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5 March 2021

**In accordance with the powers granted by the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 this will be a virtual meeting.**

### **Planning and Regulation Committee**

A meeting of the Planning and Regulation Committee will be held on **Monday, 15 March 2021 at 10.30 am as a Virtual - Online Meeting via Microsoft Teams** for the transaction of business set out on the attached Agenda.

Access to the meeting is as follows:

Members of the Planning and Regulation Committee and officers of the County Council supporting the meeting will access the meeting via Microsoft Teams.

Members of the public and the press may access the meeting via the following link: <https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=138&MIId=5803&Ver=4> where a live feed will be made available on the day of the meeting.

Yours sincerely

A handwritten signature in black ink that reads 'Debbie Barnes'.

Debbie Barnes OBE  
Chief Executive

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

Councillors I G Fleetwood (Chairman), T R Ashton (Vice-Chairman), P Ashleigh-Morris, D Brailsford, L A Cawrey, D McNally, Mrs A M Newton, Mrs M J Overton MBE, N H Pepper, R P H Reid, R A Renshaw, S P Roe, P A Skinner, H Spratt and M J Storer



**PLANNING AND REGULATION COMMITTEE AGENDA  
MONDAY, 15 MARCH 2021**

<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 15 February 2021	5 - 14
4.	Traffic items	
4.1	Skellingthorpe Swallow Avenue, Magpie Close, Mallard Close and Martin Close - Proposed Waiting Restrictions	15 - 20
4.2	Langworth A158 - proposed 30mph speed limit	21 - 26
5.	County Matter Applications	
5.1	Supplementary Report - to remove condition 6 of planning permission B/16/0217 - to allow outside storage when the site is not in operation at Reed Point, Spalding Road, Sutterton – Envirotyre UK Limited (Agent: Robert Doughty Consultancy Limited) – B/20/0474	27 - 46
5.2	For change of use of building from storage and distribution (Use Class B8) to waste plastics/polymer/PVC/rubber recycling facility (Sui Generis use) at New Mills, North Witham Road, South Witham Condor Recycling Ltd (Agent Hives Associates Ltd) - S21/0153	47 - 64

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  
15 FEBRUARY 2021**

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

Councillors T R Ashton (Vice-Chairman), Mrs P Ashleigh-Morris, D Brailsford, L A Cawrey, D McNally, Mrs A M Newton, Mrs M J Overton MBE, N H Pepper, R P H Reid, R A Renshaw, S P Roe, P A Skinner, H Spratt and M J Storer

Councillor Dr M E Thompson attended the meeting as the local Councillor for agenda item 5.1 (minute 64). Councillor M Brookes attended the meeting as the local Councillor for agenda item 5.2 (minute 65)

Officers in attendance:-

Jeanne Gibson (Programme Leader: Minor Works and Traffic), Nick Harrison (Democratic Services Officer), Neil McBride (Head of Planning), Martha Rees (Solicitor) and Marc Willis (Applications Manager)

56 APOLOGIES/REPLACEMENT MEMBERS

None were received.

57 DECLARATIONS OF MEMBERS' INTERESTS

Councillor S P Roe declared an interest in agenda item 5.1 (minute 64). He reported that his daughter lived within 200 meters of the site entrance and that he would leave the meeting for consideration of this item.

58 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND  
REGULATION COMMITTEE HELD ON 18 JANUARY 2021

RESOLVED

That the minutes of the previous meeting held on 18 January 2021, be approved as a correct record and signed by the Chairman.

59 TRAFFIC ITEMS

60 A631 MARKET RASEN TO LOUTH, PROPOSED SPEED LIMIT  
ALTERATIONS

The Committee received a report in connection with an objection to the lengths of a new 50mph speed limit proposed along sections of the A631 and a request for the

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proposed 30mph speed limit extension outside De Aston School to be extended further into the existing 40mph limit.

The report detailed the proposal, the objection received and the comments of officers on the objection.

Members were provided with the opportunity to ask questions to the officers present in relation to the information contained within the report and some of the comments made included the following:

- It was noted that this proposal was a step in the right direction and would have a benefit to the local community and make school children safer.
- A question was asked whether consideration could be given to reducing the speed limit to 40mph just before entering Ludford village. It was noted that speed limits around the nearby junction could be re assessed at a later date.

On a motion by Councillor T R Ashton, seconded by Councillor D Brailsford, it was:

RESOLVED (Unanimous)

That the request to extend the proposed 30mph speed limit be rejected and the objection to the proposed 50mph speed limit be overruled, so that they could be advertised and introduced as consulted upon, subject to the consideration of any further objections received.

61 LOUTH, NEWBRIDGE HILL - PROPOSED PUFFIN CROSSING FACILITY

The Committee received a report in connection with the outcome of a pedestrian crossing survey carried out in response to a request for a crossing facility at Newbridge Hill, Louth, as shown in Appendix A of the report.

The report detailed the outcome of a survey and the need to seek the approval of this Committee to advance from a Zebra crossing to a Puffin on the basis of site constraints.

Members were provided with the opportunity to ask questions to the officers present in relation to the information contained within the report. It was reported, following a question from a member that the possibility of introducing waiting restrictions near the mini roundabout would be reviewed in the future.

On a motion by Councillor D McNally, seconded by Councillor T R Ashton, it was:

RESOLVED (Unanimous)

That the submission of a funding bid for a feasibility study and design for the installation of a Puffin Crossing at Newbridge Hill, Louth, at the location detailed on Appendix A of the report, be supported.

62 A153, GREYLEES - PROPOSED 30MPH SPEED LIMIT

The Committee received a report in connection with a request for the reduction of the existing 50mph speed limit to 30mph on the A153, Greylees, as detailed on Appendix B of the report. Investigations had indicated that this site was a 'Borderline Case', as defined within the Council's Speed Limit Policy.

On a motion by Councillor N H Pepper, seconded by Councillor I G Fleetwood, it was:

RESOLVED (Unanimous)

That the proposed speed limit be approved so that the necessary consultation process to bring it into effect may be pursued.

(Councillor S P Roe left the meeting for consideration of agenda item 5.1 (minute 64) in relation to his previously declared interest earlier in the meeting)

63 COUNTY MATTER APPLICATIONS64 FOR THE DEMOLITION OF THE EXISTING ANIMAL BY-PRODUCTS PROCESSING PLANT AND ALL ASSOCIATED INSTALLATIONS AND THE CONSTRUCTION OF A NEW ANIMAL BY-PRODUCTS PROCESSING PLANT AT JERUSALEM FARM, JERUSALEM ROAD, SKELLINGTHORPE (AGENT: MAZE PLANNING SOLUTIONS) - 20/0550/CCC

The Committee received a report which sought planning permission by DS Developing Limited (Agent: MAZE Planning Solutions) for the demolition of the existing animal by-products processing plant and all associated installations, and the construction of a new animal by-products processing plant, comprised of: raw material reception and processing buildings; engineers building; boiler house; oxidiser building and flue; DAF plant; effluent treatment plant; bio filter bed; general office; weighbridge and weighbridge office; hard standing areas for accessing the processing plant and for parking of cars, commercial vehicles and trailers used in connection with the operation; alterations to the existing site access from Jerusalem Road; and all associated development, including landscaping at Jerusalem Farm, Jerusalem Road, Skellingthorpe.

The application was the subject of an Environmental Impact Assessment submitted, pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and an Environmental Statement submitted in support of the application. The Environmental Statement assessed the potential impacts of the proposed development along with the mitigation measures proposed to avoid, reduce and, if possible, remedy any significant adverse impacts.

It was reported that this was a very complex proposal and, like the previous application, there were a wide range of issues which needed to be carefully

considered, including the principle of the development, highways, odour, noise, lighting, landscape and visual impacts, the natural environment, the historic environment, flood risk and drainage, design and alternatives.

It was reported that since the agenda had been published, a further representation had been received from North Kesteven District Councillors - Councillor Goldson and Councillor Johnston. A copy of their joint statement had been attached to the update which had been circulated to the Committee the previous Friday and published on the website.

Officers guided members through the report and set out the main issues to be considered in the determination of the application.

Andrew Watt, Agent for the applicant, MAZE Planning Solutions, spoke on behalf of the applicant and made the following points:-

- Since 2019, the applicant's team had been working to directly address the Committee's reasons for refusal of the first application.
- The principle of redevelopment was to provide an entirely new and thoroughly modern processing plant, replacing the existing A.Hughes and Son operation. The replacement plant that was proposed in the planning application complied with the County and District Council's Development Plan policies. The housing component of the 2019 development had been a key policy sticking point, so it had been deleted from the scheme. Other concerns were technical – relating to odour, noise and contaminated land. The applicant had carried out further work on those topics, all of which were documented in the updated Environmental Statement and further submissions made during consideration of the current application. The result of that additional work was the Officer recommendation for approval of planning permission.
- The District Council was happy that all of its previous concerns had been addressed, and there was an absence of any objections from key statutory consultees, including the Environment Agency, Historic England and Natural England.
- The processing of animal by-products in the UK was a highly specialised activity. The applicant's parent Company, Leo Group, was investing group-wide in the renewal and upgrading of its animal by-products processing sites which were designed to be durable, easy to clean and incorporate modern air handling systems and odour control which was targeted at its source and channelled rapidly to efficient and effective odour abatement systems. The improved infrastructure required substantial investment but it delivered improved efficiency and environmental performance necessary to meet changing customer needs and minimise the environmental impact of operations on the local area.
- The renewal that was proposed at Skellingthorpe would make it one of the most modern and technologically capable facilities in the UK, if not the world, because it would be built from scratch. It would bring an array of improvements at the site, incorporating the best available technology and techniques to ensure clean, efficient and reliable processing with good odour management and noise control.



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- Understandably there had been local concern about the impact the plant would have, and that had been heightened by the widely reported pollution and noise incidents that had been attributed in recent months to the existing processing plant operated by A Hughes and Son. The existing plant was ageing and the risk of repeat incidents remained unless and until there was substantial investment in the upgrading and renewal of the plant. Approval of the planning application would provide the pathway to that renewal.

County Councillor Dr M Thompson declared an interest in that he lived in Hykeham West and made the following points:

- The revised application dealt with a number of technical issues, but the recommendation to approve offered an opportunity to remedy problems which residents of “Smelly Skelly” had experienced over many years, and to ensure a better future, both for the village and the plant. If ignored, the wellbeing of local communities would continue to be adversely, and perhaps increasingly, affected.
- In his consultee comments he referred to the site access and emphasised a number of concerns. The plans showed the site entrance at the apex of a 90 degree bend. During public consultation the applicant had previously made an offer to explore a new site access running directly from Black Lane behind Jerusalem Cottages. This was not included. He suggested it should be.
- He referred members to Paragraph 73 of the Officer's report which sought to dismiss a possible routing restriction as being “unreasonable” and “nothing has changed” and in questioning this he submitted his reasons: *(Paragraph 73 the “routing restriction was previously dismissed as being unreasonable” and “nothing has changed. The main road through Doddington village is a “B” class public highway, currently unrestricted in types of vehicle use” and “there is not sufficient justification to require a routing agreement given that HGVs can currently use this route”)*. He reported that there had been a number of incidents where lorries had run off, lost loads, had leaks of offensive material with substantial inconvenience and damage to highways infrastructure and private property. Restrictions were already in place on a number of adjoining roads.
- Delay in implementing a requested TRO through Doddington village was due to a long running on-going dispute with Highways England about costs of signage, which had been raised with the Department for Transport by the MP.
- He asked - What has changed? In 2016 Nottinghamshire County Council (NCC) had approved a TRO at Girton, since made permanent, to prevent HGV traffic using the A1133 through Collingham village from 7pm to 7am, to reduce the impact on village residents, despite objection from Lincolnshire County Council and despite being an “A” class public highway, which HGVs could use. Large signs at Winthorpe A46 roundabout, 6 miles away, showed alternative “A” road routes via A46/A57 (or A1/A57) with no account apparently taken of additional travel distance.
- Further restrictions in the Spalford area increasing HGV traffic on Lincolnshire rural roads and through local villages were made permanent by NCC in October 2020, with consequent disturbance of residents, particularly at night, and road damage reported as FixMyStreet faults.

