



County Offices
Newland
Lincoln
LN1 1YL

3 February 2023

Planning and Regulation Committee

A meeting of the Planning and Regulation Committee will be held on **Monday, 13 February 2023 at 10.30 am in the Council Chamber, County Offices, Newland, Lincoln LN1 1YL** for the transaction of business set out on the attached Agenda.

Yours sincerely

A handwritten signature in cursive script 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), Mrs C L E Vernon (Vice-Chairman), P Ashleigh-Morris, T R Ashton, Mrs A M Austin, S A J Blackburn, I D Carrington, A M Hall, Mrs M J Overton MBE, N H Pepper, R P H Reid, N Sear, P A Skinner, T J N Smith and 1 Vacancy

**PLANNING AND REGULATION COMMITTEE AGENDA
MONDAY, 13 FEBRUARY 2023**

Item	Title	Pages
1.	Apologies/replacement members	
2.	Declarations of Members' Interests	
3.	Minutes of the previous meeting of the Planning and Regulation Committee held on 16 January 2023	5 - 8
4.	TRAFFIC ITEMS	
4.1	Thurlby, A15 - Proposed Puffin Crossing Facility	9 - 16
4.2	Sutton St Edmund, Broadgate and Cross Road - proposed 30mph speed limit	17 - 22
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4.4	Pinchbeck, Edison Court - Proposed No Waiting at Any Time & Limited Waiting Bays	29 - 38
5.	COUNTY MATTER APPLICATIONS	
5.1	Supplementary report - For the enlargement of an existing irrigation pond and the removal from site of extracted minerals (sand and gravel) for treatment at Bede Farm, Cross Keys Lane, Coningsby - W R Hanson and Son - S/035/02549/21	39 - 62
5.2	For change of use of redundant courier/transportation business to car dismantling business at The Old Ship Inn, Beck Bank, Gosberton Clough, Spalding - Mr E Elfeky (Agent: JB Architectural Design Services) - H08-1150-22	63 - 88

Democratic Services Officer Contact Details

Name: **Rachel Wilson**

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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

Contact details set out above.

Please note: This meeting will be broadcast live on the internet and access can be sought by accessing [Agenda for Planning and Regulation Committee on Monday, 13th February, 2023, 10.30 am \(moderngov.co.uk\)](#)

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<https://www.lincolnshire.gov.uk/council-business/search-committee-records>



**PLANNING AND REGULATION COMMITTEE
16 JANUARY 2023**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors Mrs C L E Vernon (Vice-Chairman), P Ashleigh-Morris, T R Ashton, S A J Blackburn, I D Carrington, Mrs M J Overton MBE, N H Pepper, N Sear, P A Skinner and T J N Smith

Councillors: M Brookes, C Matthews and A N Stokes attended the meeting as observers

Officers in attendance:-

Jeanne Gibson (Programme Leader: Minor Works and Traffic), Martha Rees (Solicitor) and Rachel Wilson (Democratic Services Officer)

52 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors A M Austin, A M Hall and R P H Reid.

53 DECLARATIONS OF MEMBERS' INTERESTS

There were no declarations of interest at this point in the meeting.

54 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 5 DECEMBER 2022

RESOLVED

That the minutes of the meeting held on 5 December 2022 be signed by the Chairman as a correct record.

55 TRAFFIC ITEMS

56 SUTTON ON SEA, HIGH STREET AND CROMER AVENUE - PROPOSED AMENDMENTS TO WAITING RESTRICTIONS

Consideration was given to a report which detailed objections received to the proposed amendments to waiting restrictions in Sutton on Sea, High Street and Cromer Avenue. The proposal had been publicly advertised from 27 April to 27 May 2022.

The Programme Leader: Minor Works and Traffic introduced the report and shared a presentation which detailed the areas under consideration.

**PLANNING AND REGULATION COMMITTEE
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Councillor C Matthews was in attendance as the local member and spoke in support of the proposal, commenting that there was a variety of shops on the main street of Sutton on Sea, and that the free parking did get abused. He also commented that this proposal would help the commercial properties and as well as helping to keep the High Street vibrant.

On a motion proposed by Councillor I G Fleetwood and seconded by Councillor C L E Vernon, it was

RESOLVED (unanimous)

That the objections be overruled and the proposals as advertised be approved.

57 GRANTHAM, VARIOUS ROADS - PROPOSED RESIDENTS PARKING SCHEME

Consideration was given to a report which detailed objections to a proposed Residents Parking Scheme Zone 1A in the vicinity of the train station in Grantham. Following statutory consultation, this proposal had been publicly advertised from 14 October to 16 November 2022.

The Programme Leader: Minor Works and Traffic introduced the report and shared a presentation which detailed the area under consideration.

Councillor A N Stokes was in attendance (via Microsoft Teams) as the local member and spoke in support of the proposal, commenting that this scheme had been discussed for many years, and it was pleasing that it had reached this position, and it would make it better for residents to be able to go about their daily business. Councillor Stokes had been contacted regularly by residents as they had been unable to park during the daytime.

Members commented that they were familiar with the area, and the only concern raised was in relation to a common theme of objections for schemes such as this, which was the issue of carers being able to park and it was queried whether there was anything which could be done to allow them to park without the use of a permit. Officers advised that within the policy, carers were treated as visitors and so could be eligible for a visitors permit. However, there was no specific provision for carers, and a change to the policy would be required for such an amendment.

On a motion proposed by Councillor P A Skinner, seconded by Councillor T R Ashton, it was

RESOLVED (unanimous)

That the objections be overruled so that the Order, as advertised, may be introduced.

58 EAST HECKINGTON A17 - PROPOSED 40MPH SPEED LIMIT

The Committee considered a report which detailed a request for the existing 50mph speed limit on the A17, East Heckington, to be reduced to 40mph as shown at Appendix D to the

report. It was highlighted that this had originally been brought to the Committee on 7 November 2022, with a proposal for a 40mph speed limit as set out in Appendix B of the report. The recommendations were considered by the Committee but concerns were raised that reducing the speed limit over such an extended length of the A17 would impact negatively on traffic flows. Members resolved that, as this was a borderline case, further information was required from officers on the nature of and number of collisions under the current speed limit, so a more informed decision could be made.

