



County Offices  
Newland  
Lincoln  
LN1 1YL

26 October 2018

**Planning and Regulation Committee**

A meeting of the Planning and Regulation Committee will be held on **Monday, 5 November 2018 at 10.30 am in Council Chamber, County Offices, Newland, Lincoln LN1 1YL** for the transaction of business set out on the attached Agenda.

Yours sincerely

A handwritten signature in black ink that reads 'Keith Ireland'.

Keith Ireland  
Chief Executive

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

Councillors I G Fleetwood (Chairman), T R Ashton (Vice-Chairman), D Brailsford, L A Cawrey, Mrs P Cooper, Mrs J E Killey, D McNally, Mrs A M Newton, Mrs M J Overton MBE, N H Pepper, S P Roe, P A Skinner, H Spratt, M J Storer and C L Strange



**PLANNING AND REGULATION COMMITTEE AGENDA  
MONDAY, 5 NOVEMBER 2018**

<b>Item</b>	<b>Title</b>	<b>Pages</b>
1.	Apologies/replacement members	
2.	Declarations of Members' Interests	
3.	Minutes of the previous meeting of the Planning and Regulation Committee held on 1 October 2018	5 - 10
4.	Traffic Items	
4.1	Traffic Regulation Orders - Progress Review	11 - 16
5.	County Matter Applications	
5.1	For retention of a site including compounds and fixed plant for the processing, storage and distribution of recyclable aggregate derived from construction and demolition waste at Mid UK Recycling Ltd, Caythorpe Heath Lane, Caythorpe, Grantham, NG32 3EW - S18/1714	17 - 36
6.	County Council Developments	
6.1	To carry out improvement works including the resurfacing and development of the overspill car park, remodelling of the existing roundabout and resurfacing of the carriageway and its drainage system at Overflow Car Park & Roundabout, off Sandy Lane, Anderby Creek, Skegness, PE24 5XX - N/089/01901/18/3	37 - 48

Democratic Services Officer Contact Details

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**Please note:** for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

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**PLANNING AND REGULATION  
COMMITTEE  
1 OCTOBER 2018**

**PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)**

Councillors D Brailsford, Mrs J E Killey, D McNally, Mrs A M Newton,  
Mrs M J Overton MBE, N H Pepper, S P Roe, P A Skinner and C L Strange

Councillor A N Stokes attended the meeting as the local member (minute 45)

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Neil McBride (Planning Manager), Martha Rees (Solicitor), Marc Willis (Applications Team Leader) and Matthew Fairweather (Senior Engineer)

39 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors L A Cawrey, Mrs P Cooper, H Spratt and M J Storer.

40 DECLARATIONS OF MEMBERS' INTERESTS

No declarations of interest were made at this stage of the meeting.

41 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND  
REGULATION COMMITTEE HELD ON 3 SEPTEMBER 2018

RESOLVED

That the minutes of the previous meeting held on 3 September 2018, be agreed as a correct and signed by the Chairman.

42 COUNTY MATTER APPLICATIONS43 FOR THE ERECTION OF GENERAL PURPOSE BUILDING FOR STORAGE AND MAINTENANCE OF PLANT AND EQUIPMENT, EXTERNAL STORAGE OF SKIPS, PLANT AND EQUIPMENT AS AN EXTENSION TO THE ADJACENT MRF AND THE INSTALLATION OF BAYS FOR THE STORAGE, SALE AND DISTRIBUTION OF RECYCLED AND IMPORTED AGGREGATE AT MUSHROOM FARM, BOUNDARY LANE, SOUTH HYKEHAM, LINCOLN - STEVEN DUNN ARCHITECTS LTD - 18/1096/CCC

Since the publication of the report the Planning Manager reported that proposed Condition 6 in the recommendations should be amended as detailed in the update which had been circulated to the Committee and published on the Council's website.

Nick Grace, representing the applicant, commented as follows:-

- He described the layout and size of the application site.
- He quoted support for the application by the National Planning Policy Framework, including helping businesses to invest, expand and integrated with existing businesses.
- He stated that no objections had been received from the statutory consultees and noted that only North Hykeham Town and South Hykeham Parish Councils had raised concerns.
- He stated that the proposed development did not seek to increase the overall tonnage per annum being processed through the adjacent Materials Recycling Facility (MRF) but to provide on-site maintenance facilities for the skip lorry fleet and plant machinery associated with the MRF as well as storage area for empty skips, plant and machinery awaiting maintenance.
- The storage bays would simply receive recycled aggregate for re-sale and imported virgin aggregate for re-sale. It was not proposed to process aggregate at the site.
- The application in part promoted the re-use of waste and supported the operations of the adjacent MRF.
- He stated that highways did not have any objections and that the application did not justify a detailed assessment of structure and construction of Boundary Lane as the Parish Councils had suggested.
- There would no more than an additional 50 two way movements Monday to Saturday (daily).
- The site was well screened and the building set back from residential properties at the rear of the site.

Nick Grace responded to questions from the Committee, as follows:-

- He explained the layout of the applicant's site with regard to the location of land set aside for residential development.
- He explained the increase in additional vehicle movements detailed in the report and stated that these had been assessed and deemed acceptable.

- He explained that the application would improve the efficiency, management and visual aspects of the site.
- He explained that it was not proposed to create a retail site but that materials would be brought in, stored efficiently and their sale done by telephone.

With regard the storage of skips and whether they contained material, officers confirmed that the skips would not contain any waste and explained that the material stored on the site was a combination of recycled and imported aggregate. Officers had also considered the use of the same access for this application and the Materials Recycling Facility and had decided that it was more efficient to have an overall condition for both permissions limiting the number of vehicle movements permitted rather than a separate condition for each development as it would be difficult to enforce. This was because it would not be clear when a vehicle enters or leaves the site which permission it was operating under.

Comments by the Committee and responses by officers, where appropriate, included:-

- The application site was designated employment land and was also surrounded by designated employment land.
- While noting that the applicant had made improvements to his site Boundary Lane was a country lane with a 60mph speed limit. Had highways considered the effects on traffic movements following the proposed construction of Soper BMW access onto Boundary Lane?
- Could speed restrictions be installed on Boundary Lane in view of the increase in HGVs? Officers stated that it was not possible to consider a speed limit in the planning procedure.

On a motion by Councillor D McNally, seconded by Councillor D Brailsford, it was –

RESOLVED (8 votes for and 2 votes against)

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

#### 44 COUNTY COUNCIL APPLICATIONS

#### 45 TO VARY CONDITION 2(B) OF PLANNING PERMISSION NUMBER S35/0922/16 - TO REMOVE AND REPLACE THE EXISTING 2.5M HIGH FENCING WITH 3.6M HIGH MESH PALADIN FENCING IN THE SAME COLOURS AS THE EXISTING (GREEN) AT THE BEACON CHILDREN'S CENTRE, SANDON CLOSE, GRANTHAM - KIER WORKPLACE SERVICES - S18/1490

Councillor A Stokes, the local member, commented as follows:-

- Residents wanted a higher fence to prevent objects being thrown in their gardens from the children's home and wished to enjoy their gardens. Some residents had even been struck by objects thrown over the fence.

**PLANNING AND REGULATION COMMITTEE****1 OCTOBER 2018**

- With regard to the comments made in the report about the institutionalised style of the fencing it should be noted that this was a children's' home open all the time and not a school which would give some respite for local residents.

Officers stated that in most cases the height of fencing around children's homes was similar in height to that around schools. Officers agreed that the height of the fencing proposed could be seen as having more in common with a Children's Secure Unit where the fencing was needed for security reasons

Comments by the Committee and responses of officers, where appropriate, included:-

- Residents should be encouraged to speak to the children's home if they had any issues as this was more of a management problem.
- The installation of higher fencing would make the children's home look like a Secure Unit.
- A member stated that there had been similar problems in her area similar to those raised by the local member and suggested that the children's department perhaps had a better understanding of the issues faced by residents than the planning process.
- The request for higher fencing from residents did not set a precedent and residents had a right to privacy.

Following further consideration Councillor D Brailsford agreed to withdraw his motion to support the recommendation in the report and would abstain when it came to the vote.

On a motion by Councillor Mrs A M Newton, seconded by Councillor P Skinner, it was –

RESOLVED (7 votes for, 0 votes against and 1 abstention)

That the Committee resolved to grant planning permission to vary condition 2 (B) of Planning Permission No. S.35/0922/16 to remove the existing fence and erect a 3.6m high fence around the perimeter of the children's home as detailed in the report, against the Officer recommendation to refuse permission, as the Committee considered that the benefits to both children and residents are greater than the negative visual impacts of increasing the height of the fence to 3.6m.

46 FOR THE CONSTRUCTION OF A NORTHERN ACCESS AND SOUTHERN ACCESS INTO THE COMMERCIAL SITE AT THE JUNCTION OF THE A46/LINCOLN ROAD, DUNHOLME, LINCOLN - WSP - 138194

Since the publication of the report the Planning Manager reported a response from the local landowner, the applicant's response and the response of the Planning Manager all of which were detailed in the update to the Committee which was published on the Council's website and had been sent to the Committee before the meeting.