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- He requested that the Committee ensured that the interests of local communities were placed first and took full account of the impact which HGV traffic was having in his Division on village residents, and the Lincolnshire rural road network.

The Committee was provided with the opportunity to discuss the application and information presented and some of the points raised included the following:

- Odour from the site had been noticed in other parts of the City at times and it was confirmed, following a question, that Lincoln City Council had not been consulted.
- It was recognised that there had been concerns from residents about the development, however, a new purpose built site would address many of the historical issues.
- Developments in technology and the introduction of the latest bio-filters since the original site had been built would mean that any odour emanating from the site would be significantly reduced. It was noted that there had been no objections from the Environment Agency.
- There were some concerns about traffic volume, however it was noted that future traffic flows would be similar to existing flows. It was noted that there would be a Section 106 and conditions imposed on traffic routes in and out of the site and also a requirement for the site access to be improved.

Councillor L A Cawrey declared that she was a member of North Kesteven District Council (NKDC) and confirmed that she had not taken part in discussions when the application had been considered by NKDC.

On a motion by Councillor I G Fleetwood, seconded by Councillor T R Ashton, it was:-

RESOLVED (Unanimous, with the exception of Councillor S P Roe who had declared an interest and had left the meeting for consideration of this item)

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

(Councillor S P Roe re-joined for the remainder of the meeting)

65 TO REMOVE CONDITION 6 OF PLANNING PERMISSION B/16/0217 - TO ALLOW OUTSIDE STORAGE WHEN THE SITE WAS NOT IN OPERATION AT REED POINT, SPALDING ROAD, SUTTERTON - ROBERT DOUGHTY CONSULTANCY LIMITED - B/20/0474

The Committee received a report which sought planning permission by Envirotyre UK Limited (Agent: Robert Doughty Consultancy Limited) to remove condition 6 of planning permission B/16/0217 – To allow outside storage of tyres when the site was not in operation at Reed Point, Spalding Road, Sutterton.

It was reported that further to the publication of the agenda, the applicant had provided a plan showing the areas and quantities of tyres to be stored outside. The plan was attached to the update which had been circulated to the Committee the previous Friday and published on the website.

The storage areas accorded with the Environment Agency guidelines for storage of waste (pile sizes and distances from boundaries/buildings) and planning officers were therefore confident that the storage as shown could be incorporated into a variation of the existing Environmental Permit.

David Matthews an objector, was unable to attend the meeting but had requested his objection be read out at the meeting. The following points were read out by the Democratic Services Officer as follows:-

- *'I spoke at the original hearing when the planning officer promised him personally and the meeting in general that the extremely dangerous suggestion that tyres that were made of oil, very volatile, be left in the open outside working hours. In 2004 in Kirton, within 5Km of the site, it was graphically demonstrated the risks (Health and Safety Act 1974 and later EU directives still in English law) were not acceptable. If anyone was killed both the operator and the council were guilty of manslaughter'.*
- *I am of the opinion that the operator accepted the original conditions and should be made, for the safety of the residents of Sutterton and beyond to keep to them or close down. I am extra very concerned, as a retired professional Engineer, who understands these things, for both my own health and that of my neighbours, particularly, like me, those who live to the East of the site with a normally prevailing West wind'.*

Mr Matthews had asked that it be made clear that he would consider himself an expert in this issue.

Lewis Smith, Agent, spoke on behalf of the applicant and made the following points:-

- Envirotyre had been operating from the purpose-designed site at Sutterton since 2015. During that time, the business had continued to thrive and now employed 20 local people. The operation was very straightforward in that waste tyres were brought to the site and then put in bales which were used to line landfill sites around the country.
- The company accepted waste tyres from surrounding district and county councils, large businesses, and all the way down to the local farmer
- The business provided an essential service within the county and there was a need for a businesses such as Envirotyre.
- The site at Sutterton was constructed for this use, from scratch, following the cessation of the former haulage use.
- A new building had been erected, and a new concrete yard constructed under which there was a bespoke drainage system with storage that captured surface water. In the unlikely event of a fire, the fire water would be isolated from the field drains beyond the site boundary. There was a 2m high secure palisade fence surrounding the site and a CCTV system was linked to four mobile phones to provide both security and an alarm in the unlikely event of a

fire. Lincolnshire Fire and Rescue Service at Kirton had a good relationship with the applicant company to a point where organised drills were carried out at the site for training purposes.

- The proposal before members allowed more efficient working practises in that tyres and bales would not need to be taken in and out of the building at the end and start of each day. The officer report also pointed out that there would arguably be greater impact on the nearby resident from having to operate in accordance with the condition.
- There were two dwellings at the front of the site, one was owned by the applicant and the other was occupied in association with an adjacent waste wood facility. The next nearest dwellings were some 120m to the north and on the other side of the building on site.
- Views of the site were predominantly fleeting ones from the A17, and these had the backdrop of the existing building, plus the 2m high palisade to the front.
- Ultimately, once space was retained for vehicles to enter and leave the site in forward gear, the areas left over for storage, inside the security fence, were quite small. The requirement to comply with Environment Agency guidelines also impacted on where the tyres and bales could be stored.
- The Environment Agency monitored the site as part of the approved Environmental Permit and this ensured that the business operated safely and with no impact on the local environment or local residents.

Councillor M Brookes, Boston Rural Division, spoke as an objector and made the following points:

- He confirmed that he understood the reasons for the application coming forward and was pleased to see a business being successful and growing, but not at any price.
- There were several local objections and Sutterton Parish Council had also objected to the application.
- This had been a contentious issue since the site was first granted permission on appeal in 2012. The planning inspector at that time had granted permission with a condition 6 - that there should be no outside storage of tyres on site at any time. The condition had been subsequently eased by the Planning Committee in 2015 to allow storage of tyres outside during the hours of operation.
- The latest application was to remove the condition completely, allowing tyres to be stored outside all of the time. The condition was slowly being chipped away at until it was gone. He asked what had changed in this time to make the storage of tyres any less of an imposition on the local amenity than it was previously? The applicant stated in a covering letter that the effect of the removal of the Condition would be that in general, tyres would be able to be left outside during the hours of darkness, but the statement had ignored Saturday afternoons and all-day Sunday and Bank Holidays, which was clearly a large chunk of daylight hours.
- In addition to the usual residential amenity issues, in the objections there were many references to fire. He had been a member of the Planning Committee when the first application for the site was considered. In 2003 there had been

a huge fire at a large tyre stack nearby in Kirton which burned for several days and people were evacuated from their homes and spent nights away with relatives and friends. The fire had resulted in a great deal of contamination around the area. This was still fresh in people's minds when the planning application came forward and many were extremely frightened of a similar event. He recalled in reports at that time reference had been made to the fear of fire being a consideration when determining that application and residents were still worried about this. In paragraph 10 on page 121 of the officer's report it referred to - Ensuring development appropriate for its location, taking into account the likely effects on health and living conditions. Unfortunately, the Planning Inspector who had overturned the planning committee decision to refuse at that time had not given specific reasons, but if the public were worrying about fire and its consequences it could be affecting their health.

- He supported the residents and the Parish Council in their objections to the application and asked what had changed in respect of the effect of the operations on residential amenity?

The Head of Planning reported that the fire in Kirton in 2004 was at an unauthorised site which was not subject to any controls. He suggested that as businesses developed, requests to vary conditions were sometimes to be expected. There were processes for public consultation and it was legitimate to request planning application changes. Impacts of some changes could be accommodated without impact to the environment. He confirmed following a question from a member that there were no proposals to increase the height of the tyres stored.

Members were provided with the opportunity to discuss the applications as presented and some of the points raised included the following:-

- It was thought that if permission was granted then screening would be essential.
- The Committee recognised the importance of supporting business expansion but this needed to be balanced against the objections of local residents and on the impact on the amenity, landscape and quality of life.
- There was disappointment that Lincolnshire Fire and Rescue had not submitted a response on the application.
- Discussion took place regarding the risks and impacts on the local area and wider city should a fire break out. Also on whether there would be any difference should a fire break out inside the storage facility or outside of it, should the tyres be stored outside.
- There was a suggestion that the application should be rejected on the same grounds as the Planning Inspector had previously used i.e. to protect the residential amenity and character of the area.

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On a motion by Councillor M J Overton MBE and seconded by Councillor A M Newton, proposing the refusal of the application on the basis of Planning Policy DM3 – the effect on the quality of life and amenity and DM6 the impact on the landscape, it was:

RESOLVED (10 in favour, 5 against)

That conditional planning permission be refused and a report be submitted to the next meeting of the Committee confirming the reasons for refusal, as was the current custom and practice.

The meeting closed at 12.37 pm



**Open Report on behalf of Andy Gutherson, Executive Director of Place**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>15 March 2021</b>
Subject:	<b>Skellingthorpe Swallow Avenue, Magpie Close, Mallard Close and Martin Close - Proposed Waiting Restrictions</b>

**Summary:**

This report considers an objection to a proposed Traffic Regulation Order to introduce waiting restrictions at Swallow Avenue, Magpie Close, Mallard Close and Martin Close, Skellingthorpe.

**Recommendation(s):**

That the Committee overrules the objection so that the Order, as advertised, may be introduced.

## **Background**

Following concerns raised by the Local Highways Manager with regard to parking in the vicinity of the village school, visits to the area took place to investigate the issues raised.

A School Safety Zone has been in place on Swallow Avenue for several years. This advises a 'no stopping' restriction on the zig zag markings at school times and is generally well observed. However, at school drop off and pick up times parking takes place beyond the zone close to the junctions of Magpie Close, Mallard Close and Martin Close. Observations confirm that this can result in obstruction to footways, private accesses and traffic flow and reduce visibility for vehicles negotiating these junctions.

Measures to manage parking in the area are proposed via the introduction of a 24 hour waiting restriction to remove parking at the junctions and a restriction to apply between the hours of 8.30am to 9.30am and 2.30pm to 3.30pm, Monday to Friday on Swallow Avenue, as show at Appendix A.

Following statutory consultation, these proposals were publicly advertised from 15<sup>th</sup> October to 12<sup>th</sup> November 2020.

## **Objection/Comments**

One objection has been received citing that the No Waiting at Any Time restrictions are inappropriate for a village location, that they will de-value and affect the sale of properties,

and that delivery and visitor parking will be affected as well as pick up/drop off outside homes.

### **Comments**

Site visits have confirmed that parked vehicles on Swallow Avenue results in obstruction to footways, traffic flow and private accesses and those parked close to and on the junctions can result in vehicles having to reverse onto Swallow Avenue in order to allow traffic to exit, at a location where visibility for oncoming traffic is limited.

Irrespective of the village location the purpose of restricting on street parking is to facilitate traffic flow and promote the safety of all Highway users.

Although there will be some reduction in available on street parking should these restrictions be imposed much of the area remains unrestricted and available for visitor parking. An exemption allowing vehicles to park whilst dropping off or collecting goods or passengers will be contained with the traffic order so these activities will not be affected.

### **Conclusion**

The restrictions proposed aim to manage on street parking on roads and junctions in the vicinity of the local school which can become congested at school start and finish times. It is anticipated that following their introduction, improvements to traffic flow will result and that pedestrian safety, particularly that of school children, will be improved.

### **Consultation**

#### **a) Risks and Impact Analysis**

None carried out

The following were consulted with regard to these proposals: Cllr Michael Thompson, North Kesteven District Council, Skellingthorpe Parish Council, Lincolnshire Police, Lincolnshire Fire & Rescue, East Midlands Ambulance Service, The Holt Primary School, Stagecoach, PC Coaches, Brylaine, Centrebus, Delaine Buses, Graycroft, Sleafordian Coaches, Road Haulage Association Ltd, Freight Transport Association, National Farmers Union.