Detailed information on the 15 reported injury accidents which have occurred over the last five years on this stretch of the A17 within the 40mph originally proposed was provided at Appendix C to the report. As a result of reassessment, a revised proposal shown at Appendix D of the report, which focused the speed limit reduction around a central area of activity where a number of collisions have occurred, was proposed.

The Programme Leader: Minor Works and Traffic introduced the report and shared a presentation which detailed the area under consideration.

Councillor M Brookes addressed the Committee as a neighbouring member and supported the revised proposal.

Members commented that they were happy to see this come forward in its revised form and confirmed that the traffic survey was accurate. Officers were thanked for revising the scheme and providing the additional information regarding accidents. It was also commented that the revised proposal would give protection to people using the services and those people travelling in and out of East Heckington.

On a motion by Councillor T R Ashton, seconded by Councillor P A Skinner, it was

RESOLVED (unanimous)

That the revised extent of reduction in speed limit proposed at Appendix D to the report be approved, so that the necessary consultation process to bring it into effect may be pursued.

59 SWINESHEAD, ABBEY ROAD - PROPOSED WAITING RESTRICTIONS

Consideration was given to a report which detailed objections to proposed waiting restrictions at Abbey Road, Swineshead, as shown in Appendix B to the report.

The Programme Leader: Minor Works and Traffic introduced the report and shared a presentation which detailed the area under consideration.

Councillor M Brookes was in attendance as the local member and spoke in support of the proposal, commenting that indiscriminate on street parking had been a problem for a number of years, resulting in problems with traffic movements. He was pleased to note that following a meeting with the Highways Manager and the Lincolnshire Road Safety

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PLANNING AND REGULATION COMMITTEE

16 JANUARY 2023

Partnership that a school crossing patrol would follow the introduction of these waiting restrictions. He noted that he did understand why there was an objection, but the safety of children and pedestrians in the area was the most important consideration.

Members were supportive of the proposal and agreed that the restrictions were sensible. It was also noted that it needed to be accepted that as Lincolnshire was a rural area it was unavoidable that some children would be taken to school by car and that increased parking around schools was something which needed to be managed.

On a motion proposed by Councillor T R Ashton, and seconded by Councillor I D Carrington, it was

RESOLVED (unanimous)

That the objections be overruled, so that the Order, as advertised, may be introduced.

The meeting closed at 10.56 am



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

Report to:	Planning and Regulation Committee
Date:	13 February 2023
Subject:	Thurlby, A15 - Proposed Puffin crossing facility

Summary:

This report considers the outcome of a pedestrian crossing survey carried out following a request for a crossing facility on the A15 in the vicinity of the crossroads as show at Appendix B.

Recommendation(s):

That the Committee considers the criteria set out in the Pedestrian Crossing Policy and supports the submission of a funding bid for a feasibility study, design and installation of a Puffin crossing at this location.

Background

A request has been received for a crossing facility at the A15, in the village of Thurlby. The local pub and church are situated to the east of the A15 along with a number of residential properties, with the majority of the community lying to the west. Although the speed of vehicles on A15 at this point is restricted to 40mph, traffic flows are heavy and a degree of severance results between these areas of the village. The two bus stops serving the village are also located here.

Initial assessment of the area identified a potential crossing location just to the north of the junctions with High Street and Church Street and the results of a survey here met the criteria for a pedestrian refuge. However, at 3.1 in the policy document it is stated that if the result at a location falls within 10% of a required score then it may be subject to further consideration and approval may be sought from this Committee for the facility to be upgraded. The score at this location lies within 10% of the threshold required for a Zebra crossing to be installed and therefore, subject to the approval of this Committee this type of facility may be approved.

The traffic flows on this section of the A15 were in excess of 500 per hour of the survey and a speed limit over 30mph is in force. This being the case a Zebra is not permitted and

therefore, in accordance with 3.4 of the policy, approval from this Committee is sought for the facility to be upgraded to a Puffin crossing.

A Stage 1 Road Safety Audit was carried out at this potential site but the proximity of the junctions to the proposed crossing was judged to be too close, and that road users exiting the two side roads and travelling north on the A15 maybe pre-occupied with the turning movement and observing other road users on the A15. They therefore may not register the signalised crossing and the colour of the signal heads which could lead to possible conflicts with pedestrians using it. The site is also compromised by the presence of private driveways and the northbound bus stop and shelter.

Subsequently the revised location for the facility as proposed at Appendix B was identified and a further Stage 1 Road Safety Audit has indicated no road safety concerns relating to the provision of a Puffin crossing at this location. There has been one reported accident in the area over the last three years which involved a collision between two cars at the crossroads junctions.

The cost to install a Puffin crossing is estimated at £90,000, with an additional £10,000 required for a feasibility study and scheme design.

Conclusion

The policy enables some flexibility in terms of scheme selection and in the case of this site, a two stage approval will be required from this Committee in order to progress a Puffin crossing at this location:

- Approval for delivery of a Zebra crossing based on a PV²ASCW score within 10% of the threshold required
- Approval to upgrade to a Puffin facility on the basis that high traffic flows and the 40mph speed limit preclude the installation of a Zebra facility.

Consultation

The local Member has been informed of this proposal and is supportive.

a) Risks and Impact Analysis

None carried out

Appendices

These are listed below and attached at the back of the report	
Appendix A	General location plan
Appendix B	Detail location 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
Survey information; Road safety Audit; correspondence; Pedestrian Crossing Policy	Available on request

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

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Appendix A

APPENDIX A – Thurlby, A15 - Proposed Puffin crossing facility



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Appendix B

APPENDIX B - Thurlby, A15 - Proposed Puffin crossing facility



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

Report to:	Planning and Regulation Committee
Date:	13 February 2023
Subject:	Sutton St Edmund, Broadgate and Cross Road – proposed 30mph speed limit

Summary:

This report considers a reduction of the 40mph speed limit on Broadgate to 30mph. Investigations have indicated that this location may be considered a borderline case, as defined in 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

Following a request from the local Member for the existing 40mph speed limit on Broadgate and Cross Road to be reviewed, investigations have taken place to determine if a reduction in the level of limit can be justified against the speed limit policy. The mean speed of traffic is used to determine the level at which a speed limit is set in accordance with Table 3 of the policy:

Table 3

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

Three speed surveys were carried out at the locations shown at Appendix B. On Cross Road the criteria is met in terms of mean speed for a reduction to a 30mph limit. At the two sites on Broadgate the means speeds were recorded as 34 and 36mph.

