outweigh the benefits, or where the NPPF policies indicate that development should be restricted (see above Paragraph 32 and 204 of the NPPF). Whilst Policy SAP3: Supporting Local Business in Local Service Centres, states that within or on the edge of Local Service Centres (which includes Baston) proposals for the expansion of existing employment development will be supported provided they meet certain criteria. Again, however, this policy highlights that proposals should be appropriate in terms of scale and impact on the local service centre and existing neighbouring land uses, including traffic generated by the proposals. It is therefore considered that, as the applicant is unwilling to enter into the S106 agreement that the impact of the proposal, in terms of the proposed increased HGV movement generated, would be contrary to the aims and policies of the Development Plan.

Other Issues

22. In response to the comments of the District Council the applicant notes "... we would advise the PMK do not currently anticipate the requirement for further external storage areas, they may wish at some time to cover the external bunkers to prevent contamination from the adjoining site however this is not the subject of this application. As identified in the highways report the additional traffic is not expected to have a severe impact on the local highway network and PMK have a number of measures in place to deter vehicles from travelling through the village. In summary the day to day operations are as existing, the increase in vehicle movement should have no adverse effect on the village."
23. In response to the Parish Council's objection the applicant notes, "given the proposed scale of the throughput and the nature of the material, also having regard to the relevant thresholds and criteria of the EIA regulations, this proposal would not require an EIA to be submitted. PMK have stated and provided evidence to LCC previously with the existing throughput figures for the MRF operation. These are an average of 3.81 vehicle movements each way daily against an annual through put of 23,105.51 tonnes of waste. Therefore the two way vehicle movements for the full 25,000 tonnes will average no more than 7 to 8 movements a day. On this basis PMK Recycling anticipate an average of 14 HGV movements per day for a 50,000 tonne throughput as there would be a certain economy of scale. PMK Recycling Ltd have also pointed out that this growth of business is anticipated over the next five to ten years and that the need for the current increase in limit is to enable them to tender for up and coming contracts without being in breach of the current planning permission."
24. The existing Materials Recovery Facility (MRF) enables waste materials to be sorted, stored and bulk up, these recycled materials can then be transported off site to be reused, moving waste materials up the waste hierarchy. Whilst the MRF site covers a total area of 2.2 hectares, the waste materials are sorted and some materials are stored within a substantial building within the site, a building which has been extended over the last few years. Some suitable recycled inert materials (bricks, soils etc) are stored externally, in bays. The MRF has been operating for a number of years with an annual throughput of up to 25,000 tonnes per annum. In respect of the assertion of the Parish Council that this is Environmental Impact Assessment development the proposed site does not form part of, or lie within, a designated "sensitive area" as identified in the EIA Regulations. Also, having regard to the scale of throughput, size and location of the site and the nature of the material, the proposed development does not fall within the thresholds and criteria of the EIA regulations requiring an EIA to be submitted. The Council has issued a screening opinion confirming this is not EIA development.
25. This application seeks to vary a condition attached to planning permission S11/1775/11 to enable an increase in the throughput of waste materials processed within the Materials Recycling Facility per year. Planning policy

considerations with regard to the principle, location and need for this development have already been assessed and accepted by the Planning and Regulation Committee when permission S11/1775/11 was granted. The revision sought by this application does not fundamentally change other aspects of the development and therefore it has not been considered necessary to re-evaluate or reassess these in the consideration of this application. The use of this larger building, including the extensions, enables the majority of the waste recovery operation to take place within a building reducing any negative impact (noise, dust, odour, litter, visual intrusion) typically associated with this type of operation. The site is opposite a substantial area of sand and gravel extraction, with a significant plant area to the rear of the site. The development is not of scale or character which would conflict the existing uses in the locality.

26. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

That planning permission is refused for the following reason:-

Planning permission is sought to increase the throughput at the existing Waste Management site from 25,000 to 50,000 tonnes per annum. This would result in additional vehicle movements to the site using Cross Road to access the A1175. The Highway Authority are seeking £26,722 from this development as a contribution to make improvements to Cross Road to enable the road to absorb the traffic from this development and other developments. The applicant has confirmed that it is not prepared to enter into such an Agreement.

Policy WLP21 criterion (xii) of the Lincolnshire Waste Local Plan (2006) states that planning permission will be granted for waste management facilities in circumstances where sufficient capacity is available on the local road system and where there would not be an adverse effect on road safety. In addition Planning Policy Statement (PPS) 10 – Planning for Sustainable Waste Management at Annex E sets out the criteria that needs to be taken into account for the determination of applications for extended waste management sites. This includes traffic and access impacts.

Without the required contribution to make improvements to Cross Road it is the Waste Planning Authority view that the application conflicts with the requirements of Waste Local Plan Policy (WLP) 21 and the advice set out in PPS 10 Planning for Sustainable Waste Management.