Andy Hey, representing objectors, commented as follows:-

- The Council's attitude had been one of authoritarianism since the start of the scheme for the new roundabout and with this current application for subsidiary works of mitigation the Council had shown little interest about the effects of the scheme on businesses.
- The idea of a simple solution of providing a speed limit and two speed cameras was dismissed with the Council determined on seeing their scheme receive approval.
- The poor start to the process when the tenants on site were ignored completely had never improved and now I had been informed that Highways could not reply to my letters while the planning process was continuing – why not?
- With regard to the current proposals the Council had been asked whether the new road to be provided would allow Motorwise to have access and would this road be adopted by the Council in order to guarantee Motorwise access at all times in the future? I had been informed that this was not really a planning matter, but in any case the Council sought to pass ownership and future maintenance to a third party as soon as practicable. (See para 9 of the report).
- If this was done it would remove the legal right for Motorwise to access their property from the public highway. A right they now enjoyed and which was fundamental to the operation of the business.
- Why was the future ownership and maintenance of what was being provided in mitigation of the removal of a presently enjoyed facility not a planning matter? Planning was about land use, who and how, where and when, use of that which was to be constructed would be used in the future. Without this consideration planning became pointless.
- Please decide, today, that the new works proposed would be retained in perpetuity as adopted highway. Should you do not do this and you carry out the threat to pass ownership to a third party, that third party could immediately deprive Motorwise and AMS of the right to use the road or demand a sizeable payment for the right. Either way, the present position of having right of access from the public highway would be denied.
- AMS Carwash would almost certainly finish trading as a result of the overall proposals. Motorwise would change from a business which was nicely accessible to one where potential purchasers had to wind their way round a contorted new arrangement. It might work, or it might not.
- Have been informed that the proposed works for this scheme were likely to be carried out at the same time as the roundabout construction and was not sure this was the best solution - could the Council please decide to discuss timing with the site users so their needs could at least be considered before a final decision was taken.
- This scheme and its partner roundabout scheme had never taken any heed to the people involved and their livelihoods and there had always been a feeling that they did not really matter. Please could the Council improve on the perceived dismissal of their views, by including the retention of the new roadworks as adopted highway. This, at least, would provide some chance of survival for the tenants on site.

In response to a question by the Committee Andy Hey stated that the Council had improved its consultation with business tenants compared to the outset of the scheme and mitigation measures had been put in place by the Council which had improved matters.

Charlotte Hughes, representing the applicant, commented as follows:-

- She explained the installation of two accesses to the businesses which would enhance the Consented Scheme.
- The provision of an island at this junction would help with road safety because there had been numerous accidents at this junction, some of which had been serious.
- She explained the reasons for the closure of the existing business accesses following a safety audit.
- There had not been any objections received to the proposed accesses from either the Environment Agency or West Lindsey District Council and both met the planning policy criteria.

Officers stated that following further investigations into the tenancy boundaries and existing access rights of tenants, the applicant was proposing to construct two new access points in order to provide alternative and separate means of access for each of the businesses operating from within the commercial site. The access arrangements proposed and approved were part of the Consented Scheme.

Comments by the Committee included balancing the needs of the businesses, including the effects of the proposed new accesses and the adoption of the access roads by the County Council.

Officers emphasised the importance of the overall Consented Scheme for highway safety and added that the two new accesses would be constructed to comply with highway standards, would remain in ownership of the Council until negotiations were undertaken to pass on their ownership and future maintenance to a third party.

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

RESOLVED (10 votes for and 0 votes against)

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

The meeting closed at 12.00 pm

**Open Report on behalf of Keith Ireland Chief Executive**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>5 November 2018</b>
Subject:	<b>Traffic Regulation Orders – Progress Review</b>

**Summary:**  
This report informs the Committee of the position on all current Traffic Regulation Orders (Appendix A - B) and petitions received since the last Report (Appendix C).

**Recommendation(s):**  
That the report be received and the receipt of petitions be noted.

**Background**

N/A

**Conclusion**

N/A

**Consultation**

**a) Has Risks and Impact Analysis been carried Out?**

N/A

**b) Risk and Impact Analysis?**

N/A

**Appendices**

These are listed below and attached at the back of the report	
Appendix A	List of Traffic Regulations Orders
Appendix B	Explanatory Note on the Temporary Suspension of Traffic Regulation Order Reviews
Appendix C	Petitions that have been received since the last report

**5. Background Papers**

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

This report was written by Jeanne Gibson who can be contacted on 01522 782070 or CSCHighways@lincolnshire.gov.uk.

**APPENDIX A**

<b>PARISH</b>	<b>LOCATION</b>	<b>TYPE</b>	<b>PREVIOUS POSITION</b>	<b>PRESENT POSITION</b>
Countywide	Lincoln / Boston / Sleaford / Grantham	Experimental Order – Mandatory School Keep Clear and Bus Provision		Operative 10/09/18
Anderby Creek	Village Roads	Waiting Restrictions	Operative date to be arranged	As previous
Barkston / Syston /	A607	50mph Speed Limit		Advert 14/09/18 – 12/10/18
Brigg - Caistor	A1084	50 and 40mph Speed Limits		Consulting
Boston	Church Lane	Loading Bay	Objections to be reviewed	As previous
Brandon	Village Road	40mph Speed Limit	Operative date to be arranged	Operative 17/09/18
Careby	Various Roads	30mph Speed Limit		Advert 07/09/18 – 05/10/18
Dunholme	Lincoln Road	30mph Speed Limit Extension	Consulting	As previous
Foston	Main Street	Stopping Up of Highway	Consulting	As previous
Gainsborough	Beaumont Street	Pedestrian Crossing	Operative date to be arranged	As previous
Holbeach	Spalding Road	30mph Speed Limit Extension	Operative date to be arranged	Operative 09/10/18
Horncastle	Langton Hill / Woodhall road	40mph Speed Limit		Advert 03/10/18 – 31/10/18
Horncastle	Louth Road	40mph Speed Limit		Advert 03/10/18 – 31/10/18
Kirton	West End Road	40mph Speed Limit		Advert 12/09/18 – 10/10/18
Lincoln	Carrington Drive / Scawby Crescent	School Keep Clear and Waiting Restrictions		Consulting
Lincoln	Road off East/west Link	Waiting Restrictions	Consulting	Advert 11/10/18 – 08/11/18
Lincoln	Greetwell Place	Removal of Residents Parking Bay	Objections to be reviewed	Amended proposal advertised 11/10/18 – 08/11/18
Lincoln	Larchwood Crescent / Clematis Approach	School Keep Clear / Waiting Restrictions		Advert 25/10/18 – 22/11/18

PARISH	LOCATION	TYPE	PREVIOUS POSITION	PRESENT POSITION
Lincoln	Minster Yard	Stopping Up Order	Consulting	As previous
Lincoln	Waterside South	Experimental Restricted Parking Zone	Objections to be reviewed	As previous
Ludborough - Utterby	A18 / A16	50mph Speed Limit		Consulting
Manthorpe / Barkston	A607	50mph Speed Limit		Consulting
Potterhanworth	Main Street	School Keep Clear and Waiting Restrictions		Consulting
Skegness	A52	40mph Speed Limit	Operative date to be arranged	As previous
Skegness	A52	Footway / Cycleway Conversion	Operative date to be arranged	As previous
Skegness	North Parade	Waiting Restrictions	Operative date to be arranged	As previous
Skegness	Scarborough Avenue	Waiting Restrictions		Consulting
Stamford	High Street St Martins	Waiting Restrictions	Consulting	Operative 24/09/18
Swinderby	High Street	School Keep Clear and Waiting Restrictions		Consulting
Waddington	A607	40mph Speed Limit Extension	Consulting	As previous

## Appendix B

### **Explanatory Note on the Temporary Suspension of Traffic Order Regulations Reviews**

In November 2015 the Portfolio Holder agreed to a temporary suspension of Traffic Regulation Orders (TROs) progression.

Work on TROs is currently only initiated in the following circumstances:

- a. TROs that were in progress at the start of December 2015.
- b. TROs required as a result of collision investigation by Lincolnshire Road Safety Partnership.
- c. TROs required to facilitate and progress new developments.

## APPENDIX C

The following petitions have been received since the last report. They have been acknowledged and will be dealt with in the normal manner.

PARISH	LOCATION	PETITION FOR
None		



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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>5 November 2018</b>
Subject:	<b>County Matter Application - S18/1714</b>

**Summary:**

Retrospective planning permission is sought by Mid UK Recycling Ltd (Agent: JHG Planning Consultancy Ltd) for the retention of a site including compounds and fixed plant for the processing, storage and distribution of recyclable aggregate derived from construction and demolition waste at Mid UK Recycling Ltd, Caythorpe Heath Lane, Caythorpe.

This application is retrospective as the planning permission which had granted permission for this development (reference: S16/1138) has been 'lost' as a consequence of the applicant having failed to submit a dust management scheme within the required time as was required by Condition 1 (i) of that permission. This application is therefore seeking to re-establish and authorise the use and operations previously consented.

The proposed development essentially comprises of an open storage area for processed aggregate and an open fronted L-shaped building used for the processing of waste aggregates and storage of recovered aggregate products. The wastes to be processed are derived from the adjoining waste management complex where they would have already undergone some initial separation and processing to separate them from the mixed recyclable wastes. The wastes would then be processed within the proposal site using mechanical screeners and trommels (linked by conveyors) to recover aggregate materials that can then be sold on and distributed for use elsewhere. The proposed development would process approximately 15,000 tonnes of wastes per annum and is presented as being an ancillary and additional recovery/processing operation associated with the existing permitted waste management operations and activities.