A borderline case may be identified and is defined at 4.2 in the policy as follows:

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.

Since the survey results on Broadgate lie within 3mph of the level required to justify a 30mph speed limit it may be considered a Borderline Case and the Committee may give approval for the speed limit reduction to be processed for the extents shown at Appendix B.

Conclusion

The Planning and Regulation Committee may approve a departure from the criteria set out in the speed limit policy where a borderline case has been identified. Speed survey results at two locations on Broadgate have confirmed its eligibility for approval for the 40mph limit to be reduced to 30mph, in accordance with the policy.

Consultation

No formal consultation is required at this stage. The local Member is supportive of the proposal.

Risks and Impact Analysis

None carried out

Appendices

These are listed below and attached at the back of the report	
Appendix A	Site location
Appendix B	Detail of survey locations and extent of proposal

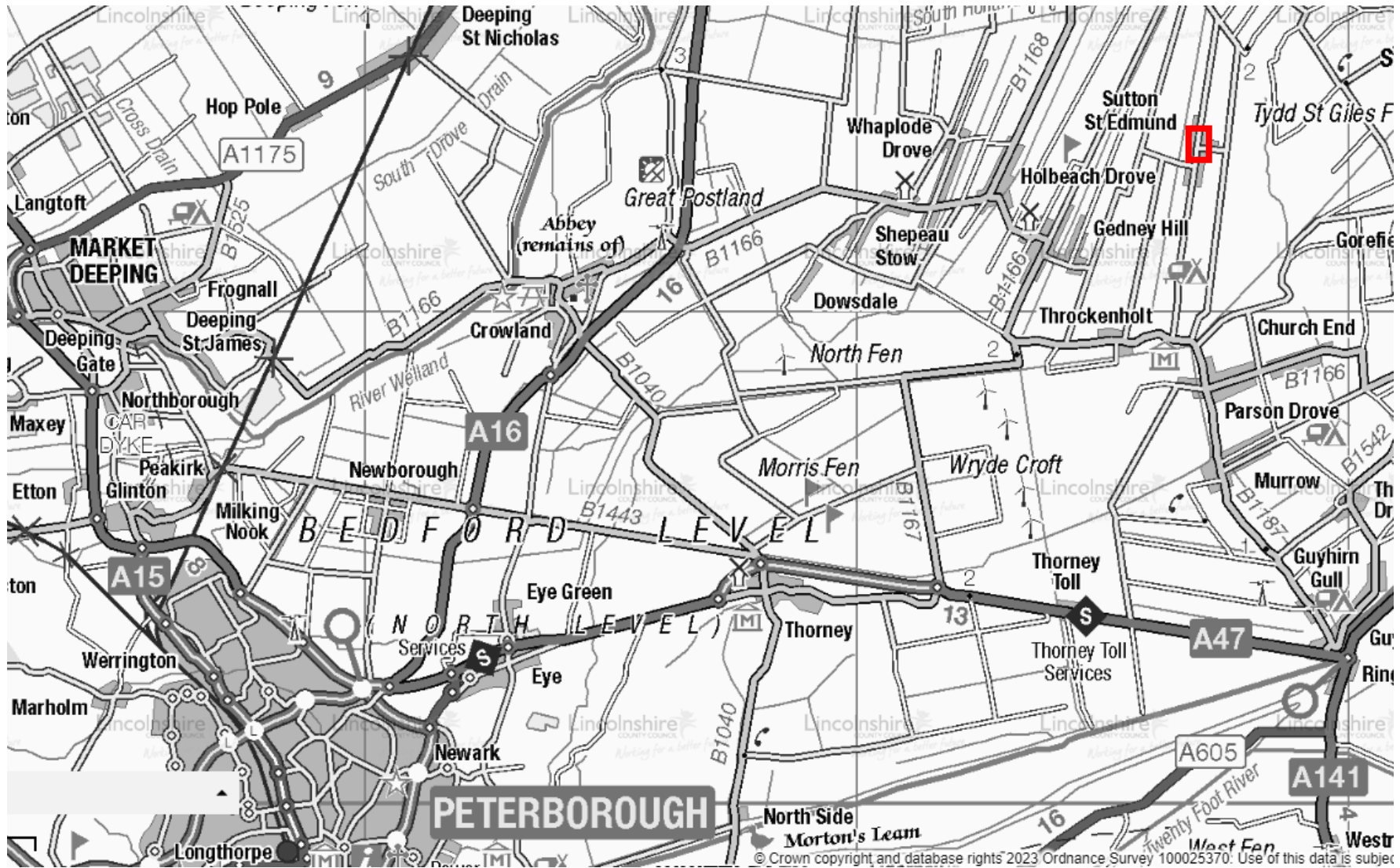
Background Papers

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
Speed limit policy; Speed survey results; correspondence.	Available on request

This report was written by Aine McMorrow, who can be contacted on 01522 782070 or at TRO@lincolnshire.gov.uk.

APPENDIX A : Sutton St Edmund, Broadgate and Cross Road – proposed 30mph speed limit




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Appendix B

APPENDIX B : Sutton St Edmund, Broadgate and Cross Road – proposed 30mph speed limit

Key

 Proposed 30mph Currently 40mph



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

Report to:	Planning and Regulation Committee
Date:	13 February 2023
Subject:	Grantham, Gonerby Hill Foot, Gonerby Road and Stephenson Avenue - Proposed waiting restrictions and bus stop clearways

Summary:

This report considers objections received to proposed waiting restrictions and bus stop clearways at the above locations.