### **Appendices**

These are listed below and attached at the back of the report	
Appendix A	Plan showing extent of proposed waiting restrictions

### **Background Papers**

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

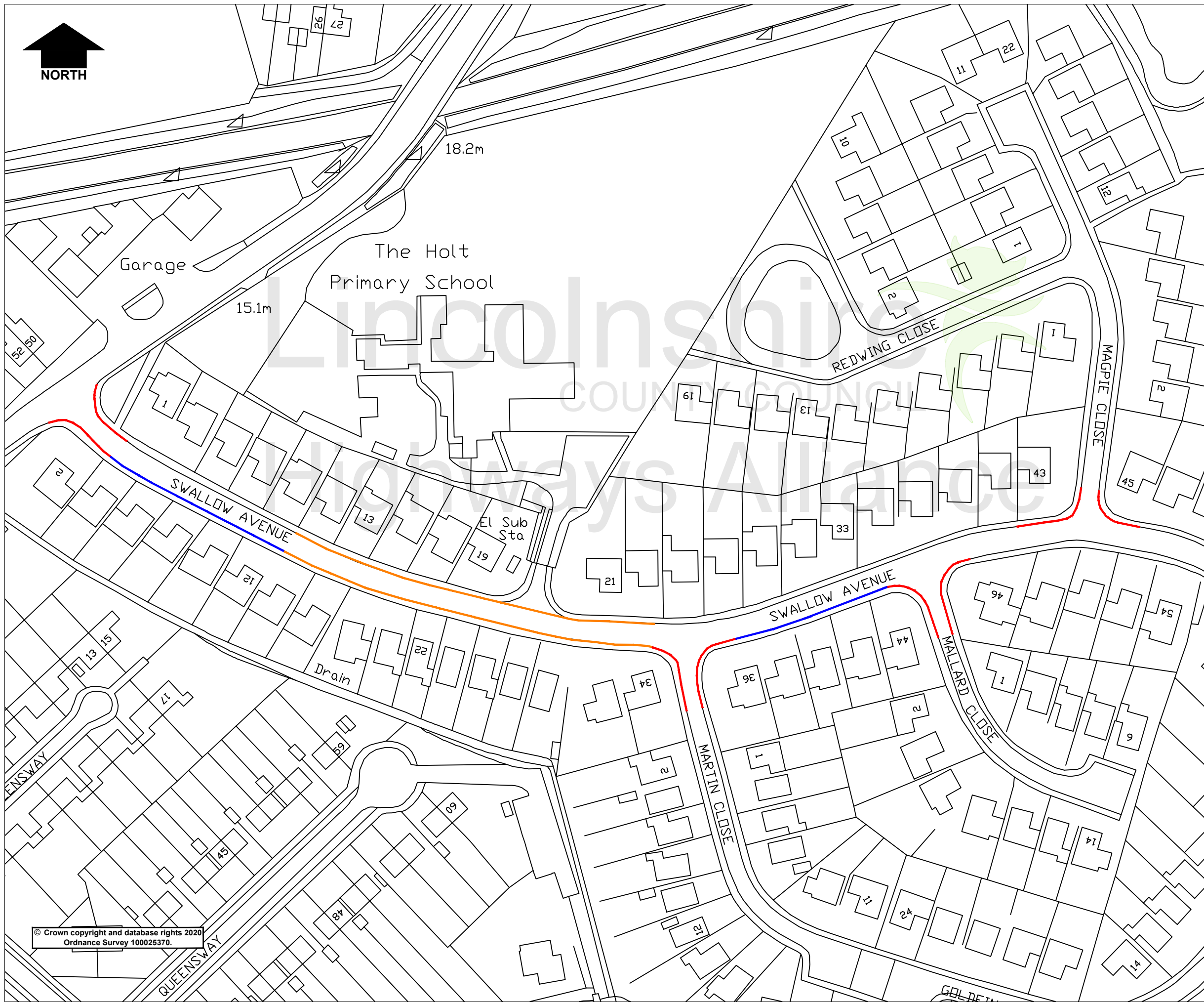
Document title	Where the document can be viewed
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None	None
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This report was written by Tina Featherstone, who can be contacted on 01522 782070 or [tina.featherstone@lincolnshire.gov.uk](mailto:tina.featherstone@lincolnshire.gov.uk).

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Key	
	Existing School Safety Zone
	Proposed No Waiting at Any Time
	Proposed No Waiting Mon to Fri, 8.30am to 9.30am & 2.30pm to 3.30pm

## APPENDIX A

Rev.	Description	Drawn	Ch'kd	Auth	Date
Project <b>Skellingthorpe Swallow Avenue</b>					
Status Project No.					
Drawing Title <b>Proposed Waiting Restrictions</b>					
Scale <b>NTS</b>	Drawn	TF	Date March 20		
	Ch'kd	JE	Date March 20		
	Auth		Traced		
Drawing No.					Rev. <b>0</b>

**Lincolnshire**  
COUNTY COUNCIL



**Highways Alliance**

Lancaster House, 36 Orchard Street,  
Lincoln, LN1 1XX

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**Open Report on behalf of Andy Gutherson, Executive Director of Place**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>15 March 2021</b>
Subject:	<b>Langworth A158 - Proposed 30mph Speed Limit</b>

**Summary:**

This report considers a request from a resident of Langworth for the existing 40mph speed limit on the A158 through Langworth to be reduced to 30mph. Investigations have indicated that this site may be considered a 'Borderline Case', as defined within the Council's Speed Limit Policy.

**Recommendation(s):**

That the Committee approves the reduction in speed limit proposed so that the necessary consultation process to bring it into effect may be pursued.

**Background**

The County Council's Speed Limit Policy provides a means by which requests for speed limits may be assessed consistently throughout the county. The criteria by which a speed limit is justified within a village location is based on the number of units of development along a road and the level of limit is determined by the mean speed of traffic travelling along it.

Following an assessment of a site however a borderline case may be identified and is defined within the policy at 4.1 and 4.2 as follows:

*4.1 During the assessment process, at locations where the length and number of development units fronting the road under review is within 20% of that required, then this is classed as a Borderline Case.*

*4.2 At locations where the mean speed data falls within +/- 3mph of Table 3 (Mean Speeds), then this is classed as a Borderline Case.*

Where the above applies a report will be submitted to the Planning and Regulation Committee for consideration.

In the case of Langworth a 40mph speed limit is already in place along the A158 through the village and it will therefore be the results of speed surveys which will confirm the level of limit which may be imposed.

Speed survey equipment located at two sites measured mean speeds of 29mph to the east of the village and 36mph on the western approach to the village as shown at

Appendix A. There have been eight reported injury accidents within the length of proposed speed limit reduction over the last five years.

The mean traffic speed of 29mph measured to the east of the village indicates that a reduction to a 30mph limit here is justified in line with Table 3 of the speed limit policy:

**Table 3**

Mean Speed	Limit
< 33 mph	30 mph
33 – 43 mph	40 mph
>43 mph	50 mph

However at 36mph, the mean speed to the west may be considered as a borderline case. The Committee may therefore approve the initiation of the speed limit order process whereby a section of the existing 40mph speed limit can be reduced to 30mph as shown at Appendix A.

**Conclusion**

Under the normal criteria set out in the Council's speed limit policy the A158 through Langworth would not be considered eligible for a reduction in speed limit to the west of the village centre. As a borderline case however the Planning and Regulation Committee can approve a departure from the criteria where appropriate.

**Consultation**

**a) Risks and Impact Analysis**

None carried out

**Appendices**

These are listed below and attached at the back of the report	
Appendix A	Porposed 30mph speed limit and survey locations

**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
None	None

This report was written by Tina Featherstone, who can be contacted on 01522 782070 or [tina.featherstone@lincolnshire.gov.uk](mailto:tina.featherstone@lincolnshire.gov.uk).

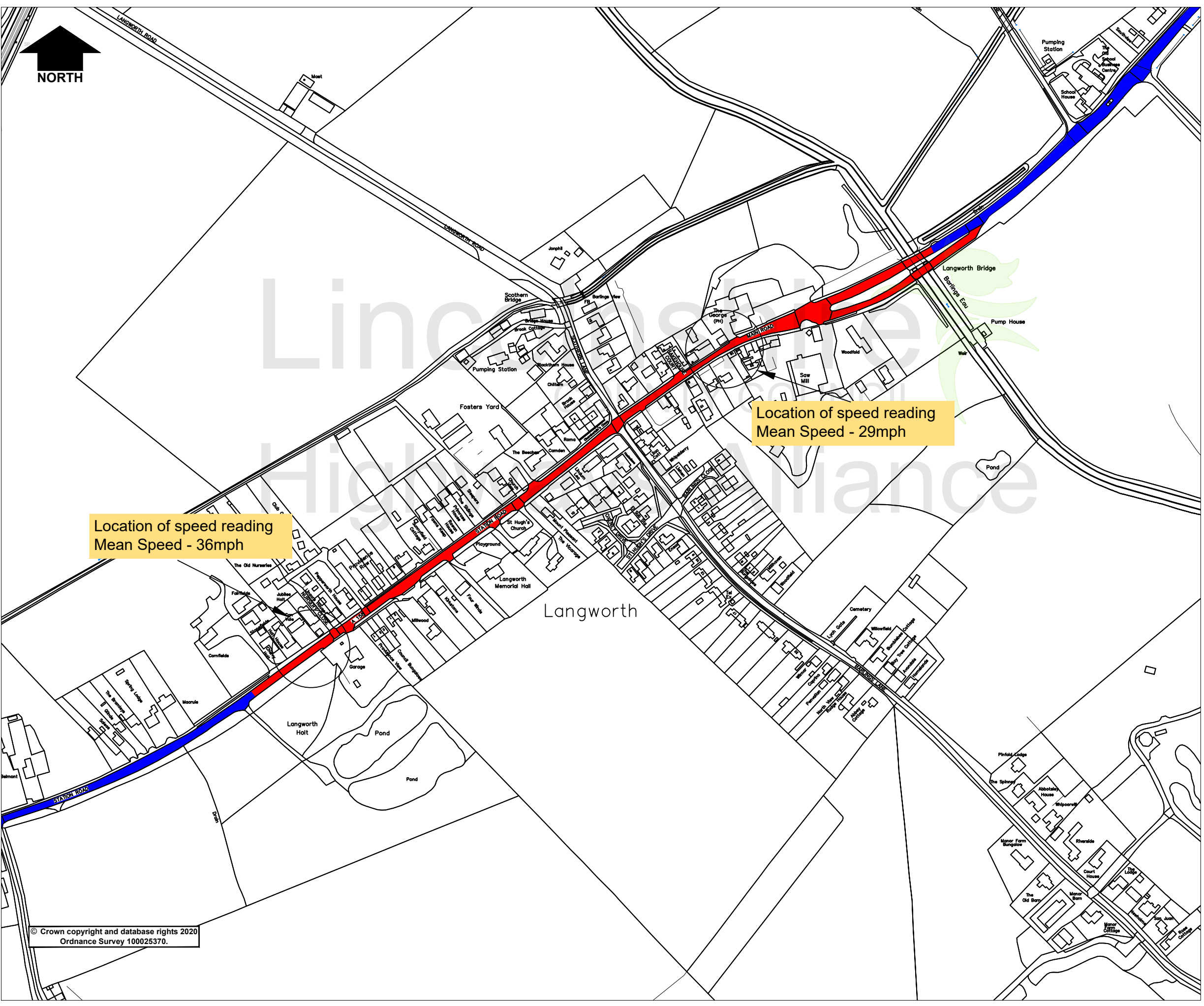
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**KEY**

- Proposed 30mph
- Existing 40mph



Location of speed reading  
Mean Speed - 36mph

Location of speed reading  
Mean Speed - 29mph

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Ordnance Survey 100025370.