**Recommendation:**

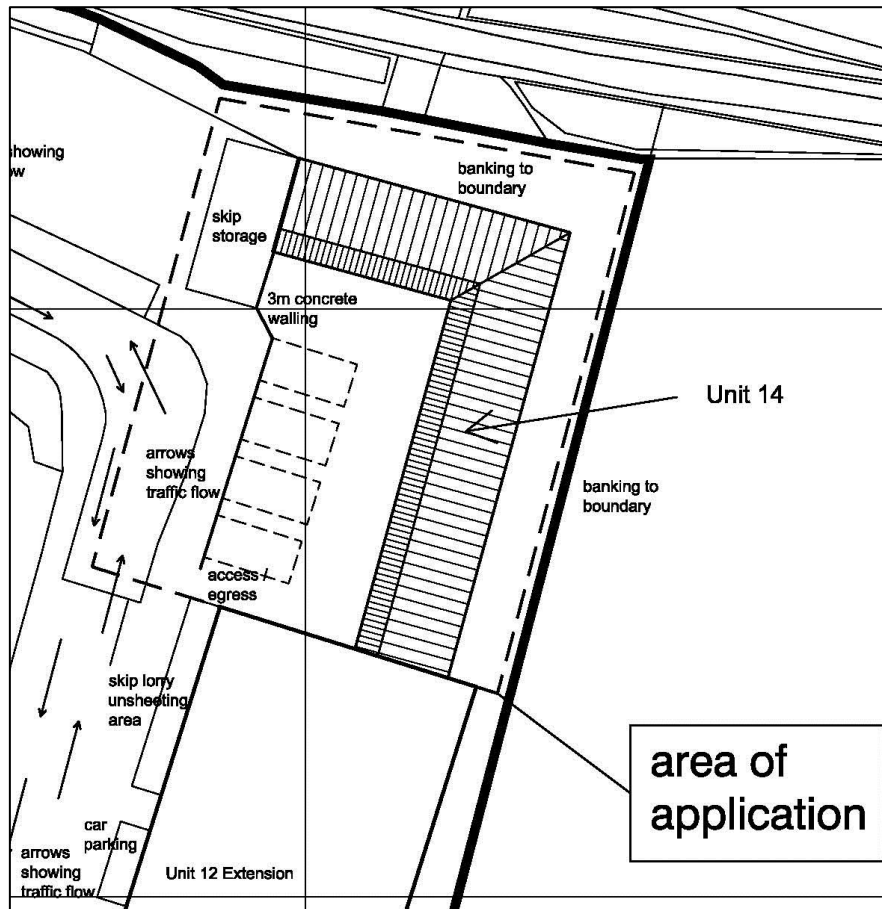
Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

## Background

1. Planning permission (reference: S16/1138) was granted 4 July 2016 to use land for the processing and storage of construction, demolition and excavation (CD&E) wastes to produce recycled/secondary aggregate. Within six months of the grant of planning permission S16/1138 a further application was submitted and granted (reference: S16/2458) which provided for an extension to an existing building (Unit 12) and the erection of a new open-fronted building to accommodate the consented CD&E recycling operations. Following a visit to the site from the Planning Enforcement Team it was identified that Condition 1(i) of permission S16/1138 had not been complied with and as a result of this failure the permission and operations authorised by that permission had been 'lost'. A planning enforcement notice was subsequently served (16 September 2018) confirming that planning permission S16/1138 had been lost and therefore the CD&E recycling operations were unauthorised and therefore no further waste should be deposited at the site.
2. This application is seeking retrospective planning permission to re-establish and authorise the CD&E recycling operations as previously consented by permission S16/1138 and therefore address the terms of the current enforcement notice.

## The Application

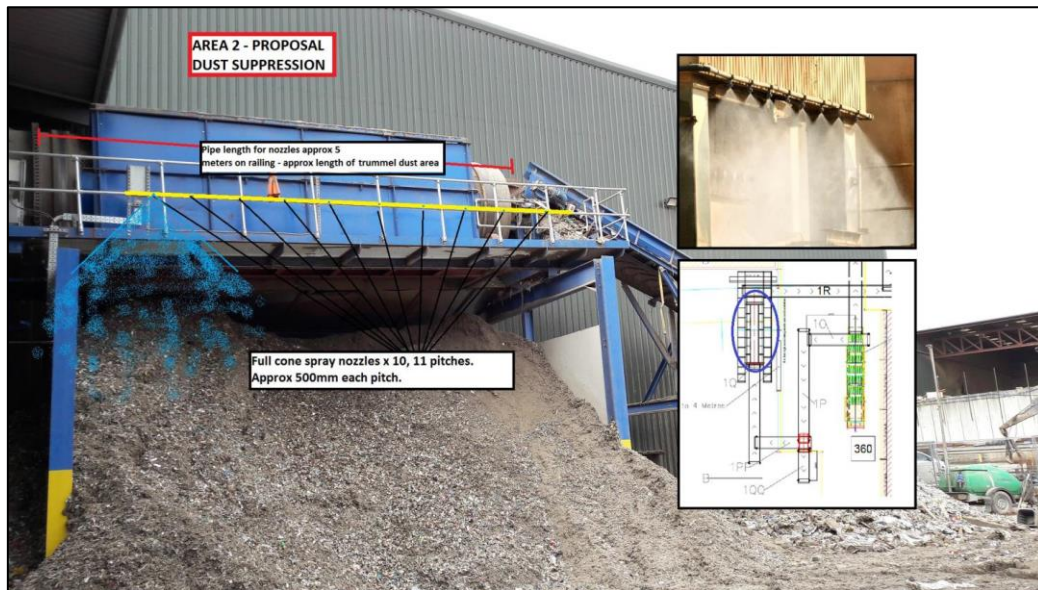
3. Retrospective planning permission is sought by Mid UK Recycling Ltd (Agent: JHG Planning Consultancy Ltd) for the retention of a site including compounds and fixed plant for the processing, storage and distribution of recyclable aggregate derived from construction and demolition waste at Mid UK Recycling Ltd, Caythorpe Heath Lane, Caythorpe.
4. The proposal site (identified as Unit 14) is approx. 0.60 hectares in size and lies at the frontage of the existing Caythorpe Materials Recycling Facility (MRF). It is proposed to retain this land for the storage and processing of wastes using mechanical equipment (including a screener and trommel) to recover recycled/secondary aggregates. The plant and equipment associated with this proposal would process approximately 15,000 tonnes of CD&E wastes per annum which derive from the waste materials that are already brought to the wider MRF for processing. The applicant states that currently many of the skips received at the MRF contain quantities of CD&E waste (e.g. bricks, rubble, stone and soils) and this application would ensure that CD&E waste would be processed, recovered and stored at the site prior to their sale and distribution rather than forwarded to another site for processing.



Site Layout

5. The applicant states that as the wastes to be processed are already brought to and associated with the existing MRF, this proposal would not increase or create new throughput capacity over and above that already permitted in association with the MRF. This proposal is therefore presented as being an ancillary and additional recovery/processing operation associated with the existing permitted MRF operations and activities which would not only represent a sustainable waste management practice but also maximise productivity and offers financial and logistical efficiencies and benefits to the applicants business. The processing equipment is fixed and consists of a series of screeners and trommels connected by conveyors, predominantly housed within the span of the roofs, over the open fronted building constructed under planning permission S16/2458.
  
6. A Dust Management Plan, submitted with the application, identifies a number of mitigation measures to contain and suppress dust generation. The principal method, being a system of pipework and spray nozzles, would provide for a water curtain around the processing and conveyor units which would be the main sources of dust generation. Currently on-site is a temporary system of mini-bowers, surmounted by aerial misting units and the applicant has confirmed that these will be utilised until the dust suppression system within the dust management plan has been installed. In addition, a regime relating to the storage, transportation and loading of the

aggregates, arising from the processing operations would be adopted to ensure that fugitive dust doesn't escape the site. This regime would include the use of a mobile water bowser to damp down external surfaces and monitoring wind speed and wind direction.



Water curtain dust suppression system

7. The site has an existing surface water management system where waters are directed towards a soakaway and this would continue to be utilised for this proposal. The hours of operation would be restricted to the same as those governing the existing MRF (i.e. between 07:00 and 18:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays) and three full-time staff would continue to be employed.

#### Site and Surroundings

- 8 The Caythorpe MRF is located off the A607 (between Lincoln and Grantham) with access to the site being gained via Caythorpe Heath Lane. The proposal site is located to the south of Caythorpe Heath Lane just before the railway bridge which spans the former railway line which runs alongside the site. The proposal site is located along the north-eastern edge of the main MRF complex (which is identified as an existing waste management site on the Proposals Map of the South Kesteven Core Strategy 2010). The perimeter bund to the east of the site was re-profiled to accommodate the open-fronted building. A steel security fence which runs alongside the sites northern, eastern and southern boundaries and the northern boundary also supplemented by a belt of mature trees/shrubs which help to restrict and filter direct views into the site from the public highway. The western boundary of the proposal site adjoins an area of hardstanding and the internal roadway associated with the existing MRF.



View of site from the east, Caythorpe Heath Lane

9. The existing buildings associated with the waste management facility are located to the west and south of the site and are of various sizes but all are typical, large-scale industrial buildings. The land to the east, and the wider surrounding area, is in arable agricultural use. There are no residential properties in close proximity to the site with the nearest being those located within the village of Caythorpe which is located on the west side of the A607 approximately 600m to the west.