Recommendation(s):

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

Background

Gonerby Road is a B class road and, as it provides a route into Grantham to and from the A1, it is subject to heavy traffic flow. On street parking occurs close to its junctions with Stephenson Avenue and Pretoria Road and on nearby verges resulting in obstruction to traffic flow and visibility.

Following a request for waiting restrictions to be introduced, consultation has taken place for a scheme promoting a No Waiting at Any Time restriction along Gonerby Road and at its junctions with Stephenson Avenue and Pretoria Road, along with the provision of bus stop clearways, as shown at Appendix B.

Objections

Three objections to the proposals have been received. There is concern that the restrictions will impact negatively on residents of Ladysmith and Kimberley Terraces, situated on the south side of Gonerby Road. Residents, including some who are disabled, will be forced to park further away from their properties causing inconvenience and stress. It is suggested that alternative parking provision should be provided for these residents in the form of laybys or permit parking. There is a belief that residents are being penalised for the actions of non-residents who park too close to junctions in the area.

Comments

The concerns of residents are noted. The proposed restrictions will reduce available on street parking in the immediate vicinity but there is alternative parking opportunity nearby on Pretoria Road, Maltings Lane, New Road and Cliffe Road, and on Stephenson Rd beyond the proposed bus stop clearways. Blue badge holders will be able to park on the restrictions for up to three hours, where it is safe to do so. I regret that currently funding is not available for the construction of laybys as requested and with regard to permit schemes, these are considered where residential areas are subject to high levels of on street parking associated with commuters and/or shoppers, so will not be viable at this location.

Conclusion

The restrictions proposed aim to promote highway safety and traffic flow. They are the minimum required to achieve this at this location and alternative on street parking will be available nearby.

Consultation

The following were consulted with regards to these proposals: Local Member, South Kesteven District Council; Lincolnshire Police; EMAS; Lincolnshire Fire & Rescue; Road Haulage Association; Freight Transport Association; Stagecoach; Centrebus; affected frontagers on Gonerby Road, Stephenson Avenue and Pretoria Road. The local Member is supportive of the proposals.

Following statutory consultation, the proposals were publicly advertised from 12 November to 10 December 2021.

a) Risks and Impact Analysis

None carried out

Appendices

These are listed below and attached at the back of the report	
Appendix A	Site location
Appendix B	Detail of proposals

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
Assessment record; Consultation documents; correspondence	Available on request

This report was written by Nina Hodson, who can be contacted on 01522 782070 or at TRO@lincolnshire.gov.uk

Appendix A

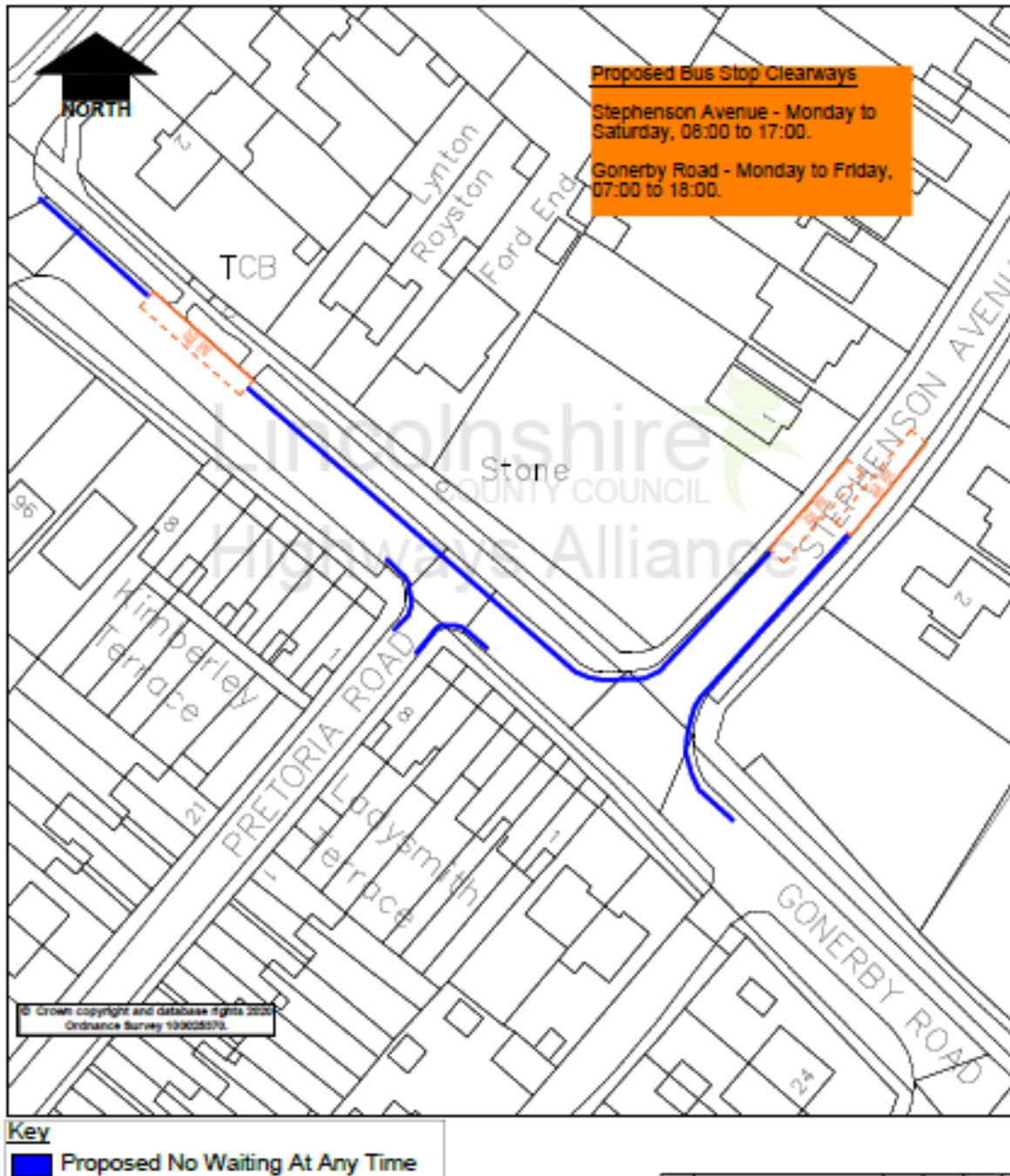
APPENDIX A : Grantham, Gonerby Hill Foot, Gonerby Road and Stephenson Avenue - Proposed waiting restrictions and bus stop clearways