Rev.	Description	Drawn	Ch'kd	Auth	Date
Project: <b>Langworth - A158</b>					
Status: Project No.:					
Drawing Title: <b>Proposed 30mph Speed Limit</b>					
Scale: <b>NTS</b>	Drawn	TF	Date: June 20		
	Ch'kd	JG	Date: June 20		
	Auth		Traced		
Drawing No. <b>Appendix A</b>					Rev. <b>0</b>

**Lincolnshire**  
COUNTY COUNCIL

**Highways Alliance**

Lancaster House, 36 Orchard Street,  
Lincoln, LN1 1XX

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>15 March 2021</b>
Subject:	<b>County Matter Application - B/20/0474</b>

### Summary:

#### Supplementary Report

At its meeting on the 15 February 2021, the Planning and Regulation Committee considered an application made by Envirotyre UK Limited (Agent: Robert Doughty Consultancy Limited) which sought permission to remove condition 6 of planning permission B/16/0217 so as to allow the outside storage of tyres when the site is not in operation at Reed Point, Spalding Road, Sutterton.

Condition 6 states that "*No tyres or bales shall be stored outside the building beyond the hours of operations of the site as set out in condition 10. Any tyres or bales stored outside the building shall not exceed a height of 2m (loose tyres) or 3m (baled tyres)*".

The applicant had applied for permission to vary/amend condition 6 so as to remove the restriction that prevents the external storage of tyres outside of the sites operational hours.

At its meeting on 15 February 2021, following consideration of the Officer's report (attached as Appendix B) and representations made by the applicant's agent, a local resident and the Local County Council Member, the Planning and Regulation Committee resolved to refuse the application. The Committee's cited reason for refusal was due to the impact on residential amenity and the visual character of the area and that the proposed amendment would therefore be contrary to Policies DM3 and DM6 of the Lincolnshire Minerals and Waste Local Plan. In light of the Committee's resolution, Officers were asked to bring back a report setting out the wording for the reason for refusal based on the Committee's resolution.

### Recommendation:

That in line with the resolution of the Planning and Regulation Committee on 15 February 2021, that Councillors confirm their agreement to the reason for refusal as set out in this report.

## Background

1. At its meeting on the 15 February 2021, the Planning and Regulation Committee considered an application made by Envirotyre UK Limited (Agent: Robert Doughty Consultancy Limited) which sought permission to remove condition 6 of planning permission B/16/0217 so as to allow the outside storage of tyres when the site is not in operation at Reed Point, Spalding Road, Sutterton.
2. Condition 6 was originally imposed on planning permission B/0370/11 (which was granted on appeal) by a Planning Inspector. Although the Inspector did not specify exact reasons for each of the conditions imposed, the decision letter does indicate that the condition was imposed to protect residential amenity and the character of the area.
3. Condition 6 has since been amended by subsequent applications and currently reads as follows:

*No tyres or bales shall be stored outside the building beyond the hours of operations of the site as set out in condition 10. Any tyres or bales stored outside the building shall not exceed a height of 2m (loose tyres) or 3m (baled tyres).*

4. The current condition has the effect of only allowing tyres to be stored outside the building during the sites operational hours (i.e. between 07:00 and 22:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays). Outside of these hours the tyres are required to be stored back inside the building.
5. The applicant had applied for permission to vary/amend condition 6 so as to remove the restriction that prevents the external storage of tyres outside of the sites operational hours. Officers had recommended that a variation to condition 6 be granted which would allow the tyres to be stored outside of the building as requested but that retained the height limits on any such stockpiles. At its meeting on the 15 February 2021, having heard representations made by the applicant's agent, a local resident and the Local County Council Member, the Planning and Regulation debated the application and resolved to refuse the application on basis that the storage of tyres outside the building on a more permanent arrangement would have an adverse impact on residential amenity due to an increase risk of fire if the tyres are stored permanently outside and also be detrimental to the visual amenity and therefore would be contrary to Policies DM3 and DM6 of the Lincolnshire Minerals and Waste Local Plan.
6. In line with the resolution made by the Planning and Regulation Committee at their meeting on 15 February 2021, this report outlines the wording for the reason for refusal based on the reasons given by the Committee.

## RECOMMENDATIONS

1. That in line with the resolution of the Planning and Regulation Committee on 15 February 2021, that Councillors confirm their agreement to the reason for refusal set out below and that planning permission be refused for this reason:

The external storage of tyres outside of the sites operating hours would have an unacceptable impact on the residential amenity of local residents due to an increase risk of fire of the tyre stockpiles and the associated pollution caused by such a fire. In addition the permanent storage of tyres outside of the building would have an unacceptable impact on the visual appearance and character of the wider area. For these reasons the proposed amendment to condition 6 would be contrary to Policies DM3 and DM6 of the Lincolnshire Minerals and Waste Local Plan.

### Appendix

These are listed below and attached at the back of the report

Appendix B	Planning and Regulation Committee Report 15 February 2021
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This report was written by Sandra Barron, who can be contacted on 01522 782070 or [dev\\_planningsupport@lincolnshire.gov.uk](mailto:dev_planningsupport@lincolnshire.gov.uk)

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>15 February 2021</b>
Subject:	<b>County Matter Application - B20/0474</b>

**Summary:**

Planning permission is sought by Envirotyre UK Limited (Agent: Robert Doughty Consultancy Limited) to remove condition 6 of planning permission B/16/0217 - To allow outside storage when the site is not in operation at Reed Point, Spalding Road, Sutterton.

Envirotyre has been operating at the site since 2013 and the business has grown over time. The original planning permission did not allow any outside storage of tyres at any time, but in 2017 permission was granted to allow outside storage during operating hours 07:00- 22:00 Monday to Friday and 07:00- 13:00 on Saturday. This application is now seeking permission to remove all restrictions on the time the tyres can be stored outside, significantly this would allow outside storage for the substantive part of the weekend.

The main issues to be considered in the determination of this application are the impact on visual amenity, noise and if there would be any greater potential fire risk from removing the hours of restrictions on the outside storage of tyres.

**Recommendation:**

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

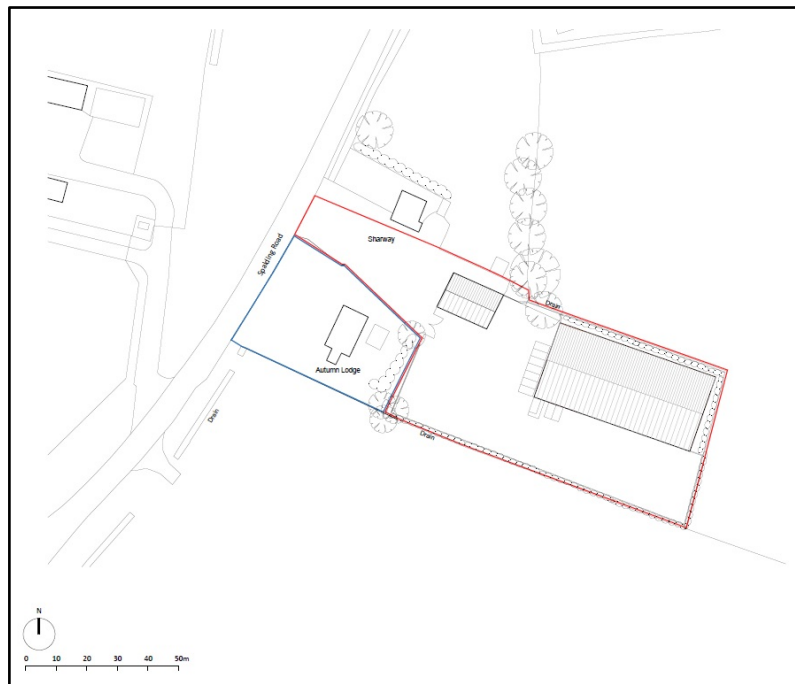
**Background**

1. On 16 May 2012, following an appeal, conditional planning permission (ref: B/0370/11) was granted by the Planning Inspectorate for the change of use of an existing haulage yard and workshop and the erection of a building for the importation, sorting and baling of end-of-life tyres at Reed Point, Spalding Road, Sutterton, Boston. A number of subsequent planning applications have since been granted including permission to install a weighbridge (ref: B/0218/16) and a vehicle service pit (ref: B/0048/17) as well as permission (ref: B/0167/15) to vary Conditions 6 (Outside Storage), 7

(Treatment of Tyres) and 11 (Site Layout) which allowed the outside storage of the tyres during operational hours, the use of a hydraulic shearer and changes to the external layout of the site. Finally, planning permission was granted in August 2016 (ref: B16/0217) which allowed the creation of an additional external storage area within the site. Permission B16/0217 is the main permission covering operations at the site.

## The Application

2. Planning permission is now sought to remove Condition 6 of planning permission B16/0217 so as to allow the outside storage of tyres when the site is not in operation at Reed Point, Spalding Road, Sutterton. The application has been made pursuant to Section 73A of the Town & Country Planning Act 1990 (as amended) which, amongst other things, provides for retrospective planning applications to authorise development which has been carried out without complying with some planning condition to which it was subject.



Location Plan

3. Condition 6 was originally imposed on planning permission B/0370/11 (which was granted on appeal) by a Planning Inspector. Although the Inspector did not specify exact reasons for each of the conditions imposed, the decision letter does indicate that the condition was imposed to protect residential amenity and the character of the area. The condition was also imposed to ensure that there was adequate provision for vehicles within the site and to safeguard against the risks of flood and pollution from run off waters in the event of fire.
4. Condition 6 has since been varied to allow for the external storage of the tyres within the site yard during operational hours (ref: B/0167/15).



Currently tyres can therefore be stored outside the building between 0700 and 2200 hours Monday to Friday and 0700 and 1300 hours on Saturdays. In granting that permission changes were made to the sites layout to ensure adequate parking, turning and unloading/loading space was maintained for vehicles using the site and the condition limits the height of externally stored tyres to no more than 2m for loose tyres and 3m for baled tyres.



5. The applicant is now seeking to remove Condition 6 entirely so as to remove the restriction on the times tyres can be stored outside. The removal of this condition would effectively allow tyres to be stored outside at all times. No other changes to the site operations or activities are proposed as part of this application.
6. In support of this application the applicant has confirmed that the site would continue to sort and bale end of life tyres, which are then used to construct engineering cells at landfill sites. Since the site first started operating in 2013, the business has grown and now employs 20 people, all from the local community. The company receives waste tyres from a number of private companies, as well as from local authority waste sites, including Lincolnshire, Cambridgeshire and Newark and Sherwood. The impact of the COVID-19 pandemic has also resulted in a number of competitor businesses going out of business which has increased demands on the Envirotyre site. Despite the increased demand the applicant has confirmed that all waste tyres that are brought to the site have an on-going destination. Waste tyres brought to the site are baled and then stored for no longer than is necessary to efficiently fill the outgoing storage containers. Given the size



of the site there is no long-term storage of tyres on site. The applicant is seeking permission to allow the external storage of tyres as the success of the business and the growing demand for dealing effectively with waste tyres no longer makes it possible or practicable to put all tyres inside the building every night.

#### Site and Surroundings

7. The Envirotyre UK Ltd site is located on Spalding Road (B1397), to the south west of the village of Sutterton and approximately 160 metres from the junction with the A17. The western part of the site, which is the entrance into the site from Spalding Road comprises an area of hardstanding, which serves as a parking area and a shared access between two residential properties, Sharway (to the north) and Autumn Lodge (to the south). The site office is at the top of the hardstanding area, set back from the properties. Both residential properties are bungalows and to the rear of Autumn Lodge is a line of trees.
8. From the site there are flat, largely open views towards Sutterton to the north east and the A17 to the south. The views towards Sutterton are interrupted in places by existing trees and hedges in the area of the houses along Spalding Road and views of Sutterton church are interrupted by large agricultural-style buildings.
9. There are a number of other large agricultural/warehouse type buildings within the landscape and large glasshouses on the opposite side of the A17. From the rear of the site there are clear views of the single storey brick built industrial units on Spalding Road.