#### Main Planning Considerations

##### National Guidance

10. National Planning Policy Framework (NPPF) (July 2018) 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. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraphs 7 to 11 (Sustainable development) - states that there is a presumption in favour of sustainable development and that achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in

mutually supportive ways. These three objectives are: economic; social and; environmental.

Paragraph 38 (Decision making) - states that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraphs 39 to 41 (Pre-application engagement and front-loading) - encourages parties to take advantage of the pre-application stage and to engage the local community, and where relevant, statutory and non-statutory consultees before submitting applications.

Paragraphs 47 & 48 (Determining applications) - states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. It also advises on the weight that should be afforded to relevant policies in emerging plans depending upon the stage of their preparation.

Paragraphs 54 to 57 (Use of planning conditions and obligations) - states that consideration should be given as to whether otherwise unacceptable development could be made acceptable through the use of conditions or obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and are also necessary, directly related to the development and fairly and reasonable related in scale and kind to the development.

Paragraph 170 (Conserving and enhancing the natural environment) - states that planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

Paragraph 182 (Existing business facilities) - states that decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of

development permitted after they were established. Where the operation of an existing business or community facility could have significant adverse effect on new development in its vicinity then the applicant (or agent of change) should be required to provide suitable mitigation before the development has been completed.

Paragraph 183 - the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land. Where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Paragraphs 212 - 214 (NPPF and Local Plans) - states that due weight should be given to existing Local Plans where they are consistent with the NPPF. This is of relevance to the Lincolnshire Mineral and Waste Local Plan Core Strategy & Development Management Policies (2016), South Kesteven Core Strategy (2010) and the emerging South Kesteven Proposed Submissions Local Plan (2011-2036).

11. National Planning Policy for Waste (NPPW) (October 2014) is a material consideration in the determination of planning applications and should be read in conjunction with the NPPF. Appendix B sets out specific locational and environmental and amenity criteria to consider when assessing waste management proposals. Of main relevance to this proposal are those relating to noise, traffic and access and potential for conflict with other land-use.

#### Local Plan Context

12. Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) - the key policies of relevance in this case are as follows (summarised):

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 predicted capacity gaps for waste arisings in the County up to and including 2031. Table nine, which supports this policy, identifies that by 2020 a capacity gap of 114,242 tonnes per annum of CD&E recycling.

Policy W3 (Spatial Strategy for New Waste Facilities) identifies that there is a preference for sites in and around main urban areas but also states that proposals for new waste facilities outside the urban areas will be permitted for specified types of facility.

Proposals for large extensions to existing facilities, outside of the above areas will only be permitted where it can be demonstrated that they meet an identified waste management need, are well located to the arisings of the

waste it would manage and are on or close to an A class road and meet criteria of Policy W4.

Policy W4 (Locational Criteria for New Waste Facilities in and around main urban area) - states that new waste facilities, including extensions to existing waste facilities will be permitted provided they would be located on:

- previously developed and/or contaminated land; or
- existing or planned industrial/employment land and buildings; or
- land already in waste management use; or
- sites allocated in the Site Locations Document; or
- in the case of biological treatment the land identified in Policy W5.

In the case of large extensions to existing waste facilities, where the proposals do not accord with the main urban areas set out in Policy W3, proposals will be permitted where they can demonstrate that they have met the above criteria. Proposals must accord with all relevant Development Management Policies set out in the Plan.

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 waste management developments should address the following:

- identify locations which reduce distances travelled by HGVs in the treatment of waste, unless other environmental/sustainability considerations override this aim;
- implement the Waste Hierarchy and reduce waste to landfill;
- identify locations suitable for renewable energy generation;
- encourage carbon reduction measures to be implemented.

Policy DM3 (Quality of Life and Amenity) - states that planning permission will be granted, provided that it does not generate unacceptable adverse impacts arising from, Noise, Dust, Vibration, Odour, Litter, Emissions, Illumination, Visual intrusion, Run off to protected waters or Traffic to occupants of nearby dwellings and other sensitive receptors.

Development should be well designed and contribute positively to the character and quality of the area in which it is to be located.

Policy DM6 (Impact on Landscape) - states that due regard should be given to the likely impact of the proposed development on landscape, including landscape character, features and views. Development that would result in residual, adverse impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme.



Policy DM13 (Sustainable Transport Movements) - states that waste development should seek to maximise where possible the use of the most sustainable transport options.

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 traffic generated by the development; and
- arrangements for site access and the traffic generated by the development would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity or the environment; and
- a suitable travel plan is in place.

Policy DM16 (Water Resources) - states that planning permission will be granted for developments where they would not have an unacceptable impact on surface or groundwater and due regard is given to water conservation and efficiency.

Policy DM17 (Cumulative Impacts) - states that planning permission will be granted where the cumulative impact would not result in significant adverse impacts, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively.

13. Lincolnshire Minerals and Waste Local Plan: Site Locations (LMWLP-SL) (2017) that sets out the preferred sites and areas for future waste development. The proposal site is not promoted as a preferred site however, although the site may not be allocated this does not necessarily mean that the proposal is unacceptable. Instead the proposal needs to be considered in terms of its compliance with the locational criteria and policies as contained in the CSDMP.

14. South Kesteven Core Strategy (2010) in line with NPPF, due weight should be given to relevant policies of the NPPF. The site is identified in the proposal maps as an existing waste management site. The following policies (summarised) are of relevance to this proposal:

Policy EN1 (Protection and Enhancement of the Character of the District) - identifies that the site lies on the border of the Trent and Belvoir Vale and the Southern Lincolnshire Edge and states that development must be appropriate to the character and other features of the landscape within which it is situated and contribute to its enhancement.

Policy E1 (Employment Development) - states that outside Local Service Centres, proposals will be supported where it can be demonstrated that it is necessary to meet the need of other enterprises.

15. South Kesteven Proposed Submissions Local Plan (2011-2036) is an emerging plan however is at an advanced stage of preparation and as such

any policies in the Plan should be given due weight in the determination of this application. The following emerging policies (summarised) are of relevance:

Policy SP1(Spatial Strategy) - states that the overall strategy of the Plan is to deliver sustainable growth including job creation.

Policy E4 (Expansion of Existing Businesses) - states that expansion of existing businesses will be supported, provided they meet a range of criteria (including highway network) against which all development proposals are required to be assessed.

Policy E7 (Other Employment Proposals) - states that employment proposals in locations not covered by other policies will be supported, provided they meet a range of criteria (including highway network) against which all development proposals are required to be assessed.

Policy EN1 (Landscape Character) - identifies that the site lies on the border of the Trent and Belvoir Vale and the Southern Lincolnshire Edge and states that development must be appropriate to the character and other features of the landscape within which it is situated and contribute to its enhancement.

Policy EN4 (Pollution Control) - states that development on its own or cumulatively, will not be permitted if the potential adverse impacts can be mitigated to an acceptable level.

Policy DE1 (Promoting Good Quality Design) - seeks to ensure high quality design is achieved throughout the District. Proposals should seek to provide well designed hard and soft landscaping.

#### Results of Consultation and Publicity

16. (a) Local County Council Member, Councillor A Maughan – has no objection but notes that this application was submitted following a breach of a condition attached to application reference: S16/1138. Councillor Maughan also sought clarification regarding the proposed tonnage/HGV movements and stated that the communities of Carlton Scroop, Normanton on Cliffe, Caythorpe and Fulbeck face daily convoys of HGVs through their villages. The application claims that there would be reduced traffic movements to and from the site and consideration should be given to the height of vehicles used and any covering of loads. Concern is also expressed at the fire risk given the fire emergencies in recent years and it is requested that conditions to manage dust and odour be imposed should the application be approved. Finally, whilst it is accepted that the recycling sector should be supported, there must be balance and there should be an element of 'giving back' to the communities affected by these operations.
- (b) Carlton Scroop and Normanton-on-Cliffe Parish Council – has objected to the application stating that the ever increasing traffic through their

community via the A607 has resulted in deterioration of the highways and verges, noise pollution, air pollution and vibration from the increased weight of the vehicles. The Parish Council questions the information provided regarding vehicle movements stating that no statistics were provided to support the claim that the proposal 'should not lead to an increase in traffic'. The Parish Council also questioned why the majority of planning applications by Mid UK at both the Ancaster and Caythorpe sites are retrospective and that the County Council appear to 'rubber stamp' an acceptance.

- (c) Historic Environment (Lincolnshire County Council) – has no objection as there are no known archaeological implications for the proposal.
- (d) Environment Agency (EA) – has no objection to the proposed development but requested that an Informative be attached should the application be approved relating to environmental management and fire prevention guidance to comply with their Environmental Permit.
- (e) Highways & Lead Flood Authority (Lincolnshire County Council) – does not wish to restrict the grant of permission stating that the transportation impacts of the proposed development would not be expected to be severe.

The following bodies/persons were consulted on the application on 12 September 2018 and re-consulted 26 September 2018 following amendments to the original description of the development. No comments or response had been received within the statutory consultation period or by the time this report was prepared:

- Environmental Health Officer (South Kesteven District Council)
- Fulbeck Parish Council
- Caythorpe and Freiston Parish Council
- Lincolnshire Fire and Rescue (Lincolnshire County Council)
- Public Health (Lincolnshire County Council).