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Appendix B

APPENDIX B : Grantham, Gonerby Hill Foot, Gonerby Road and Stephenson Avenue - Proposed waiting restrictions and bus stop clearways



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

Report to:	Planning and Regulation Committee
Date:	13 February 2023
Subject:	Pinchbeck, Edison Court - Proposed No Waiting at Any Time & Limited Waiting Bays

Summary:

This report reconsiders objections to proposed waiting restrictions and limited waiting bays at Edison Court, Pinchbeck.

Recommendation(s):

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

Background

This matter was previously brought to the Committee on 9 May 2022 and a copy of the report may be viewed at Appendix C.

At the meeting Members were informed that, since surveys to monitor parking in the area had taken place, a change in business ownership may have impacted on the necessity for this proposal. It was put forward that a deferral of the decision on these proposals would allow further assessment of the need for the restrictions.

Members subsequently resolved that the application be deferred for six months to enable the impact of changes in occupancy to be assessed.

Since then, further visits to the site have taken place and the parking issues identified in the previous report are still evident.

Conclusion

The initial objections to the scheme still stand, with concerns that the restrictions will impact negatively on some businesses and parking will be displaced onto Enterprise Way.

However, it remains that the restrictions proposed at Edison Court will control persistent, long term parking and ensure that access to businesses is maintained at all times. Bays for

short term parking for visitors will be provided during the day and these will be unlimited in the evenings and on Sundays to cater for those businesses operating at these times. It is anticipated that Enterprise Way will safely accommodate any displacement of parking from here.

Consultation

See report at Appendix C

a) Risks and Impact Analysis

None carried out

Appendices

These are listed below and attached at the back of the report	
Appendix A	Site location
Appendix B	Proposed Waiting Restrictions
Appendix C	Report to P&R Committee on 9th May 2022

Background Papers

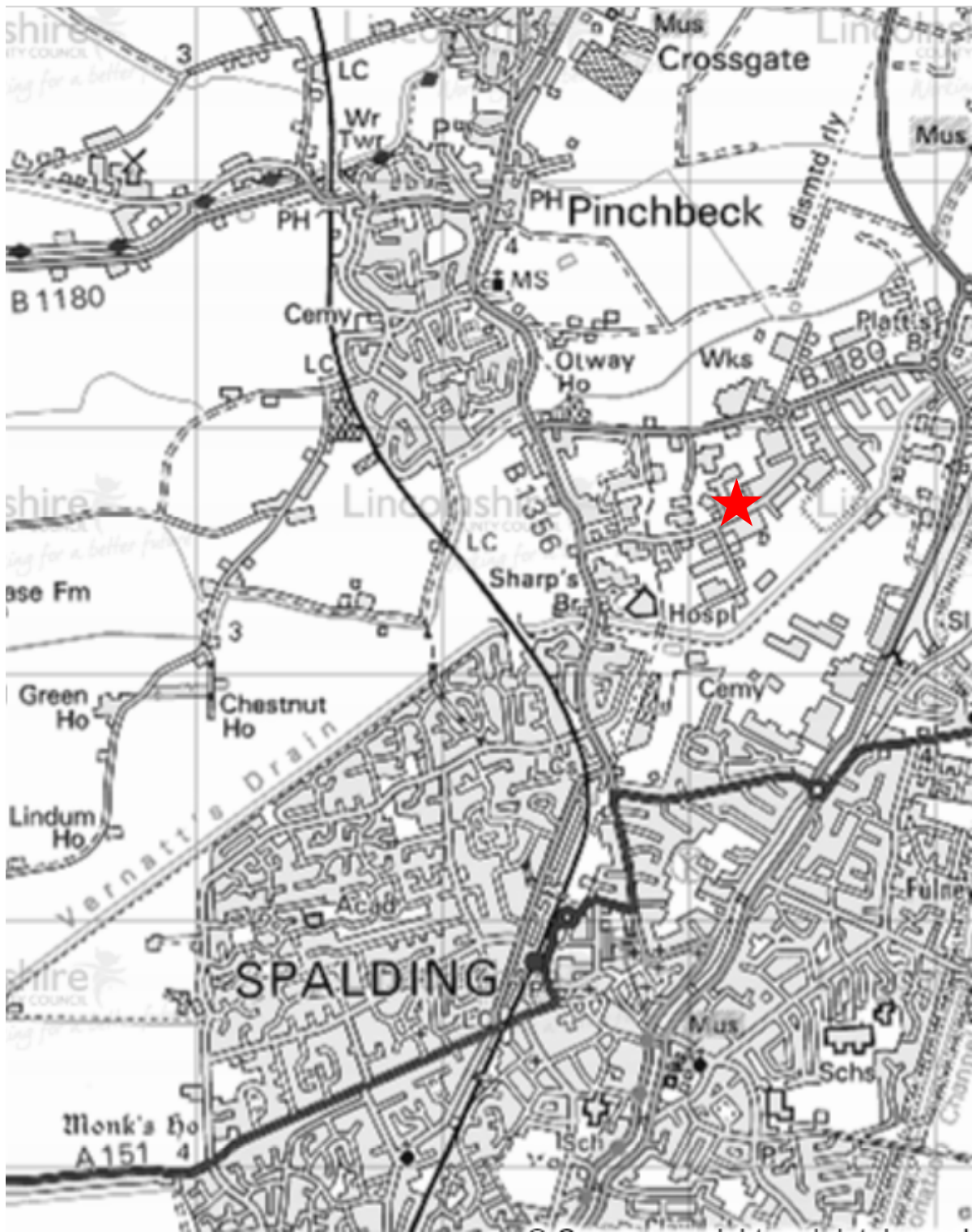
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Assessment record; Consultation documents; correspondence	Available on request