#### Main Planning Considerations

##### Planning Policy Context

10. The National Planning Policy Framework (February 2019) – sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraphs 7 to 11 (Sustainable development) – states that there is a presumption in favour of sustainable development and for decision-taking this means:

- (a) approving development proposals that accord with an up-to-date development plan without delay; or
- (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 170 (Conserving and enhancing the natural environment) – directs that planning decisions should contribute to and enhance the natural and local environment, minimize impacts on and provide net gains for biodiversity.

Paragraph 180 (Ensuring development appropriate for its location) – taking into account the likely effects on health, living condition and the natural environment through mitigation and reduction of potential adverse impacts.

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 (2016).

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 visual impact and noise.

Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) – this document was formally adopted on 1 June 2016 and as an adopted document the policies contained therein should be given great weight in the determination of planning applications. The key policies of relevance in this case are as follows (summarised):

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

- Waste – Implement the Waste Hierarchy and reduce waste to landfill.

Policy DM3 (Quality of Life and Amenity) – states that planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts to occupants of nearby dwellings or

other sensitive receptors as a result of a range of different factors/criteria (e.g. noise, dust, vibrations, visual intrusion, etc.).

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

Policy DM17 (Cumulative Impacts) – states that planning permission will be granted for minerals and waste developments where the cumulative impact would not result in significant adverse impacts on the environment of an area or on the amenity of a local community, 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.

South East Lincolnshire Local Plan 2011-2036 (Adopted March 2019). The following policies are relevant:

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

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

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

1. health and safety of the public;
2. the amenities of the area; or

3. the natural, historic and built environment;
4. air quality, including fumes and odour;
5. noise including vibration;
6. light levels;
7. land quality and condition; or
8. surface and groundwater quality.

#### Results of Consultation and Publicity

11. (a) Local County Council Member, Councillor Brookes – has requested for the application to be determined at Planning and Regulation Committee.

Councillor Brookes has commented that there are several local objections and Sutterton Parish Council have also objected to this application. The site has been a contentious issue since it was first granted permission on appeal in 2012. The Planning Inspector at that time granted permission with Condition 6 stipulating that there shall be no outside storage of tyres on site at any time. This condition was subsequently eased by the Planning Committee in 2015 to allow storage of tyres outside during the hours of operation.

This application to remove the condition completely would allow tyres to be stored outside all of time. The condition is slowly being chipped away at until it is gone.

This begs the question of what's changed in this time to make this storage of tyres any less of an imposition on the local amenity than it was previously. The applicant states in the covering letter that the effect of removal of the condition will be that in general tyres will be able to be left outside during the hours of darkness, but this statement ignores Saturday afternoons and all day Sunday and Bank Holidays which is clearly a large chunk of daylight hours.

Councillor Brookes states that further observations will be made directly at the Planning & Regulation Committee meeting.

- (b) Sutterton Parish Council – object to the removal of Condition 6 as there are no changes in circumstances that make the removal necessary.
- (c) Environment Agency (EA) – has raised no objection but advised that the existing Environmental Permit would need to be varied in order to allow the storage of materials outside. The applicant is therefore advised to contact the Environment Agency to discuss the issues likely to be raised although there is no guarantee that a Permit would be granted. The advice regarding the need to update the Permit could be dealt with by way of an Informative.
- (d) Highway and Lead Local Flood Authority (Lincolnshire County Council) – do not wish to object to the application. This proposal is to allow

outside storage when the site is not in operation and the access and parking arrangements would remain unchanged and therefore it is considered that the proposals would not result in an unacceptable impact on highway safety.

(e) Lincolnshire Police – do not have any objection to the application.

The following bodies were consulted on 27 November 2020, but had not responded within the statutory consultation period, or at the time the report was prepared:

Lincolnshire Fire and Rescue  
Environmental Health Officer (BBC)  
Historic Places (LCC)  
Public Health (LCC)

12. The application has been publicised by a site notice posted at the site and in the local press (Lincolnshire Free Press on 8 December 2020) and letters of notification were sent to the nearest neighbouring residents. A total of 14 representations were received as a result of this publicity and are summarised as below:

- The current level of operation is acceptable, but concerns that this application indicates an expansion to the business if capacity to store tyres inside has been exceeded thereby requiring outside storage now. The operator has grown too big for the site and needs to find a suitable alternative.
- Concerns about visual amenity and the view of the site from 3 roads and the impact this may have on the proposed building of 198 new houses.
- Existing, as well as future, concerns in relation to noise from vehicle movements and from the stacking of the tyres.
- The risk from accidental ignition, arson and even spontaneous combustion of tyres.
- Fires involving tyres notoriously burn for a long time. The potentially harmful substances in tyre rubber could be toxic and have adverse effects to health and the environment.
- In the event of a fire, water used to fight it could pollute the drains that surround neighbouring properties.
- It is not clear where specifically the tyres would be stored and could this be anywhere on the site.
- Condition 6 was originally put on for a reason and when the firm first started up it was a lot smaller than it is now so to take it off now when there are a lot more tyres on site does not seem the right thing to do. The safest option would be for another shed to be put up for them to be stored in.
- Several concerns expressed about the tyre fire at Kirton and parallels drawn that a similar situation may arise. The fire at Kirton burnt for several days, causing considerable pollution in Kirton Village.

- The site is next to a log yard and this would be a further fire risk. When the application was considered in 2017, LCC promised that the requirement to put tyres away would be insisted upon for health and safety reasons and this would be checked on, from time to time. Planning Committee has a duty of care and should act on it, question what is the point of planning, making decisions or objections if after three years they are forgotten.
- Concerns raised that Boston Borough Council have not objected to the application.
- If tyres are to be stored safely in the locked yard there would be no objection
- The (submitted) plans do not show the proximity of the six dwellings to the north of the site.

#### District Council's Recommendations

13. Boston Borough Council do not object provided that the height restriction for the external storage remains in place. If the condition were to be removed in its entirety Boston Borough Council would object as the uncontrolled height of outdoor stored tyres (loose or baled) would significantly harm the visual amenity of the rural area and would be contrary to Policies 2 and 30 of the South East Lincolnshire Local Plan (2011-2036).
14. It is also comment that careful consideration be given to potential for any surface water runoff and any possible effects to watercourses and/or ground soil conditions and it is recommended that advice be sought from Environmental Health, the Environment Agency (if it falls under their criteria for consultation), the Internal Drainage Board and Highway Authority. This would ensure the development can be carefully considered and its effect fully taken into account which would satisfy the provisions of the South East Lincolnshire Local Plan (2011-2036) Policies 2, 28, 30 and 31.

#### Conclusions

15. The application is seeking to remove Condition 6 of planning permission B16/0217 to allow the outside storage of tyres outside of operational hours. The current planning permission allows the outside storage of tyres during operating hours only which are 0700 to 2200 hours Monday to Friday and 0700 to 1300 hours on Saturdays. The current condition effectively requires the applicant to move any externally stored tyres inside the building outside of these times. The proposed removal of the condition would therefore allow the applicant to store tyres outside the at all times.
16. The main issues that need to be considered in the determination of this application relate to the visual impact, potential noise issues and any issues associated with pollution and fire risk.

#### Visual Amenity

17. At present the applicant is permitted to store tyres outside the building during operational hours. Current operating hours are between 0700 and 2200 hours Monday to Friday and between 0700 and 1300 hours on Saturdays. The removal of the condition would therefore allow the outside storage of tyres at all other times (e.g. between 2200 and 0700 hours Monday to Saturday and from 1300 Saturdays to 0700 hours on Monday). Objections have been received on the grounds of the visual impact of tyres on the area and that the removal of the condition would undermine the original reasons cited by the Planning Inspector from placing the restriction on external storage. The applicant has argued that the additional hours would, for the most part, be outside of daylight hours and so the visual impact on the area would be minimal. Additionally, although the applicant has applied to remove Condition 6 entirely they have accepted that this would also remove the current height limit restriction and therefore would accept a revised condition to retain this element of the current condition.
18. The tyres are stored within a gated and fenced yard and views into the site are largely limited to those from the nearby property and from the A17. Views from the A17 are fleeting and are set against the background of the industrial building. Views from the residential property that adjoins the entrance to the site are also possible however the existing boundary treatment between this property and the site offers some screening and any impacts are considered no greater than those currently experienced from the storage of tyres currently permitted during operational hours. Boston Borough Council has raised no objection to this proposal provided that the height of the stored tyres continues to be restricted to 2m for loose tyres and 3m for baled tyres. Subject to the retention of that part of Condition 6, I am therefore satisfied that the external storage would not result in unacceptable harm to the visual amenity of the immediate or wider landscape and so would not be contrary to Policies DM3 and DM6 of the Lincolnshire Minerals and Waste Local Plan or Policy 2 of the South East Lincolnshire Local Plan, all of which seek to protect and enhance visual amenity and to protect the wider landscape.

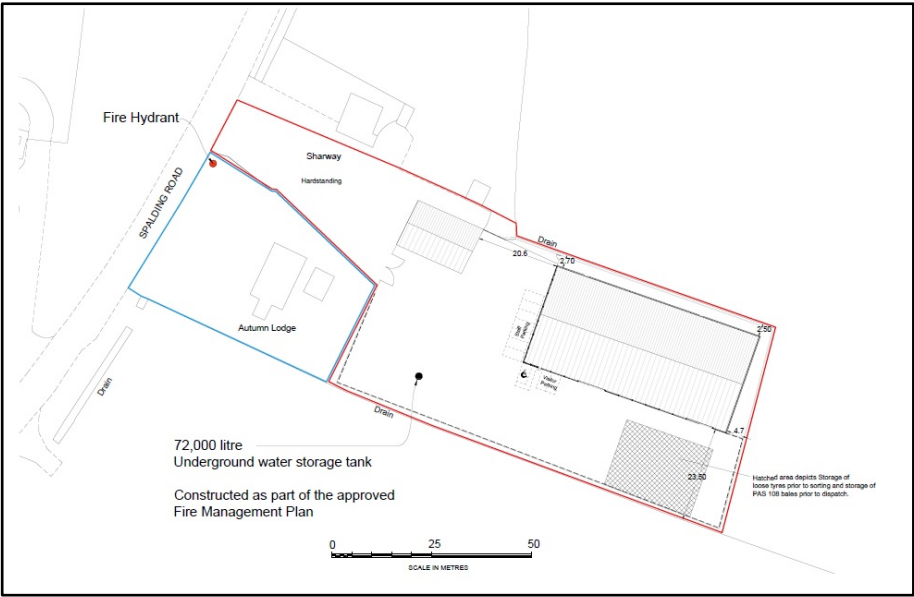
### Noise

19. Objections have been raised regarding potential noise impacts. These concerns are noted however other than allowing the external storage of tyres overnight no other changes are proposed to the site operations or activities. The hours of operation covering vehicle movements and the processing and handling of the waste tyres would remain unchanged and so any noise generated from the site would still be within the existing hours of use and unlikely to be over and above that currently experienced and which has been deemed acceptable. In fact arguably the ability to allow tyres to remain outside at the end of the day would reduce noise from the site as less plant and machinery would be operating to move the tyres inside the building. The existing hours of operation condition would be retained on any varied permission and as a consequence, whilst the concerns are noted, noise from the site is not expected to increase over and above that currently experienced. This proposed variation would therefore not be contrary to

Policies DM3 and DM6 of the Lincolnshire Minerals and Waste Local Plan or Policy 2 of the South East Lincolnshire Local Plan which all seek to protect amenity of the environment and residents, including noise.