17. The application has been publicised by way of two notices posted at the site and the junction of the A607 and Caythorpe Heath Lane (Old Lincoln Road) and advertised in the Lincolnshire Echo on 20 September 2018. Following amendments to the application this was re-advertised again on 4 October 2018. No response/comments had been received within the statutory consultation period or by the time this report was prepared.

#### District Council's Recommendations

18. South Kesteven District Council have no objections to raise.

#### Conclusions

19. The failure to submit a dust management scheme, in accordance with Condition 1(i) of planning permission reference: S16/1138, resulted in the

loss of that permission and therefore consent to carry out the CD&E recycling operations. As a consequence, retrospective planning permission is now sought to retain the use of the site, including the compounds and fixed plant for the processing, storage and distribution of recyclable aggregate derived from construction, demolition and excavation waste.

20. The CD&E waste is segregated from the skip wastes brought to the adjacent MRF and thereby meets the objectives and aims of the NPPF and Policies W1, DM1 and DM2 of the CSDMP that seeks sustainable development and increase capacity for the management of CD&E recycling and thereby push the management of waste up the waste hierarchy. The proposal would not comprise or conflict with emerging South Kesteven Local Plan Policy SP1 that seeks to promote sustainable growth.

#### Location

21. Whilst the site at Caythorpe is not a preferred site in the LMWLP-SL it does not necessarily mean that the proposal would be unacceptable and as a consequence the proposal is considered in terms of compliance with Policies W3 and W4 of the CSDMP which sets out the location criteria for waste management facilities. These policies principally promote sites, in and around urban areas but acknowledge that outside of these areas sites linked to existing waste management sites are also acceptable provided they have no adverse impacts. The site is located within and accessed via the entrance of an existing waste management facility and the use of the building for the purpose of processing and storing CD&E waste has previously been considered acceptable in terms of location and hence planning permission granted. The proposal forms part of a wider waste management facility identified on the South Kesteven Core Strategy Proposal Map and the proposal to retain the aggregates recycling site would meet the criteria for Employment Development set out in Policy E1 of that document and Policies E4 and E7 of the emerging South Kesteven Local Plan. Whilst the principle and location of the continued operation of the CD&E recycling operations is therefore accepted, it is also necessary to consider the potential impacts of the operations on the surrounding area in relation to landscape and visual amenity, traffic, drainage and dust in relation to the proposed development.

#### Landscape and visual amenity

22. The proposed development is now partially housed within an open fronted building that forms the eastern and northern boundary of the site, which in combination with the buildings of the larger MRF and the mature trees and shrubs to the north of the application site, wholly screens the CD&E recycling operations from external views from this direction. In addition to the mature trees and shrubs to the north of the site, a three metre bund is retained along the eastern boundary which has been regraded and planted with native trees and shrubs, the maintenance of which would be secured through condition should planning permission be granted. Consideration had already been given to the appropriateness of the open fronted building,

extending the MRF, as being in keeping with existing buildings surrounding it. Given the planting to the eastern boundary and the design of the building being in keeping with those surrounding it, there would not be a significant impact on the visual amenity of surrounding land users or the overall landscape value of the area. As a consequence the proposal accords with the NPPF and Policy DM6 of the CSDMP and does not have unacceptable impacts when considered against South Kesteven Core Strategy Policy EN1 and Policies EN1 and DE1 of the emerging South Kesteven Local Plan that seeks to protect and enhance the landscape character of the District and promotes the provision of well- designed hard and soft landscaping.

### Dust

23. This application is supported by a Dust Management Plan that addresses both the operations of the machinery to segregate different sizes of aggregate and the subsequent storage and handling of the aggregate. The first methods of control and mitigation would be through the use of a water curtain within the open fronted building and in connection with the screeners, trommels and conveyor, transporting the wastes from Unit 12 of the adjacent MRF. Secondly, the management of the storage, transportation and loading of the aggregates would utilise a mobile water bowser to keep hard external surfaces damp. The plan also states that consideration will be given to the climatic conditions including monitoring wind direction which is an issue/concern raised by Councillor Maughan. Subject to a condition being imposed requiring the implementation of the mitigation and controls identified in the Dust Management Plan, I am satisfied that dust would not have an adverse effect on amenity and therefore the development would accord with the NPPF, NPPW and Policy DM3 of the CSDMP and would not be contrary to Policy EN4 of the emerging South Kesteven Local Plan that seeks to mitigate potential adverse impacts on the amenity of neighbouring land users.

### Highways and Traffic

24. Concern has been expressed by Carlton Scroop and Normanton-on-Cliffe Parish Council and re-iterated by Councillor Maughan that the proposed development has not clearly identified the sources of HCV movements relating to the importation and exportation of the CD&E materials to the site. However, the submitted planning statement states that the materials would be received through the existing MRF and the 15,000 tonnes per annum of CD&E would be arising from the existing annual throughput of the wider MRF. As a consequence there would be no additional vehicle movements to and from the site over and above those already approved. Given that the proposal seeks to produce an aggregate product for sale, it is no longer necessary to send bulk loads of CD&E waste off-site for further processing and thereby contribute to reducing HCV travel overall. The Highways Authority confirmed that the proposal would not have significant impacts on the highway network or highway safety. It is therefore considered that the proposal would not be contrary to the NPPF, NPPW and Policies DM 13 and DM14 of the CSDMP or compromise Policies E4 and E7 of the emerging

South Kesteven Local Plan that promotes development that does not have adverse impacts on the local highway network.

#### Drainage

25. The proposal site is subject to the existing surface water management regime whereby waters are directed to a soakaway. No changes are proposed or considered necessary to this existing system and no objections have been raised by the Environment Agency or Highway & Lead Local Flood Authority. As a consequence the proposal meets the criteria set out in the NPPF, NPPW and Policy DM16 which seeks to protect water resources from unacceptable impacts of surface water run-off.

#### Cumulative Effects

26. The proposal site forms part of a wider waste management facility and it is considered that the cumulative effects of this proposal together with those of the existing facility are unlikely to have significant effects on the surrounding area. It is therefore considered that the proposed development is acceptable and conforms to the aims and objectives of the NPPF and Policy DM17. Notwithstanding the cumulative effects the proposed development ensures the continued viability of the MRF and employment of three employees therefore is consistent with the aims and objectives of Policy E1 of the South Kesteven Core Strategy and Policies E4 and E7 of the emerging South Kesteven Local Plan that seeks to preserve employment sites and supports the expansion of existing employment sites.

#### Other Matters Raised

27. Concern has been expressed by Councillor Maughan regarding fire risk posed by the site. Lincolnshire Fire and Rescue have been consulted on the application but have not yet provided a response. Notwithstanding this, the Environment Agency has referred the applicant to the Fire Prevention Guidance required to be adhered to by the Environmental Permit issued by them and which extends to the operations within the proposal site. I am therefore satisfied that given the controls and conditions imposed by the Permit adequate controls and measures are in place to minimise the risk of fire as far as possible.
28. Councillor Maughan also expressed disappointment that the last financial contribution made by the company through a Section 106 Planning Obligation related to highway signage and improvements to a footway some time ago and no further contributions that would benefit the local community had been received. It should be noted that this application, and that which was lost, does not seek to increase the overall throughput of waste at the waste management facility and thereby result in impacts over and above those already experienced. The Highways Officer response confirms that there are no issues relating to highway capacity or safety and no other environmental or amenity adverse impacts were identified that would require mitigation beyond the application site boundary. As a consequence seeking

a Section 106 Planning Obligation would be considered unreasonable and unjustified in this case.

### Final Conclusions

29. Overall I am satisfied that the potential impacts of the proposed development, both on its own and when considered in relation to the existing operations at Mid UK Ltd, Caythorpe Heath Lane, Caythorpe, would be mitigated, minimised and reduced through the implementation of the mitigation measures and controls proposed within the application and additional mitigation and control secured through appropriate conditions. As a consequence the operations to continue processing and storing waste aggregate materials, in part within a building, would result in a benefit to the overall amenity of the site and the wider area and would accord with the relevant policies cited and identified within the Lincolnshire Minerals and Waste Local Plan (2016), South Kesteven Core Strategy (2010) and the emerging South Kesteven Local Plan (2011-2036).

### Human Rights Implications

30. 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.

<b>RECOMMENDATIONS</b>
------------------------

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be retained in accordance with the following documents and plans, unless modified by the conditions attached to this planning permission:
- Documents (date stamped received 26 September 2018)
  - Planning Application Form;
  - Document Ref: JHG/019/19 Rev A – 'Design & Access Statement';
  - Document Ref: Revision 5 Date 25.09.2018 – 'Dust Management Plan'; and
  - E-mail from JHG Planning Consultancy Ltd (date stamped received 18 October 2018); and

#### Drawings

- Drawing No. 151-M-25 – 'OS Plan' (date stamped received 23 August 2018);
- Drawing No. 151-M-26 – 'Site Plan' (date stamped received 23 August 2018);

- Drawing No. 151-M-27a – 'Plan' (date stamped received 26 September 2018); and
- Drawing No. ## - 'Unit 12 – 14' (date stamped received 29 August 2018).