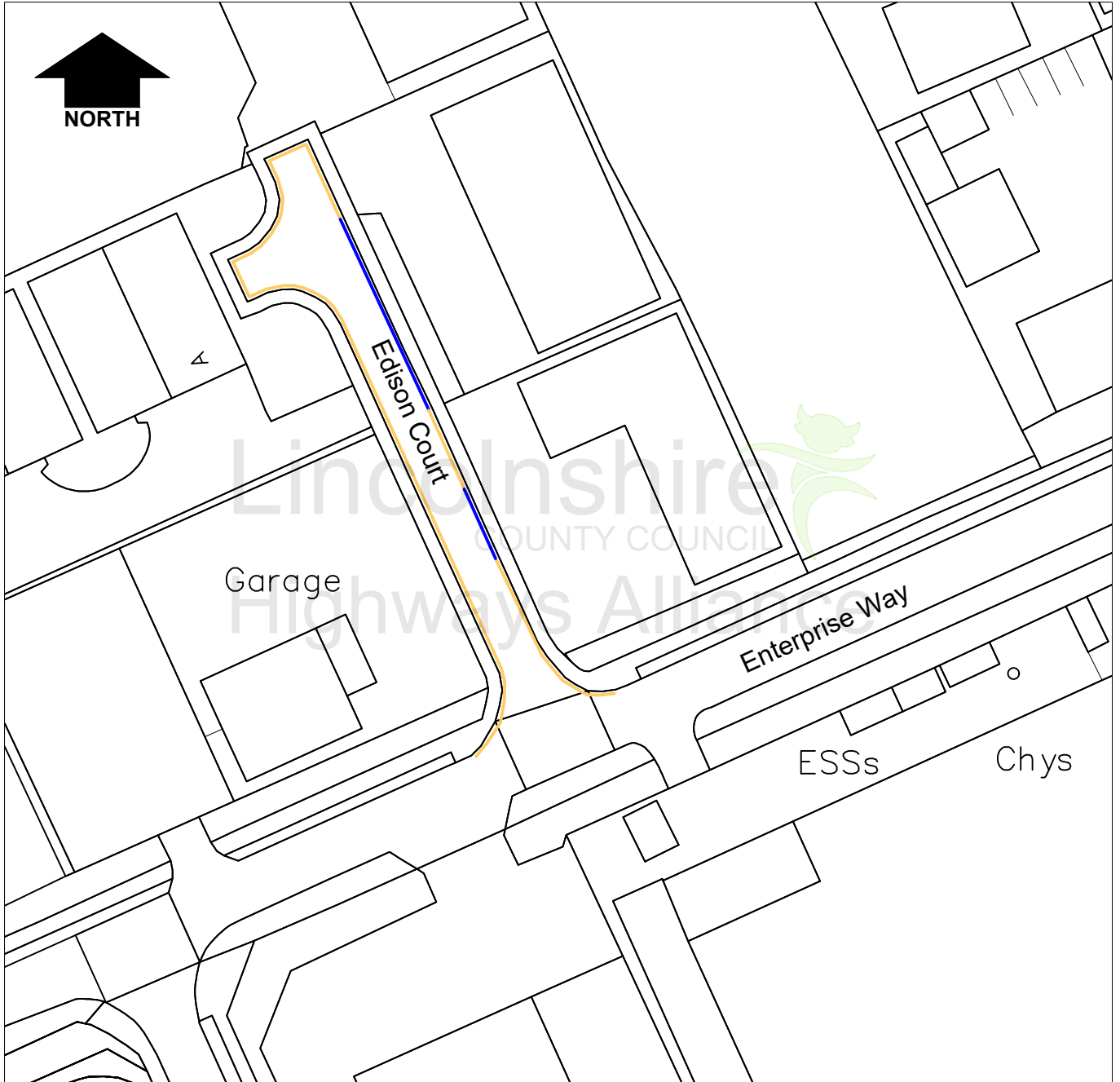
This report was written by Jeanne Gibson, who can be contacted on 01522 782070 or at TRO@lincolnshire.gov.uk

Appendix A

APPENDIX A: Pinchbeck, Edison Court



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Ordnance Survey 100025370.

Key

- Proposed "No Waiting At Any Time"
- Proposed Limited Waiting
Mon to Sat 8am to 6pm
(1 Hour No Return 1 Hour)

Lincolnshire
COUNTY COUNCIL



Highways Alliance

Lancaster House
36 Orchard Street
Lincoln
LN1 1XX

Rev.	Description	Drawn	Ch'kd	Auth	Date
	Edison Court, Pinchbeck Waiting Restrictions	JE			05/21
	Status	Project No.	Auth	Traced	
		866			
	Drawing Title				Scale
	Appendix B - Proposed Waiting Restrictions				NTS @A4
	Drawing No.				Rev.
	H/JE/866/001A				0

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

Report to:	Planning and Regulation Committee
Date:	09 May 2022
Subject:	Pinchbeck, Edison Court - Proposed No Waiting at Any Time & Limited Waiting Bays

Summary:

This report considers objections to proposed waiting restrictions and limited waiting bays on Edison Court, Pinchbeck.

Recommendation(s):

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

Background

Following a request from the local County Councillor for an assessment of on street parking at Edison Court, the area was monitored to determine if the introduction of waiting restrictions to manage parking would be of benefit.

Currently no restrictions are in place and site visits have confirmed that vehicles associated with nearby businesses park for long periods in Edison Court throughout the day. This results in obstruction of access into and along the cul de sac, particularly for HGVs, and interferes with visibility at the junction with Enterprise Way.

To manage parking here it is proposed to introduce a no waiting at any time restriction throughout Edison Court, apart from two lengths of limited waiting bay to apply Monday – Saturday, 8am – 6pm, and located between accesses on the east side, as shown at Appendix B.