Increased Tonnage, Fire Risk and Pollution

20. Objections and concerns have been raised regarding the expansion of the site and the potential risks of pollution and fire as a result of the amount of tyres stored. Whilst these concerns are noted, there is no restriction on the planning permission limiting the annual throughput or amount of tyres that can be stored at any one time. The original application (ref: B18/0370/11) stated that the maximum throughput of the site was expected to be 10,400 tonnes per annum and the applicant has stated that whilst the business has grown the tonnage of tyres processed annually has never yet achieved that originally proposed. The only restriction/limit on the sites throughput is therefore set by the sites Environmental Permit (issued by the Environment Agency) which also requires the site to comply with a Fire Prevention Plan. The existing Permit and Fire Prevention Plan takes into account the current (temporary) external storage of tyres and in the event of a fire there is an existing fire hydrant close to the site (located at the entrance of the site on Spalding Road) and site has a sealed drainage system which contains any surface waters derived from the site and which has capacity to store 72,000 litres of water which can also be used and recirculated in the event of a fire. These existing measures have previously been deemed acceptable to reduce any impacts of fire and would remain in place. No response has been received from the Fire & Rescue Service to this application (although they have not objected to previous applications) and no objection has been received from the Environment Agency. Consequently, it is considered that the potential fire risk would be no greater as a result of this proposal and so the proposal would still accord with Policy DM3 of the Lincolnshire Minerals and Waste Local Plan (2016) and Policy 30 of the South East Lincolnshire Local.



Fire Water Plan



## Human Rights Implications

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

## Final Conclusion

22. The applicant has applied to remove Condition 6 so as to allow tyres to be stored outside at all times. Whilst objections from local residents and the Parish Council have been received I am satisfied that, subject to retaining control on the height of such stored materials, any visual impacts would be limited and so not have an unacceptable adverse impact on the local area. As a result, rather than remove Condition 6 entirely, it is recommended that Condition 6 instead be amended to retain the height limit element as this would maintain control over the development whilst allowing the external storage to take place. In respect of concerns about noise, pollution run-off and fire risk there are sufficient measures and safeguards in place already ensure these are managed effectively and/or reduced and no changes to these are necessary or proposed by this application (e.g. hours of operation and drainage arrangements). I am therefore satisfied that subject to the amended Condition 6 the proposal would not be contrary to Policies DM1, DM3 and DM6 of the Lincolnshire Minerals and Waste Local Plan or Policies 2 and 30 of the South East Lincolnshire Local Plan.

## **RECOMMENDATIONS**

That planning permission be granted subject to the following conditions:

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission B16/0217 has been implemented and therefore commenced.

*Reason: To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be carried out in accordance with details contained in the submitted application and the following plans unless otherwise modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions.

- a) 981/01/DS101 - Site Location and Design Sheet (date stamped received 23 August 2011)
- b) 981/01/SL102 Rev. C - Parking & Turning Layout (date stamped received 21 July 2015) and 4394F/16/05 - Site Layout for Tyre Store (date stamped received 18 May 2016)
- c) 20411/03 Rev. J - Proposed External Works & Drainage Layout (date stamped received 24 September 2014)
- d) 20411/05 Rev. D - External Works Sections and Details (date stamped received 24 September 2014)

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

3. The development shall continue to be carried out in accordance with the approved Flood Risk Assessment (RM Associates, Version 1, June 2011)

*Reason: To protect the site and area from flooding.*

4. The surface water run-off and fire water management system as detailed on Drawing Nos. 20411/03 Rev. J "Proposed External Works and Drainage Layout" and 20411/05 Rev. D "External Works Sections and Details" (date stamped received on 24 September 2016) shall continue to be implemented and retained at all times whilst the use hereby permitted subsists.

*Reason: To protect the site and area from flooding.*

5. The facing materials of the building shall continue to be goose wing grey plastic coated metal sheeting.

*Reason: In the interest of the amenity of the area.*

6. Any tyres or bales stored outside the building shall not exceed a height of 2m (loose tyres) or 3m (baled tyres).

*Reason: In order to minimise any visual impacts arising from the external storage of tyres and bales on the appearance of the surrounding area.*

7. Other than the use of the hydraulic shear which is stationed within the existing transfer building, there shall be no processing, shredding or treatment of the tyres on the site at any time.

*Reason: In the interest of minimising noise pollution. In the interest of the amenity of the area.*

8. No waste other than end-of-life tyres shall be brought onto the site.

*Reason: In the interest of the amenity of the area.*

9. Vehicles associated with deliveries to or from the site shall only be permitted access to the site between 07:00 to 19:00 Monday to Friday and 07:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

*Reason: In the interest of the amenity of the area.*

10. No operations on the site associated with the development hereby permitted shall take place outside the hours of 07:00 to 22:00 Monday to Friday and 07:00 to 13:00 on Saturdays and at no time on Sundays and Bank Holidays.

*Reason: In the interest of the amenity of the area.*

11. Notwithstanding the details shown on Drawing No. 981/01/SL102 Rev. C adequate space shall be available at all times for the parking, loading, unloading and manoeuvring of vehicles within the site.

*Reason: In the interests of highway safety and to ensure that adequate space is available within the site to enable the safe movement and turning of vehicles.*

## **Informatives**

Attention is drawn to:

- (i) Letter from the Environment Agency dated 7 December 2020
- (ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by seeking further information to address issues identified. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

## **Appendix**

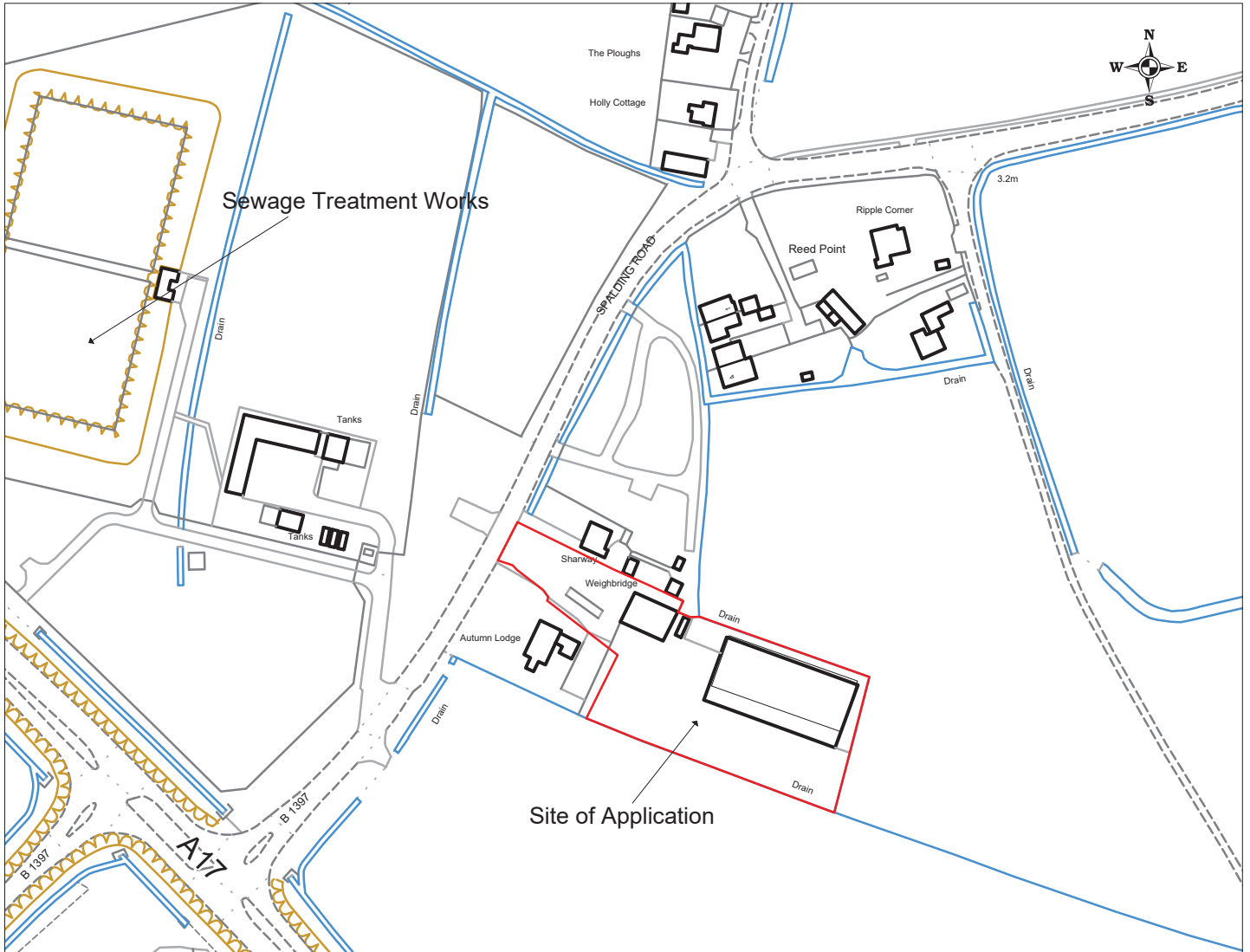
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

## Background Papers

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

Document title	Where the document can be viewed
Planning Application File B/20/0474	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX Lincolnshire County Council's website <a href="http://lincolnshire.planning-register.co.uk">http://lincolnshire.planning-register.co.uk</a>
National Planning Policy Framework (2019)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Minerals & Waste Local Plan (2016)	Lincolnshire County Council's website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
South East Lincolnshire Local Plan (2019)	Boston Borough Council's website <a href="http://www.mybostonuk.com">www.mybostonuk.com</a>

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



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**Location:**  
 Reed Point  
 Spalding Road  
 Sutterton

**Application No:** B/20/0474  
**Scale:** 1:2500

**Description:**  
 To remove condition 6 of Planning Permission B/16/0217 - to allow outside storage when the site is not in operation

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>15 March 2021</b>
Subject:	<b>County Matter Application - S21/0153</b>

**Summary:**

Planning permission is sought by Condor Recycling Ltd for change of use of an existing building from storage and distribution (Use Class B8) to a waste plastics/polymer/PVC/rubber recycling facility (Sui Generis use) at New Mills, North Witham Road, South Witham.

The proposal site covers an approximate area of 0.134 hectares and comprises of an existing industrial/warehouse type building sited within a small industrial site/estate. The building sits between two similar existing warehouses/buildings which are in both currently in use. Access to the site gained via an entrance off North Witham Road is suitable for HGV use.

The applicant is proposing to use the building as a recycling facility for plastics. It is proposed that a variety of different polymers would be brought to the site where they would be shredded, granulated and bagged in one tonne containers before being sold on to manufacturers for re-use elsewhere. All waste processing and handling operations, including storage of unprocessed and processed materials, would take place within the building. The applicant states that the site would accept 600 tonnes of waste per annum.

The main issues to be considered in the determination of this application are whether the proposed development is acceptable in this location given its proximity to the local village of south Witham and whether it would cause detriment to residential amenity.