2. All materials being processed through the approved plant and machinery shall be arising from Unit 12 only.

*Reason: To ensure the development is implemented in all respects in accordance with the approved details.*

3. All site operations and activities authorised or required in association with this development, including the accessing and egressing of vehicular traffic, shall only be carried out between the following hours:

- 07:00 to 18:00 hours Monday to Friday
- 07:00 to 13:00 hours Saturday

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

*Reason: In the interests of the general amenity of the area and to reflect the hours of operation consented by previous planning permission relating to the adjoining waste management facility.*

4. No aggregate materials shall be stored at a height greater than 3 metres above the finished surface level, of any external storage area subject to this planning permission and identified in Drawing No. 151-M-26 – 'Site Plan'.
5. No 'light fractions', identified in Document Ref: Revision 5 Date 25.09.2018 – 'Dust Management Plan' shall be stored in any part of the planning permission area identified in Drawing No. 151-M-25 – 'OS Plan'.
6. All HCV's and skips carrying aggregate, leaving the site, shall be sheeted.
7. (a) Notwithstanding the requirements of Condition 7(b) below, from the date of this decision the temporary dust mitigation/suppression system as detailed in the e-mail from JHG Planning Consultancy Ltd (date stamped received 18 October 2018) shall be retained and be fully operational until the requirements of Condition 7(b) have been complied with and the permanent dust mitigation measures and controls installed.
- (b) Within one month of the date of this decision notice the dust mitigation measures and controls as identified in the Dust Management Plan (Document Reference: Revision 5 Date 25.09.2018 – 'Dust Management Plan') shall be installed and be fully operational and shall thereafter be retained and maintained for the duration of the development.



*Reason: In the interests of the amenity of the area and to secure the installation of a permanent dust suppression system to ensure that there is no escape of fugitive dust.*

8. The level of noise arising from the operations on the site shall not exceed 55dB(LAeq)(1 hour) freehold or background levels +10dB(LAeq)(1 hour) freefield whichever is the lesser at any residential property around the site.
9. All plant and machinery employed on the site associated with the development hereby permitted shall be maintained in accordance with the manufacturer's specifications at all times, and shall be fitted with and use effective silencers.

*Reason: To minimise the potential impacts of noise on nearby residents and the wider area.*

10. The landscape planting reference 4.8 in Document Ref: JHG/019/19 Rev A – 'Design & Access Statement' shall be retained and maintained for the duration of the development hereby approved and any trees and shrubs dying, damaged or diseased shall be replaced by the same species.

*Reason: To minimise the visual impacts of the development.*

#### Informative

Attention is drawn to Environment Agency Letter Reference: AN/2018/128000/01-L01 dated 1 October 2018 relating to the existing Environmental Permit.

#### Appendix

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

## Background Papers

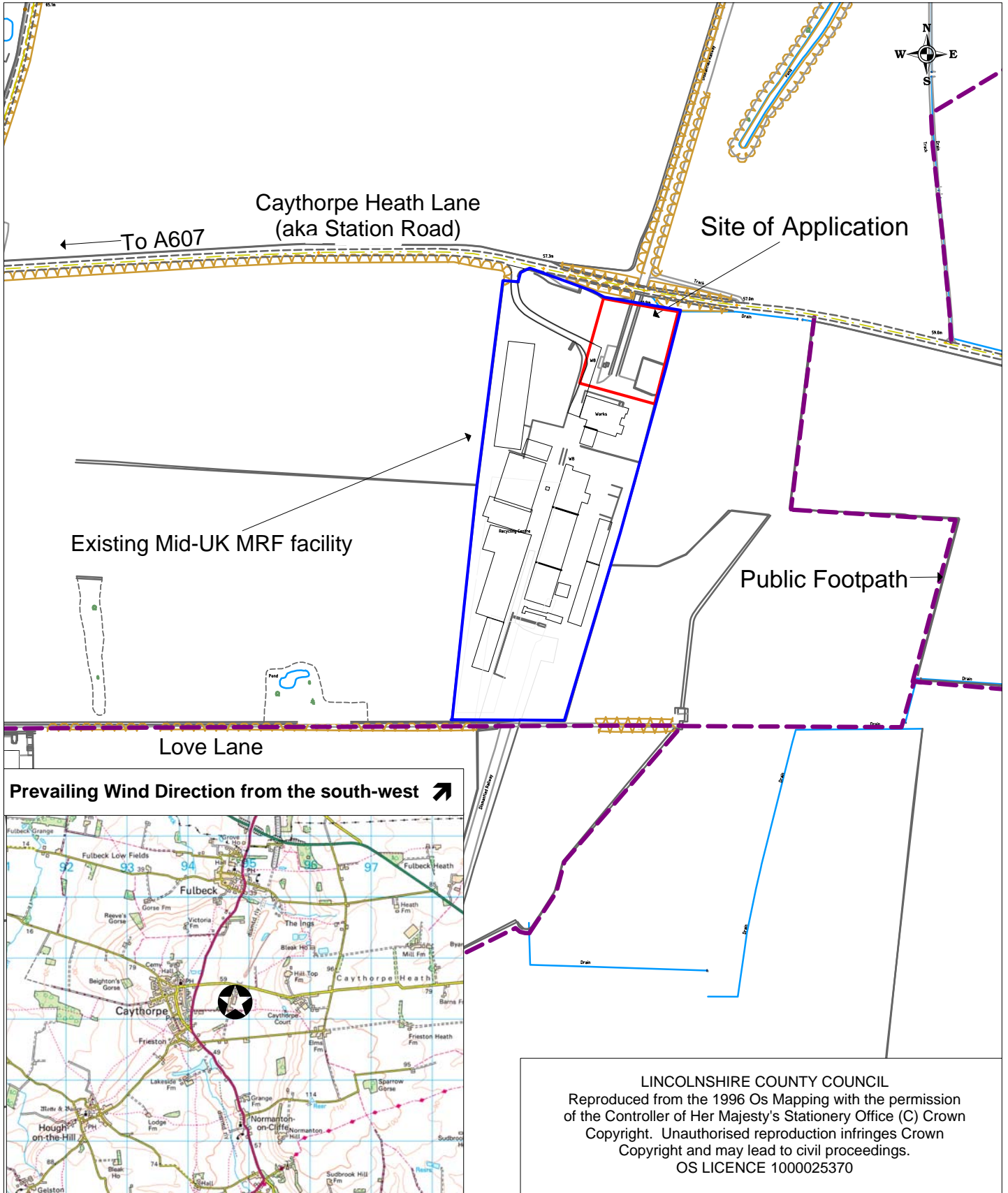
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application Files S18/1714 S16/1138	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012) National Planning Policy Waste (2014)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (2016) Site Locations (2017)	Lincolnshire County Council website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
South Kesteven Core Strategy (2010) South Kesteven Proposed Submissions Local Plan (2011-2036)	South Kesteven District Council website <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>

This report was written by Felicity Webber, who can be contacted on 01522 782070 or [dev\\_planningsupport@lincolnshire.gov.uk](mailto:dev_planningsupport@lincolnshire.gov.uk)

Appendix A

**LINCOLNSHIRE COUNTY COUNCIL**  
**PLANNING AND REGULATION COMMITTEE 5 NOVEMBER 2018**



**Location:**  
 Mid UK Recycling Ltd  
 Heath Lane  
 Caythorpe

**Application No:** S18/1714  
**Scale:** 1:5000

**Description:**

For retention of a site including compounds and fixed plant for the processing, storage and distribution of recyclable aggregate derived from construction and demolition waste

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>5 November 2018</b>
Subject:	<b>County Council Development - N/089/01901/18/3</b>

**Summary:**

Planning permission is sought to carry out improvement works including the resurfacing and development of the overspill car park, remodelling of the existing roundabout and resurfacing of the carriageway and its drainage system at Overflow Car Park & Roundabout, off Sandy Lane, Anderby Creek.

The proposed development would result in the loss of four mature trees and the existing palm leaf shaped roundabout which is valued by some members of the local community and therefore its loss is opposed. The palm leaf shaped roundabout is said to represent a former Dance Hall which existed on the site in the 1930's and therefore is of local interest and heritage. Whilst opposition to the loss of this feature is noted it is not afforded any specific protection such as being a designated heritage or community asset. The proposed development includes proposals to resurface the access road leading to the car park as well as the resurfacing and formalisation of the overspill car parking area and would therefore improve access and parking provision in the area.

The key issue to be considered in the determination of this application is whether the enhancements to the car parking area(s) which support the tourist community who visit Anderby Creek throughout the year and which benefit the area economically, outweigh the harm or impacts that the development would have in terms of the loss of four trees and the change to the current design and unique palm leaf shape of the roundabout.

**Recommendation:**

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

**Background**

1. Anderby Creek sits on the east coast of the County and continues to be a popular tourist destination throughout the year. Although there is an existing car park and overspill area which provide parking at the site, these are in

need of improvement and therefore planning permission has been sought to formalise the overspill car park and to carry out maintenance works on the carriageway leading to this car park.

### The Application

2. Planning permission is sought to carry out the improvement works to the overspill car park, existing roundabout and small car park at Anderby Creek. A brief outline of the works proposed as part of the application is summarised as follows:

- **Improvements to the carriageway/road** - the carriageway leading to the car parking area(s) is in poor condition having suffered damage from the elements and as a consequence of large numbers of vehicles visiting the site annually. Although the access road is owned and maintained by Countryside Services, it does not form part of the adopted public highway and so is proposed to be resurfaced so as to eliminate the potholes and loose concrete.