Consultation letters and plans of the proposals were delivered to all premises on Edison Court on 6th October 2021. The proposal was advertised in the Spalding Guardian on 14th October 2021 with an objection period ending on 11th November. The documents were also available to view on the County Council's website.

Objections

Nine objections have been received. There are concerns that, as premises here have limited off street parking availability, the restriction of on street parking will deter visitors and impact negatively on businesses and their staff. It is also believed that parking will be displaced onto Enterprise Way, resulting in obstruction to traffic here also. The one hour time period proposed for the limited waiting bays is considered too short to be of use to the customers of one of the businesses. It is suggested that a form of permit scheme is introduced to enable space in the highway to be shared amongst the businesses.

Comments

The introduction of the restrictions as proposed will remove persistent, long term parking and ensure that access to businesses in Edison Court is maintained at all times, whilst providing bays for short term parking for visitors during the day. These bays will then provide unrestricted parking during the evenings and on Sundays.

Concerns over parking being displaced onto Enterprise Way are noted. However the carriageway here is of adequate width to support parking without causing obstruction to traffic flow. Should issues arise here in the future however, then the area may be assessed independently to identify if further restrictions will be required.

Permit schemes are introduced on a zonal basis to provide on street parking opportunity for residents in areas subject to extensive commuter parking. Industrial areas will therefore not qualify under the current County Council guidance for these schemes.

Conclusion

The restrictions as proposed in Edison Court will serve to protect vehicular access to and from premises. It is anticipated that Enterprise Way will safely accommodate any displacement of parking from here. The proposed limited waiting bays will create a turnover of for visitors during the day but will be unlimited in the evenings to cater for those businesses in operation at this time.

Consultation

The following were consulted with regards to this proposal: County Councillor Sneath, Lincolnshire Road Safety Partnership, Lincolnshire Police, South Holland District Council, Pinchbeck Parish Council, Lincolnshire Fire & Rescue, East Midlands Ambulance Trust, Traffic Commissioners, Confederation of Public

Transport, Stagecoach East Midlands, PC Coaches, Road Haulage Association, Freight Transport Association, Disability Lincs Ltd and the National Farmers Union.

a) Risks and Impact Analysis

None carried out

Appendices

These are listed below and attached at the back of the report	
Appendix A	Site location
Appendix B	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
Consultation documents and correspondence	Available on request

This report was written by Jamie Earl, who can be contacted on 01522 782070 or at TRO@lincolnshire.gov.uk

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

Report to:	Planning and Regulation Committee
Date:	13 February 2023
Subject:	County Matter Application - S/035/02549/21

Summary:

Supplementary Report

Planning permission is sought by W R Hanson and Son (Agent: Cliff Andrew Architectural Design Services) for the enlargement of an existing irrigation pond and the removal from site of extracted minerals (sand and gravel) for treatment at Bede Farm, Cross Keys Lane, Coningsby.

At its meeting on 7 November 2022, the Planning & Regulation Committee agreed to defer making a decision on the application and to give a three-month extension of time for the applicant to secure an abstraction licence from the Environment Agency that would allow the proposed extended irrigation pond to be filled using underlying groundwater. Such an abstraction licence is a pre-requisite requirement of Policy M14 of the Lincolnshire Minerals & Waste Local Plan and without this the proposal was considered non-compliant and Officers recommended that permission be refused.

For reasons explained in this report the applicant has been unable to secure the revised abstraction licence within the three-month extension of time previously given. However, Officers understand that the reasons for this are outside the control of the applicant however it is highly likely that a licence would be awarded in due course. Rather than refuse the application a further extension of time is therefore sought by the applicant.

Recommendation:

Given the specific circumstances of this case, a further extension of time is considered reasonable. The Committee is therefore asked to:

- a) defer a decision on this application and agree to a further extended period of time for the applicant to secure the amended abstraction licence – suggested end-date of the extension being 31 October 2023;
- b) that Officers be given the authority to issue the decision under delegate powers should the licence be received before the extended deadline of 31 October 2023.

Background

1. Planning permission is sought by W R Hanson and Son (Agent: Cliff Andrew Architectural Design Services) for the enlargement of an existing irrigation pond and the removal from site of extracted minerals (sand and gravel) for treatment at Bede Farm, Cross Keys Lane, Coningsby.
2. The planning application seeking an enlargement to the irrigation pond was validated in November 2021 and so when the application was presented to the Planning & Regulation Committee at its meeting on 7 November 2022, it had been under consideration for over 12 months. Despite this extended period, the applicant had failed to be able to demonstrate a suitable abstraction licence from the Environment Agency had been secured which would allow the proposed extended irrigation pond to be filled using underlying groundwater. The need for such an abstraction licence to be in place is a pre-requisite requirement and key aspect of Policy M14 of the Lincolnshire Minerals & Waste Local Plan and so failure to meet this requirement meant that Officers had recommended that planning permission be refused. A copy of the original Officers report is attached in Appendix B.
3. At the meeting on 7 November 2022, the Committee heard that the applicant had experienced difficulties and delays in getting an abstraction licence to the Environment Agency and only recently had they been given the correct department and advice on how to apply. Following consideration of the Officer's report and having heard representations made by the applicant and subsequent comments from Officers, the Planning and Regulation Committee resolved not to refuse the application as recommended but rather to give the applicant more time to secure the abstraction licence. The Committee therefore agreed to give the applicant a three-month extension of time and, in the event the licence is not secured within this period, that the item be brought back to the Committee for their reconsideration.
4. Since the meeting in November 2022 the applicant has been in contact with the Environment Agency and an application to amend the licence made. However, the Environment Agency has advised that due to staffing shortages and current workloads licence applications are taking on average 8 months to be allocated to a permitting officer for consideration. As a result, the applicant has been unable to secure an amended licence within the three-month extension period granted by the Committee and until this is confirmed the applicant has still failed to demonstrate compliance with Policy M14. However, your Officers understand that it is highly likely a revision to the current licence will be accepted once it has been allocated to a permitting officer to review. Therefore, rather than refuse the application at this stage, it is recommended that the Committee agree to a further extended period of time for the applicant to secure the amended abstraction licence with a suggested end-date for the extension being 31 October 2023.