**Recommendation:**

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

## The Application

1. Planning permission is sought by Condor Recycling Ltd for change of use of an existing building from storage and distribution (Use Class B8) to a waste recycling facility (Sui Generis use) for plastics, polymer, PVC and rubber at New Mills, North Witham Road, South Witham. The existing building has an internal floorspace of 840 metres squared and is a typical industrial type building that currently has permission for B8 uses (Storage & Distribution). No changes are proposed to the external appearance of the building or any of the existing servicing or drainage arrangements.
2. The applicant is proposing to use the existing building as a recycling facility for plastics. It is proposed that a variety of different polymers would be brought to the site where they would be shredded, granulated and bagged in one tonne containers before being sold on to manufacturers for re-use elsewhere.
3. The main product to be reprocessed would be sourced from a company based in Melton Mowbray that produces a compound known as Megolon. Megolon is used in electric cabling to lower the risk of toxic fumes and lower the combustion temperature in the event of fire. By the nature of the manufacturing process materials are discarded and collected in cardboard boxes which will then be transported to the applicant's site for recycling. It is also intended to receive and re-process other similar materials such as Polyethylene terephthalate (PET) (which is a form of polyester extruded or moulded into plastic bottles and containers) and Polypropylene products (PP).
4. The applicant states that the site would accept 600 tonnes of waste per annum which would equate to 50 tonnes per month or 12.5 tonnes weekly if distributed across the year. All waste processing and handling operations, including storage of unprocessed and processed materials, would take place within the building.
5. All waste materials would arrive at the site in sealed containers or sheeted waterproof pallets and so be in a clean state. Upon arrival at the site the wastes would be unloaded and stored within the building until they are ready to be processed. The recycling operation involves shredding the wastes using a shredder and then granulating them to produce pellets which can be used by other manufacturers. The finished product has no value if it becomes wet, dirty or otherwise contaminated and therefore once processed the finished product would be stored in one tonne bags within the building until they are ready for dispatch.
6. The machinery proposed to be included within the building is as follows:
  - Forklift gas powered – for the movement of materials
  - Shredding machine – processing of materials
  - Granulating machine – processing of materials



- Bagging machine – to ensure all materials are securely bagged before leaving the site.



Recycled products for dispatch

### HGV Movements and Access

7. Materials are intended to be transported to the site in 20 foot curtain sided trucks. Given the relatively small tonnage of waste being transported to the site, it is expected that traffic movements would be low and between 1-3 visits per week (6 two way movements). The site would employ two staff and there are existing parking areas within the industrial estate for employees (8-10 spaces in total).



Left side parking at site



Right side parking at site

### Employees and Hours of Operation

8. The applicant states that this is a small business that will fill a niche in the market that will be able to process small quantities promptly and efficiently as well as being able to respond quickly to meet the needs of customers. The facility would help to recover and facilitate the recycling and re-use of polymer products which might otherwise would go to landfill.
9. The site would employ two staff and operate Monday to Friday only (between 08:00 and 20:00 hours) and so no operations or works would take place on Saturdays, Sundays or Bank Holidays.

### Site and Surroundings

10. The proposal site covers an approximate area of 0.134 hectares and comprises of an existing industrial/warehouse type building sited within a small industrial site/estate located approximately 800 metres north of South Witham village. South Witham village lies to the south of Grantham and Colsterworth and to the west of the A1.
11. The building sits between two similar existing warehouses/buildings which are both currently in use and make up the small industrial estate. The building has approximately 840 metres squared floor space with area of parking located alongside the building. Access to the industrial

estate/complex and the building is gained via an existing access off North Witham Road.

12. The industrial estate/site is surrounded by agricultural land and mature vegetation and the nearest residential property to the site is located within South Witham village.

## Main Planning Considerations

### Planning Policy Context

13. The National Planning Policy Framework (February 2019) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraphs 7 to 11 (Sustainable development) - states that there is a presumption in favour of sustainable development 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. Planning Authorities should favour sustainable development and for decision-taking this means:

- (a) approving development proposals that accord with an up-to-date development plan without delay; or
- (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 170 (Conserving and enhancing the natural environment) – directs that planning decisions should contribute to and enhance the natural and local environment, minimize impacts on and providing net gains for biodiversity.

Paragraph 180 (Ensuring development appropriate for its location) – taking into account the likely effects on health, living condition and the natural environment through mitigation and reduction of potential adverse impacts.

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 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.

Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) – this document was formally adopted on 1 June 2016 and as an adopted document the policies contained therein should be given great weight in the determination of planning applications. 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 predicated capacity gaps for waste arising in the county up to and including 2031.

Policy W3 (Spatial Strategy for New Waste Facilities) states that proposals for new waste facilities, including extensions to existing waste facilities, will be permitted in and around the main urban areas subject to the criteria of Policy W4. It is added that proposals for new waste facilities, outside an urban area will only be permitted where they are:

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

Policy W7 (Small Scale Facilities) states planning permission will be granted for small scale waste facilities, including small extensions to existing waste facilities, outside of those areas specified in Policy W3 provided that:

- there is a proven need to locate such a facility outside of the main urban areas; and
- the proposals accord with all relevant Development Management Policies set out in the Plan; and

- the facility would be well located to the arisings of the waste it would manage; and
- they would be located on land which constitutes previously developed and/or contaminated land, existing or planned industrial/employment land, or redundant agricultural and forestry buildings and their curtilages.

Policy DM2 (Climate Change) states that proposals for minerals and waste management developments should address the following matters where applicable:

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

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

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

Policy DM14 (Transport by Road) Planning permission will be granted for minerals and waste development involving transport by road where:

- the highway network is of, or will be made up to, an appropriate standard for use by the traffic generated by the development; and
- arrangements for site access and 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 DM15 (Flooding and Flood Risk) states that proposals for minerals and waste developments will need to demonstrate that they can be developed without increasing the risk of flooding both to the site of the proposal and the surrounding area, taking into account all potential sources of flooding and increased risks from climate change induced flooding. Minerals and waste development proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following

the completion of operations. Development that is likely to create a material increase in the risk of off-site flooding will not be permitted.

Policy DM17 (Cumulative Impacts) states that planning permission will be granted for minerals and waste developments where the cumulative impact would not result in significant adverse impacts on the environment of an area or on the amenity of a local community, 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.

South Kesteven Local Plan 2011-2036 (Adopted January 2020). The following policies are relevant:

Policy SD1 (Sustainable Development) states development proposals in South Kesteven will be expected to minimise the impact on climate change and contribute towards creating a strong, stable and more diverse economy.

Policy SP1 (Spatial Strategy) states the Local Plan will deliver sustainable growth across the District and throughout the Plan Period (2011 – 2036). To achieve new growth the Local Plan includes allocations for both housing and employment land.

All allocations proposed in the plan are the most suitable and sustainable development options and provide for a variety of site types and sizes to ensure choice is offered to the market and delivery is achievable.

Policy SP2 (Settlement Hierarchy) In order to address the District's growth needs the Local Plan proposes that in Larger Villages, in addition to allocations, development proposals which promote the role and function of the Larger Villages, and will not compromise the settlement's nature and character, will be supported.

Policy EN4 (Pollution Control) states that development should seek to minimise pollution and where possible contribute to the protection and improvement of the quality of air, land and water. In achieving this development should be designed from the outset to improve air, land and water quality and promote environmental benefits.

Policy EN5 (Water Environment & Flood Risk) – states development should be located in the lowest areas of flood risk, in accordance with the South Kesteven Strategic Flood Risk Assessment (SFRA).

Policy DE1 (Promoting Good Quality Design) - to ensure high quality design is achieved throughout the District, all development proposals will be expected to ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and have regard to features that minimise crime and the fear of crime.

## Results of Consultation and Publicity

14. (a) Local County Council Member, Councillor B Adams – has requested this application be brought to the Planning & Regulation Committee. No written comments have been received but Councillor Adams has indicated that he wishes to speak at the meeting when the application is heard.
- (b) South Witham Parish Council - objects to this application on the grounds that there is not enough detail on the process taking place. The Parish Council requested more information on how noise, heat and smells may affect residents and also the number of vehicles arriving at the site and proposed hours of use. The Parish Council also requested more information on the routes HGVs would take as the village has a weight restriction of 7.5 tonnes and roads are not suitable for HGV traffic. Finally concerns were raised regarding whether the materials arriving on the site will, in time, turn to raw materials and the health implications and traffic issues this could have.

Additional information has been provided by the applicant and this was forwarded onto the parish council for their comment. At the time of writing this report a response had not been received and so any further comments will be reported as an update.

- (c) Environment Agency (EA) – has no objection but has advised that the development will require an Environmental Permit (issued by the Agency). This advice can be appropriately dealt with by way of an Informative on any permission issued.
- (d) Environmental Health Officer (South Kesteven District Council) – has commented that based upon the description of the proposed operations to be undertaken, the tonnages are small. The Environmental Protection Team therefore has no direct comments to make on the change of use as the site is part of an existing commercial/industrial use and the site is not near any sensitive receptors that could be impacted by a commercial/industrial use. Like the Environment Agency, the EHO has commented that the site may need an Environmental Permit and so it is advised that the applicant contacts the Environment Agency.
- (e) Highway and Lead Local Flood Authority (Lincolnshire County Council) – has no objection to this proposal. The existing building has B8 use and it is not considered that this alternative use for waste recycling would materially change the traffic impact of the development. Parking is available on site and the access would be unchanged. Consequently there would not be an unacceptable impact on highways safety as a result of this proposal.

In respect of drainage, the surface water regime would be unchanged as the building is existing and the application is for change of use only.

(f) Lincolnshire Police – no objections regarding this application.

The following bodies/persons were consulted/notified on 25 January 2021 but no comments/response had been received within the statutory consultation period or by the time this report was prepared:

Lincolnshire Fire and Rescue  
Public Health (Lincolnshire County Council).

15. The application has been publicised by notices posted at the site and in the local press (Lincolnshire Echo on 04 February 2021) as well as letters of notification sent to the nearest neighbouring residents. A total of 45 representations have been received in response to this publicity/notification. A summary of the comments/objections received is given below:
- The site is too close to the village and there are concerns residents will suffer the effects of noise and smells as a result of the recycling operations.
  - Concerns about the impact on existing businesses adjacent to the site including a fruit and vegetable nursery which could lose customers.
  - This development is not needed by the local community especially considering the unsuitable roads in and around the area.
  - Roads through the village are in poor condition and not suitable for further traffic and heavy vehicles. There are issues with congestion in the village and it is feared this would increase as a result of the proposal.
  - Recycling warehouses are a fire risk and fires at other warehouses have occurred resulting in toxic smells and gases being released into the area.
  - There are existing weight limits in the village but these are ignored by other businesses and so there are concerns the applicant would also not adhere to these.
  - The roads to the site are narrow and already suffer damage to verges due to passing vehicles and potholes from the heavy use of the road. It is felt that traffic from this proposal along with the existing number of HGV traffic would be detrimental to the impact on the state of the roads and grass verges.
  - It is felt there is not enough room for both parking and turning of large vehicles on the industrial estate and could cause dangerous reversing and parking.
  - There are concerns regarding noise, odour and toxic chemicals produced by the development and also the materials entering the site.



There are fears these could be detrimental to local livestock, resident health and organically grown fruit and vegetables in close proximity.

#### District Council's Recommendations

16. South Kesteven District Council – no response has been received by the time this report was prepared.

#### Conclusions

17. Planning permission is sought by Condor Recycling Ltd for change of use of an existing building from storage and distribution (Use Class B8) to a waste plastics/polymer/PVC/rubber recycling facility (Sui Generis use) at New Mills, North Witham Road, South Witham.
18. The main issues to be considered in the determination of this application are whether the proposed development is acceptable in this location given its proximity to the local village of South Witham and whether it would cause detriment to residential amenity.

#### Location and Setting

19. In spatial and locational terms, the broad thrust and ethos of planning policy is to direct most new development towards urban centres and settlements, sites allocated for such purposes (as identified in the Development Plan) and away from rural areas and the open countryside. This is reflected by Policy 1 of the SKLP which states that development in the open countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.
20. More specific to waste related development, Policy W1 of the CSDMP states that, through the Site Locations document, the County Council will identify locations for a range of new and extended waste management facilities where these are necessary to meet predicted capacity gaps in waste arising within the County. Where a site is proposed outside the locations or areas specifically allocated or identified within the Site Locations document, it may still be appropriate and capable of support but only where it accords with the spatial and locational criterion set out in other CSDMP policies (notably Policies W3, W4, W5 or W7) and where they are capable of being operated without giving rise to any unacceptable adverse environmental or amenity impacts.
21. Policy W3 of the CSDMP supports the establishment of waste management facilities in and around the main urban areas and states that only certain types of facility will be granted outside of these such as small-scale facilities. In such cases, reference should therefore be given to Policy W7 which sets out the criteria applicable in considering such proposals. Policy W7 states that facilities outside of the areas identified in Policy W3 will be supported where there is a proven need outside of the main urban area, accords with

development management policies, well located and is proposed on land which constitutes as previously developed.