Existing carriage way

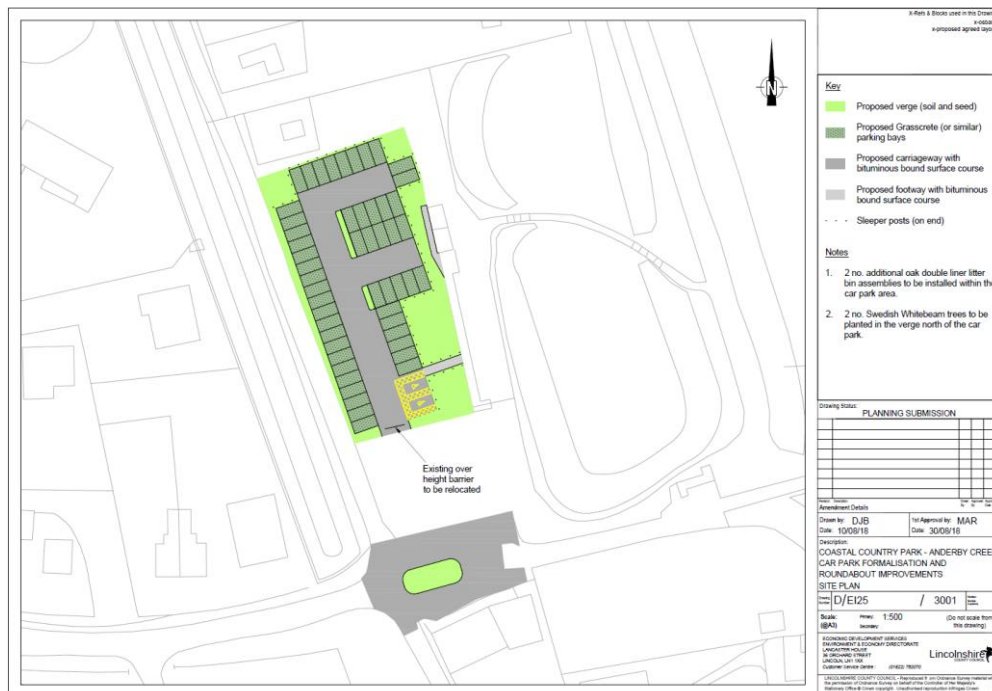
- **Improvements to the car parking areas** - the existing car park and overspill car parking area is adjacent to the carriageway and roundabout. It is proposed to formalise the overspill car park by laying a new bituminous bound running lane/footpath and creating grasscrete parking spaces. These works would create spaces to accommodate around 50 standard cars and two additional disabled spaces. Four trees would be lost as a result of the works however some

compensatory planting would be undertaken within the site. Finally, the existing height restriction barrier would be retained.



Existing overspill car park

- Roundabout improvements** – it is proposed to remodel the existing roundabout and to make it smaller to improve vehicle turning manoeuvres. The current roundabout is in a palm leaf configuration which is in poor condition. The alteration of its shape would allow enhancements to the drainage around the roundabout and also assist in improving maintenance of this feature.



Proposed Site Plan

3. The applicant submits that the proposed development would deliver the benefits of improving and maintaining this area for tourism and local use. Improving the way in which water drains, vehicles park and access is gained to and from the area will increase enjoyment throughout the year for visitors and locals. The roundabout is valued by the residents of Anderby Creek and therefore the preservation of the island will allow the memory of the 1938 Palm Leaf Dance Hall to live on. Changing the kerbing is important to the preservation and maintenance of the island. The formalised overspill car park will attract visitors and increase tourism prospects due to ease of access and parking. Improving the car parking area will increase the number of vehicles in the area which will mean the roundabout is used more. Currently the shape and size of the roundabout make manoeuvres difficult for large vehicles such as motorhomes; the changes will decrease chances of the planting being damaged by vehicle movements.

#### Site and Surroundings

4. The site is located in the Coastal Conservation Area which lies to the east of the village of Anderby Creek. The identified car park lies between the sand dunes and sea defences which run along the sea front and Sandy Lane. Sandy Lane forms the western boundary of the site and the sea defences form the eastern boundary. A public footpath (reference: 964/1) also runs along Sandy Lane, neither the lane nor footpath would be impacted by this development. A wooden boardwalk footpath leads from the existing overspill car park through the sand dunes to the beach. There is a bin area, picnic benches and public toilets situated adjacent to the entrance of this walk, all of which will not be affected by the proposal but will be made more accessible for disabled users.
5. The overspill car park is a worn grassed area and in poor condition. Boundaries are identified by a stumped fence along the west boundary and metal fencing with a height restriction barrier lie along the southern boundary. The north east corner is home to many mature trees, some of which are in poor condition. Two Goat Willow trees in this corner are in poor condition and are to be replaced with two Swedish Whitebeam trees. Two other trees will be removed as part of the development. A historical Ordnance Survey Pillar (Trig. Point) which will not be affected by the proposal.
6. The existing car park is in poor condition, consisting of many large potholes and loose concrete. The kerbing of the existing roundabout has been severely weathered by sand and prevailing winds. Planting on the roundabout is in good condition and will therefore be kept in place and will be preserved by the renewal of kerbing.



## Main Planning Considerations

### National Guidance

7. The National Planning Policy Framework (NPPF) (July 2018) 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:

Paragraph 8 - Core planning principles

Paragraph 11 - Plans and decisions should apply a presumption in favour of sustainable development

Paragraph 83(c) - sustainable rural tourism and leisure developments which respect the character of the countryside

Paragraph 92 - Plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services

Paragraph 124 - Good design is a key aspect of sustainable development, as it creates better places in which to live and work and helps make development acceptable to communities

Paragraph 127 - The way in which decisions should achieve well designed places

Paragraph 156 - Flood risk should not be increased elsewhere as a consequence of the development

Paragraph 166 - In coastal areas, planning policies and decisions should take account the protection of the coastal environment

Paragraph 213 - weight should be given to relevant local plans.

### Local Plan Context

8. East Lindsey Local Plan (ELLP) adopted July 2018 - the following policies are relevant to this proposal:

Policy SP10 (Appropriate Design) this policy states that well-designed, sustainable development will be supported

Policy SP17 (Coastal Conservation Area) in the East Lindsey District high priority is given to development that diversifies all-year round employment opportunities and extends the tourism market

Policy SP15 (Leisure and Tourism) this policy states Council will support quality tourism facilities and attractions

Policy SP16 (Flooding) the Council will support development in areas of inland flood risk where it can be demonstrated that siting the development on a sequentially safer site would undermine the overall commercial integrity of the existing area

Policy SP22 (Highways) the Council will support applications which improve accessibility.

#### Results of Consultation and Publicity

9.
  - (a) Anderby Parish Council – have confirmed that they support the development and are content with the project to move forward.
  - (b) Environment Agency (EA) – have no objection.
  - (c) Highway & Lead Local Flood Authority (Lincolnshire County Council) – have no objection.
  - (d) Historic Environment (Lincolnshire County Council) – have confirmed that the proposal would have no impact on the historic built environment and therefore have no objection to this application.

The following have been consulted but no comments had been received within the statutory consultation period or by the time this report was prepared:

- Local County Council Member, Councillor C Davie
- Public Rights of Way (Lincolnshire County Council).

10. The application has been publicised by notices posted at the site and in the local press (Lincolnshire Echo on 4 October 2018) and letters of notification were sent to the nearest 33 neighbouring residents. A total of eight representations have been received as a result of this publicity/notification and a summary of the objections/comments received are set out below:

- The palm leaf design of the roundabout dates back to 1938 and represents the Palm Court Dance Hall which was once located in the area. Rather than the roundabout being replaced with a changed shape it should be reinstated as it is unique and has heritage which characterises the area and so should not be taken away from the village.
- Although the car park and road require attention, there is no justification to change the shape of the roundabout. Its removal will change the quaintness of the area for residents and holiday makers.

## District Council's Observations

11. East Lindsey District Council have confirmed they have no objection.

## Conclusions

12. The key issue to be considered in the determination of this application is whether the enhancements to the car parking area(s) which support the tourist community who visit Anderby Creek throughout the year and which benefit the area economically, outweigh the harm or impacts that the development would have in terms of the loss of four trees and the change to the current design and unique palm leaf shape of the roundabout.

### Tourism and Leisure

13. Anderby Creek continues to be a popular tourist destination throughout the year. At peak times a large number of tourists and cars visit the area which supports local businesses and amenities. The existing overspill car park does provide additional parking capacity however its current informal nature means that the number of vehicles that can use the site may vary. Consequently it is evident that there are parking issues at the site and the existing car park areas and access road need improving in order to accommodate the vast number of cars which frequently visit the area.
14. The formalisation of the overspill car park would create 50 clearly defined parking places and therefore enhance the existing level of parking provision which would be of benefit to visitors and the village. The improved surfacing and drainage of the access road would also improve access to the site and prevent further deterioration and damage which is caused by the weather and windblown sand. The proposed works would therefore be of benefit to visitors and make the area more accessible for all cars and enable better access to the public toilets which would again enhance the public enjoyment of this area. The development is therefore in line with Policies SP15 and SP17 of the ELLP and paragraph 84 of the NPPF which supports developments that are designed to enhance tourist facilities and footfall into an area and therefore should be supported.