Appendix

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

Background Papers

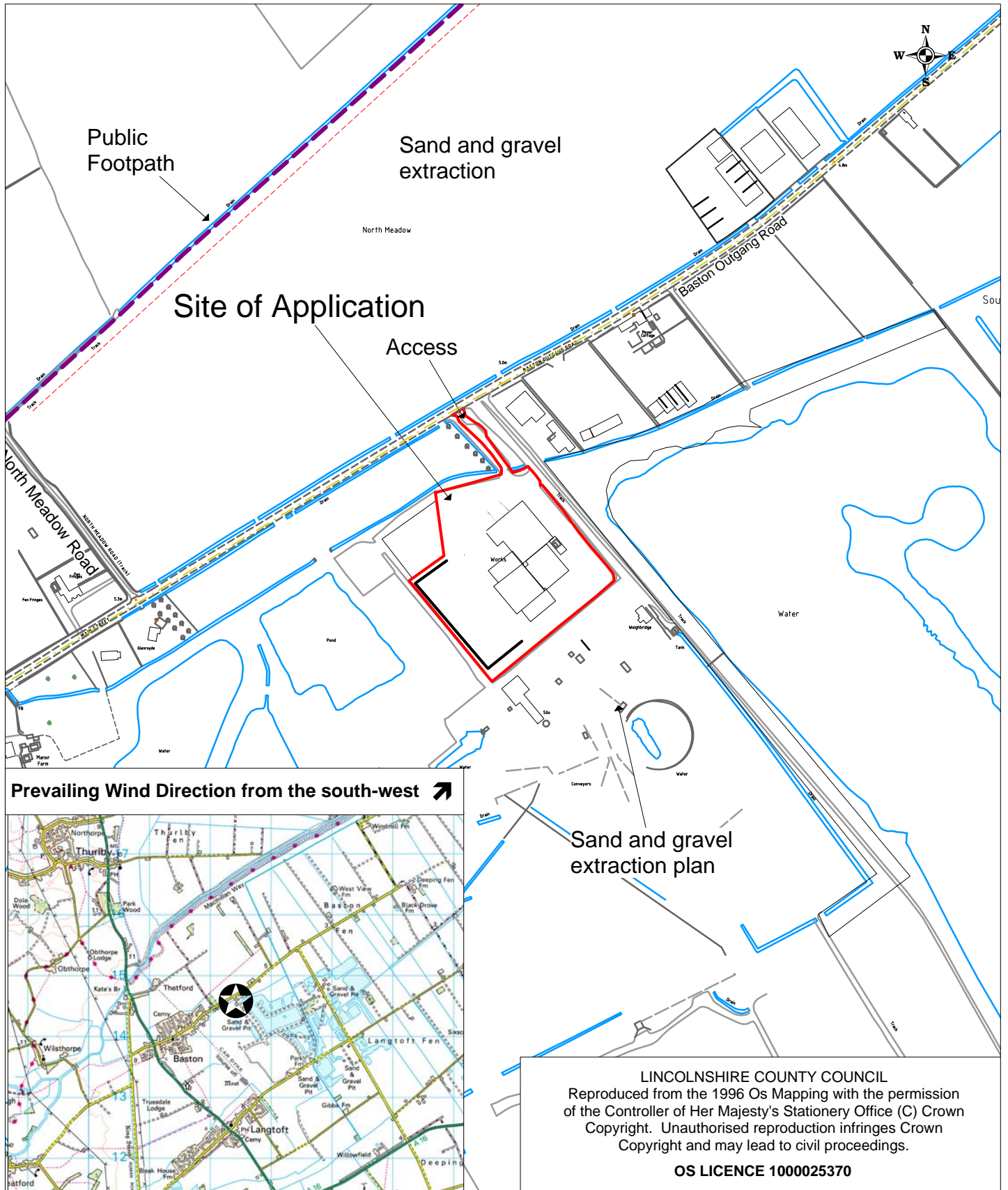
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application Files S7/1936/14 S7/1775/11	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Guidance - National Planning Policy Framework (NPPF) (March 2012)	Communities and Local Government website www.gov.uk
Lincolnshire Waste Local Plan (2006)	Lincolnshire County Council website www.lincolnshire.gov.uk
South Kesteven Core Strategy (2010)	South Kesteven District Council website www.southkesteven.gov.uk
Local Plan for South Kesteven Site Allocation and Policies Development Plan Document (2014)	

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

LINCOLNSHIRE COUNTY COUNCIL Appendix A

PLANNING AND REGULATION COMMITTEE 6 OCTOBER 2014



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Location:
PMK Recycling Ltd
Baston Outgang Road
Baston

Application No: S7/1936/14
Scale: 1:5000

Description:
To vary condition 8 of planning permission
S7/1775/11 to increase the annual tonnage of
waste processed on the site from 25,000 tonnes to
50,000 tonnes