22. This development would therefore be classified as a Small Scale Waste Facility given its size and tonnage proposed per annum. In this case, the proposal involves the change of use of an existing industrial building. The site is therefore previously developed for such uses. The proposed works would allow the recycling of wastes which would otherwise be placed in landfill. Once the materials have been processed and bagged, the site would provide to existing clients. The site itself is located some distance from the nearest residential properties and its use would have close links to recycling aims within the county. The small niche and need in the market has been identified by the applicant. From a purely locational perspective, I am therefore satisfied that this proposal would fit well and accord with the criteria of Policy 1 of the SKLP and Policy W3 and W7 of the CSDMP.

### Environmental and amenity considerations

#### Visual and Landscape Impacts

23. This application proposes the change of use of an existing industrial building located within a small industrial estate/complex that lies to the north of South Witham village. The industrial site/buildings have been in existence for many years and the site boundaries consist of notable landscaping features such as trees or hedgerows as well as security fencing. All waste processing, handling and storage operations would take place within the building and so external activities would be limited to the movement of materials to and from the site via HGV. Given the distance of the site from the nearest settlement, views would be limited and any views would only be from the public highway. Any views would therefore be transient and when viewed in the context of the wider industrial landscape would not be detrimental to the experience or enjoyment of any passer-by's or other users. Planning conditions could be imposed to ensure all operations take place within the building (as stated) and this would therefore ensure any visual impacts arising as a result of this proposal are not considered significant or adverse and therefore ensure that the development accords with the aims of SD1 and DE1 of the SKLP and Policy DM6 of the CSDMP.

#### Noise, Dust and Odour

24. Many objections have been received regarding odour, noise, dust and concern about toxic fumes from the processing on site. These objections are noted however this is small scale, low key operation with all waste processing operations and activities being contained wholly within the existing building. No chemical treatment or complex processing of the wastes would take place with the waste handling and processing operations being limited simply to the shredding, granulating and bagging of waste plastics. Other than the use of a shredder and occasional large vehicles, noise from the site would therefore be fairly limited with any emissions (including odours or dust) being reduced by the fabric of the building and

distance of the site from nearby sensitive receptors. No changes are necessary or proposed to the external fabric of the building or to the sites supporting infrastructure including site access (which is suitable for HGV use) and existing surface water and foul drainage arrangements. No objections have therefore been received from the Environment Agency, Environmental Health Officer or Highways Authority and with sufficient controls and conditions in place, as well as any additional conditions that may be imposed on an Environmental Permit (issued and monitored by the Environment Agency), the site operations and activities would not have an unacceptable impact on the local area or the amenity of local residents. Therefore subject to suitable conditions and controls, I am satisfied that the proposal accord with Policies DM3 and DM17 of the CSDMP and Policy EN4 of the SKLP.

### Highways and Traffic

25. Objections have been received on the grounds of disturbance and nuisance caused by both traffic and potential for debris on the road.
26. The site is accessed off North Witham Road which joins the B676 (Bourne Road) to the north and then connects to the A1 via the Colsterworth junction. The applicant has indicated that HGV traffic movements would be low with materials being imported/exported using a 20 foot curtain sided HGV which would visit no more than three times per week (6 two way movements). HGV traffic would approach and leave the site via the B676/A1 junction and therefore avoid passing through both North and South Witham villages and disturbing residents. Whilst there are residential properties in Colsterworth that front onto the B676, this is an existing and established route and given the low number of movements proposed any increased disturbance or nuisance as a result of HGV traffic is not considered significant. Similarly, the low number of movements also means that there would not be an unacceptable adverse impact on the function or safety of the highway network, a view which is supported by the lack of objection from the Highway & Lead Local Flood Authority.
27. Given the above, whilst the concerns and objections of local residents are noted, the refusal of this proposal on the grounds of traffic impacts cannot be justified. This application proposes the change of use of an existing industrial building that already has permission for B8 uses which means it can already be used for storage and distribution uses which are likely to generate traffic in greater number than that proposed by this development. Conditions can be imposed on this permission to limit and control the use of the building including hours of use and the times traffic can enter and leave the site which would reduce the impact of any such movements on local residents that live along routes to and from the site. Such conditions would therefore ensure that the development and use of the site has minimal impact on local residents living in the area and would ensure the development accord with policy DM14 of CSDMP.

### Drainage and Flood Risk

28. No objections have been received from the Environment Agency or the Lead Local flood Authority regarding flooding or drainage. There is no proposed changes to the existing drainage plan which has been previously been granted permission. Subject to this I am satisfied that the proposal would be in compliance with Policy DM15 of the CSDMP and Policy EN5 of SKLP.

### Human Rights Implications

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

### Final Conclusion

30. The development is accepted as being a sustainable waste management practice and therefore is considered acceptable with the appropriate mitigation procedures conditioned on the decision notice to protect the amenity of the locality.

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

That planning permission be granted subject to the following conditions:

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

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

2. The waste types permitted to be imported, stored, processed and exported shall be restricted to plastics/polymer/PVC/rubber.

*Reason: To control pollution at the site and to ensure that the development is in accordance with the submitted details.*

3. The development hereby permitted shall only be carried out in accordance with the following documents and plans unless modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions:

- Application Form (date received 15 January 2021)
- Statement of Industrial Process (date received 15 January 2021)
- Drawing number 2171-2-701 - Site Plan, (date received 15 January 2021)
- Truck Route NG33 5QQ – Proposed Routes for Vehicles (date received 4 February 2020).

*Reason: To confirm the scope of the planning permission and to ensure that the controlled waste operations and imported waste materials are stored within the area permitted only.*

4. All operations and activities, including the entry and delivery of materials and dispatch of final product from the site, shall only be carried out between the following hours:

Monday – Friday 08:00 to 20:00 hours

No operations would occur on Saturdays, Sundays or Bank Holidays

*Reason: In the interest of the amenity of the area.*

5. All vehicles entering and leaving the site which are carrying materials shall be transported in a '20 Foot Curtain Sided Truck' that are covered or enclosed on all sides so as to prevent any materials dropping on the public highway.

*Reason: For the avoidance of doubt and to minimise the impact of the proposal on highway safety.*

6. No processing operations or activities, including the storage of unprocessed and final finished products, associated with the use hereby permitted shall take place outside of the building.

*Reason: To minimise the visual impact of the development and to minimise the impacts on the amenity of local residents and visitors to the area.*

7. Unless in case of an emergency, all external doors shall be kept shut so as to prevent noise disturbance to neighbouring businesses.

*Reason: In the interest of the amenity of the area.*

## **Informatives**

Attention is drawn to:

- (i) Requirement for an environmental permit

The proposed activity associated with this development will require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency.

The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You may also like to use our free pre-application service, which can be applied for here: [https://www.gov.uk/government/publications/environmental-permit-preapplication- advice-form](https://www.gov.uk/government/publications/environmental-permit-preapplication-advice-form).

You should be aware that there is no guarantee that a permit will be granted.

- (ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by seeking further information to address issues identified. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

## Appendix

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

## Background Papers

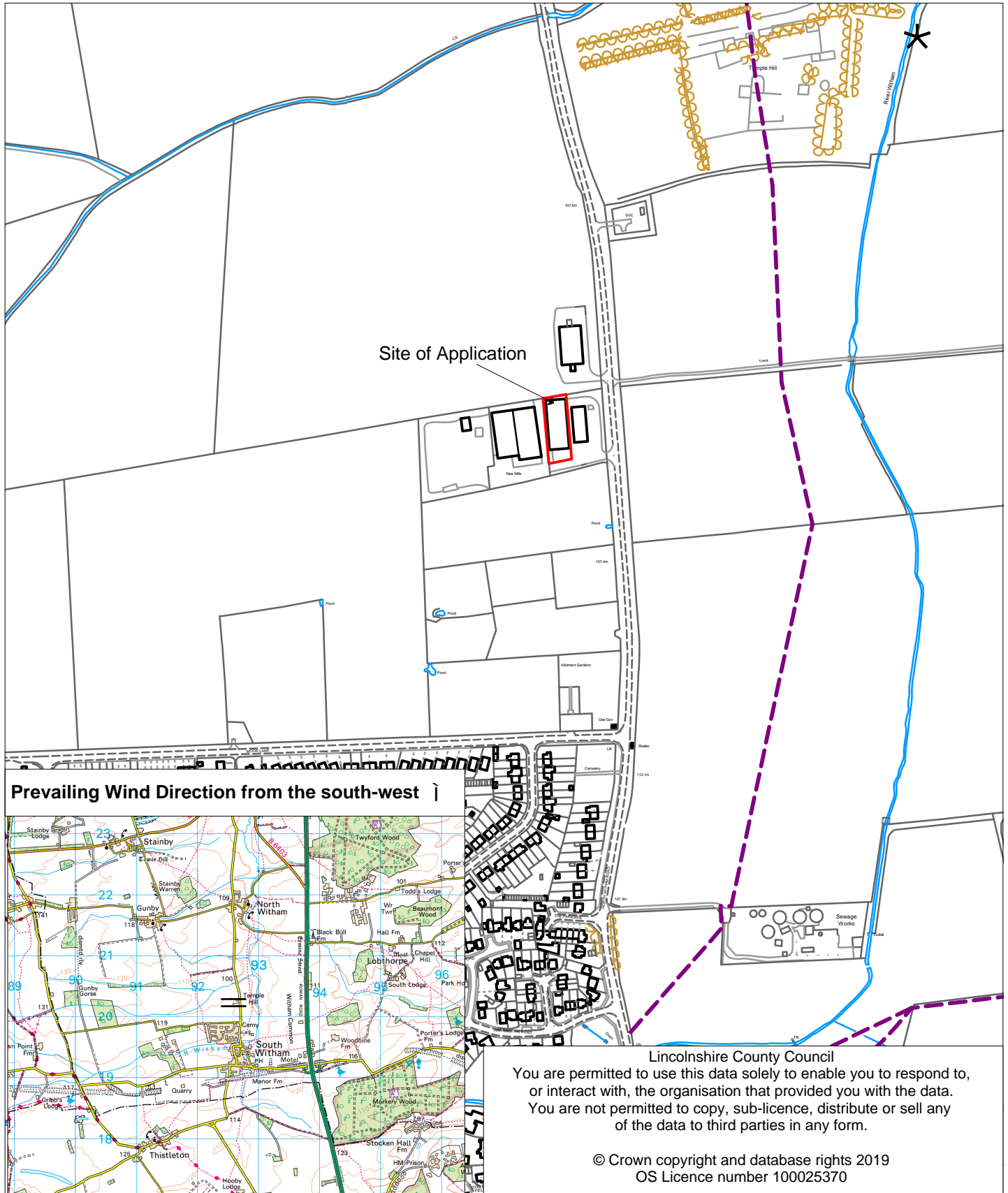
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File S21/0153	Lincolnshire County Council's website <a href="http://lincolnshire.planning-register.co.uk">http://lincolnshire.planning-register.co.uk</a>
National Planning Policy Framework (2019)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Minerals & Waste Local Plan (2016)	Lincolnshire County Council's website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
South Kesteven Local Plan (2020)	South Kesteven District Council's website <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>

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

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 15 MARCH 2021



**Location:**  
 New Mills  
 North Witham Road  
 South Witham

**Application No:** S21/0153

**Scale:** 1:5000

**Description:**

For change of use of building from storage and distribution (Use Class B8) to waste plastics/polymer/PVC/rubber recycling facility (Sui Generis use)

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