### Design and Amenity

15. Good design is paramount to establishing sustainability and a stronger community. The NPPF emphasises good and robust design. Adding and maintaining development which is not detrimental to the character of the area defines the importance of good design.
16. The design of the car park has been sympathetic to the area and would result in modest changes to the visual appearance of the site and the wider setting. The materials to be used are those expected of a car park and the incorporation of grasscrete rather than standard tarmac reduces the visual impact of the development and helps it to assimilate with the greenery surrounding the car park. The works to the overspill car park would

therefore benefit both tourists and locals with very minimal detriment to the character and aesthetics of the area. Although four mature trees would be removed these are in a poor condition and have been surveyed as benefiting from being felled. Compensatory planting is nevertheless proposed as part of the development and this would help to off-set the impact of their loss.

17. In respect of the roundabout, objections have been received to the proposed reshaping and permanent loss of the palm leaf shaped roundabout. The roundabout is said to represent the Dance Hall which stood in its place during the 1930s and is therefore of both local interest and heritage. Whilst the change to the shape and current design of the roundabout is regrettable, it is not afforded any formal or specific protection and is not a registered or designated heritage or community asset. No objection has consequently been received from our Historic Environment team, the Parish or District Councils. The applicant has indicated that maintaining the current shape of the roundabout would be difficult due to many weak points in the curbing and this is evident from the state the current kerbing is in. Although altering the shape of the roundabout would mean it no longer reflects that of a palm leaf, it would allow easier manoeuvres for large vehicles, benefit from better drainage and be easier to maintain than it is in its current form. The shape and configuration of the new roundabout is considered to be visually acceptable and therefore appropriate in terms of its design and appearance. As such, despite the objections received I am satisfied that the development would accord with Policies SP10 and SP22 of the ELLP.

#### Coastal Environment and Flooding

18. Paragraph 166 NPPF states that in coastal areas, planning policies and decisions should take account the protection of the coastal environment. The site is situated within a Coastal Conservation Area and therefore this should be taken into account. The works proposed are modest and would not significantly change the character of the area. The works would enhance access and therefore use of the coastal environment which is key element of tourism offer in the east coast area of the County. Within the ELLP, high priority is given to development that extends the tourism market and this development would be in accordance with this policy and is in the best interest of the area and community.
19. As both the NPPF and ELLP suggest, development in flood zones are acceptable if it is unreasonable to position them elsewhere. In this instance it would be detrimental to the tourist trade and community to place the car park further from the seafront, making it harder for people to enjoy and access the coastal area.
20. The use of grasscrete ensures the car park is permeable and allows infiltration in peak times of water flow. This ensures there will be no increased flooding in other areas as a result of this development. Flood defences are already in place and work efficiently for the area. Again there

is ample greenery in the area and the trees removed will be replaced to encourage the permeation of water.

21. Improvements to drains and kerbing will decrease the chances of stagnant volumes of water in the area. These improvements are again considered essential to the maintenance of the area for the benefit of the community. The Environment Agency has been consulted and has raised no concerns regarding this development. I am therefore satisfied that the development would accord with Policy SP16 & SP17 of the ELLP.

### Final Conclusion

22. Notwithstanding the location of the development, within both a flood zone and Coastal Conservation Area, the works would not be detrimental to the environment and are considered necessary in order to improve the existing infrastructure which supports the number of tourists visiting the area. The loss of the mature trees and palm shaped roundabout is regrettable however, whilst the roundabout may be of some local interest and heritage, it is not afforded and specific protection or a recognised designated asset. Consideration has been given to the representations and comments received however, on balance, it is considered that the benefits and positive impacts afforded by this development outweigh any negative impacts and the development is in accordance with relevant policies of both the NPPF and ELLP and so deemed appropriate and positive for the future of the area of Anderby Creek.
23. 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 be granted subject to the following conditions:

1. The development must be begun no later than the expiration of the three years beginning within the date of this planning permission.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

2. The development shall be carried out in accordance with the details and drawings as contained within the application for planning permission (date stamp received (6 September 2018):

- Location Plan D/E125/3000
- Site Plan D/E125/3001.

*Reason: To ensure that the development is carried out in acceptable manner and for the avoidance of doubt to the development that is permitted.*

3. In the first available planting season following the date the development hereby permitted is brought into use, the replacement planting as detailed within the Planning Support Statement (date stamped 6 September 2018) shall be carried out and thereafter maintained in accordance with those details. If these trees die, are removed or become seriously damaged or diseased within five years they shall be replaced in the next planting season with others of a similar size unless the County Planning Authority agrees in writing to any variation.

*Reason: To secure the compensatory planting proposed to replace that which would be lost as a consequence of the development in the interests of the visual amenity of the area.*

4. No tree felling, site clearance or ground disturbance works shall take place between March and September, inclusive unless otherwise agreed in writing with the County Planning Authority. If these works cannot be undertaken outside this time, they should be evaluated and checked for breeding birds by an appropriately qualified ecologist and if appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.

*Reason: To reflect the recommendations contained within the Ecological Assessment supporting the application.*

## **Appendix**

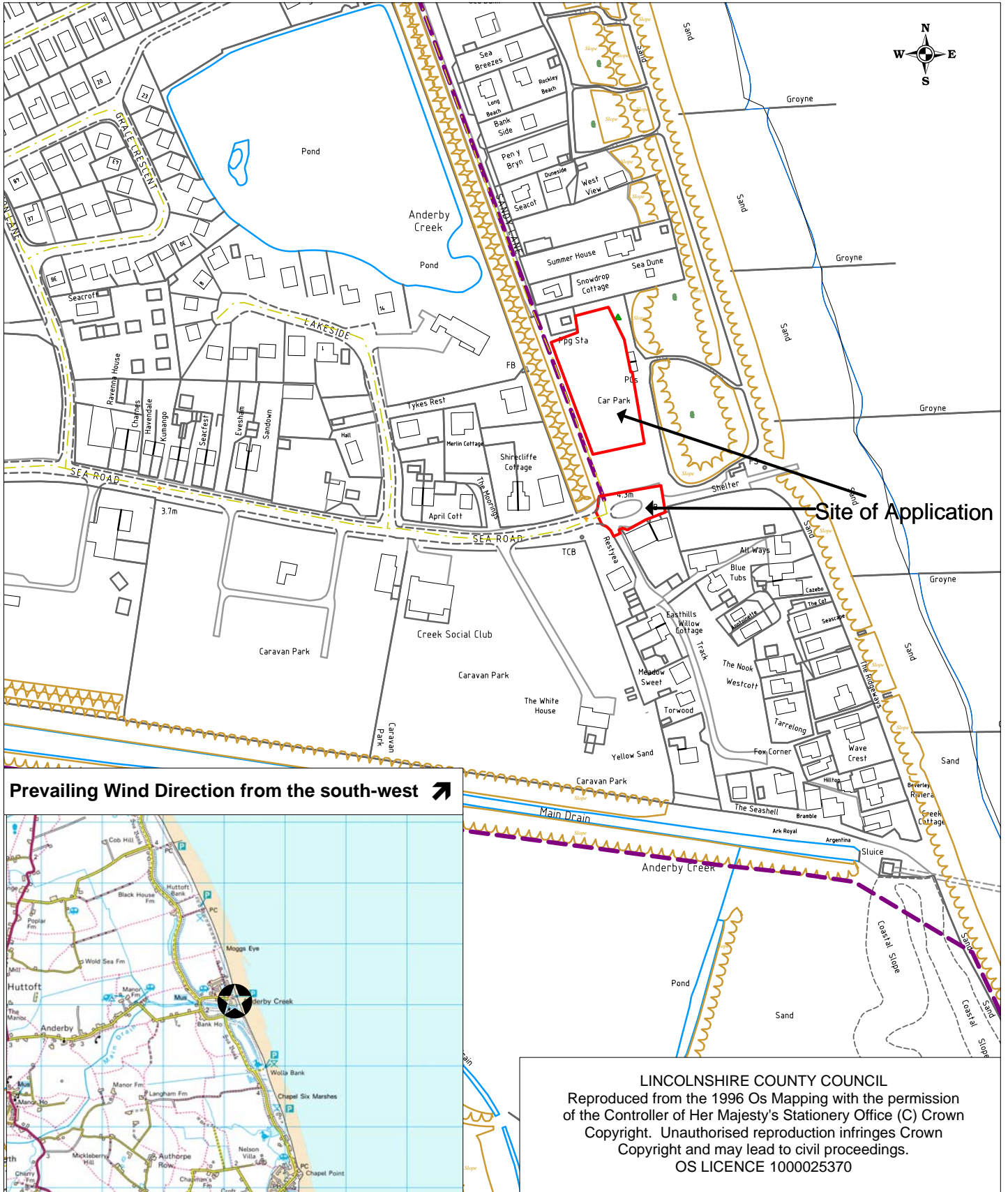
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

## 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 N/089/01901/18/3	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
East Lindsey Local Plan (2018)	East Lindsey District Council's website <a href="http://www.e-lindsey.gov.uk">www.e-lindsey.gov.uk</a>

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**Location:**  
 Overflow Car Park & Roundabout  
 off Sandy Lane  
 Anderby Creek

**Application No:** N/089/01901/18/3

**Scale:** 1:2500

**Description:**

To carry out improvement works including the resurfacing and development of the overflow car park, remodelling of the existing roundabout and resurfacing of the carriageway and its drainage system