Human Rights Implications

5. 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, in this case, given the facts as set out within this report, a decision to further delay making a decision on this application 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.

RECOMMENDATIONS

Given the specific circumstances of this case, it is recommended that the Committee:

- A.** agree to defer a decision on this application and agree to a further extended period of time for the applicant to secure the amended abstraction licence with a suggested end-date for the extension period being 31 October 2023;
- B.** that Officers be given the authority to issue the decision under delegate powers should the licence be received before the extended deadline of 31 October 2023.

Appendix

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

Appendix B	Planning and Regulation Committee Report 7 November 2022
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This report was written by Felicity Webber, who can be contacted on 01522 782070 or dev_planningsupport@lincolnshire.gov.uk

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

Report to:	Planning and Regulation Committee
Date:	7 November 2022
Subject:	County Matter Application - S/035/02549/21

Summary:

Planning permission is sought by W R Hanson and Son (Agent: Cliff Andrew Architectural Design Services) for the enlargement of an existing irrigation pond and the removal from site of extracted minerals (sand and gravel) for treatment at Bede Farm, Cross Keys Lane, Coningsby.

The existing irrigation pond is approx. 40 metres long by 30 metres wide and 3.5 metres deep and is a seepage reservoir meaning that it is filled from the ingress of underlying groundwater when the water table is high. It is proposed to extend the pond northwards by 40 metres so as to double the footprint of the existing pond to 2,400 square metres. The extended pond would increase the holding capacity of the existing pond allowing additional irrigation water to be stored to support the growing of vegetables such as leeks and root crops on the applicants farmholding.

The main issues to be considered in the determination of this application are whether the applicant has demonstrated a proven need for an extended irrigation pond of this size and holding capacity; whether the design of the reservoir is "fit for purpose", and whether removal of the minerals from the site and impacts associated with the development would have a significant detrimental and unacceptable adverse impact on the environment and amenity of nearby residents.

Having assessed the information contained within the application, whilst the need and justification for an enlarged irrigation pond and its design and size appear reasonable given its intended purpose, the applicant has failed to demonstrate that an abstraction licence has been granted which would allow the volume of water required to fill the extended pond to be taken from the underlying groundwater. Without an appropriate abstraction licence in place, the applicant has failed to demonstrate compliance with criterion (iii) of Policy M14 which is a key pre-requisite requirement that needs to be met. Failure to have met this policy therefore means the applicant has also failed to demonstrate the proposal is fully compliant with the aims and objectives of the NPPF or DM1, DM2 and DM16 of the CSDMP which seeks sustainable development, and which require development to demonstrate that it would not have an unacceptable impact on ground waters.

Recommendation:

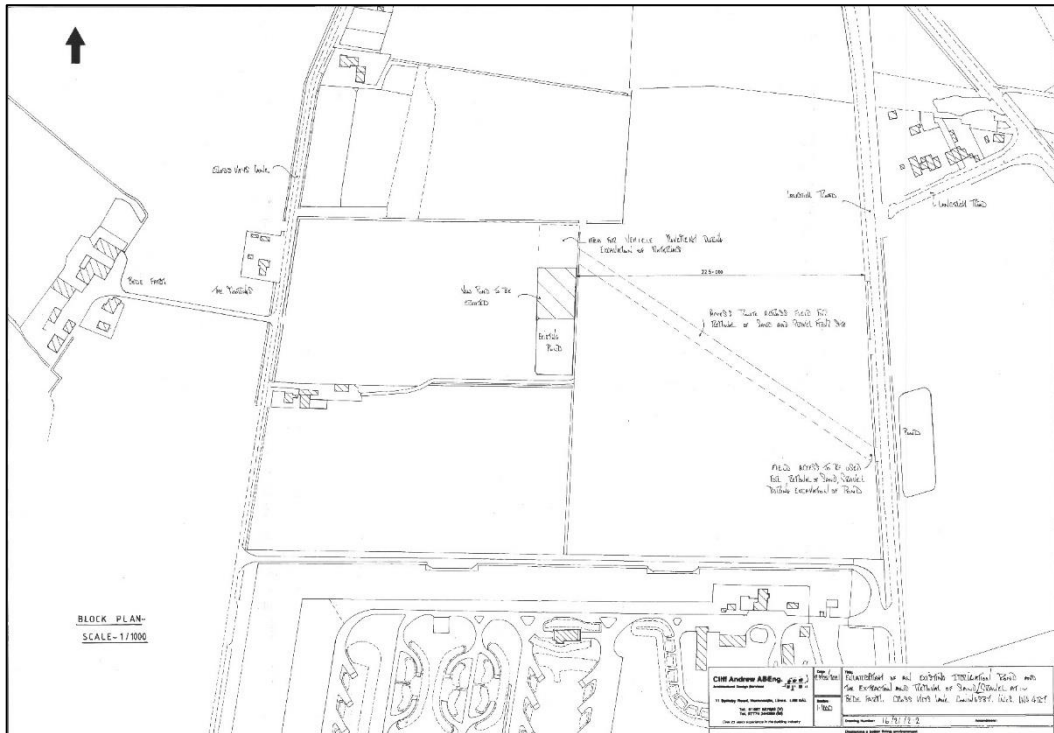
Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that planning permission be refused.

Background

1. In March 1991 the Mineral Planning Authority granted planning permission to construct an irrigation pond in the field adjacent to the current application site (ref. E/2100/90) however there is no evidence this pond was ever constructed in the location identified. There is however an existing irrigation pond that adjoins the current proposal site which has been established for several decades and benefits from an abstraction license issued by the Environment Agency. The applicant is proposing to extend the existing irrigation pond and seeking to remove and export the extracted underlying mineral off the farm holding. Planning permission is therefore required as the export of minerals constitutes a 'county matter' and so the application has been made to the Mineral Planning Authority for determination rather than the District Council.

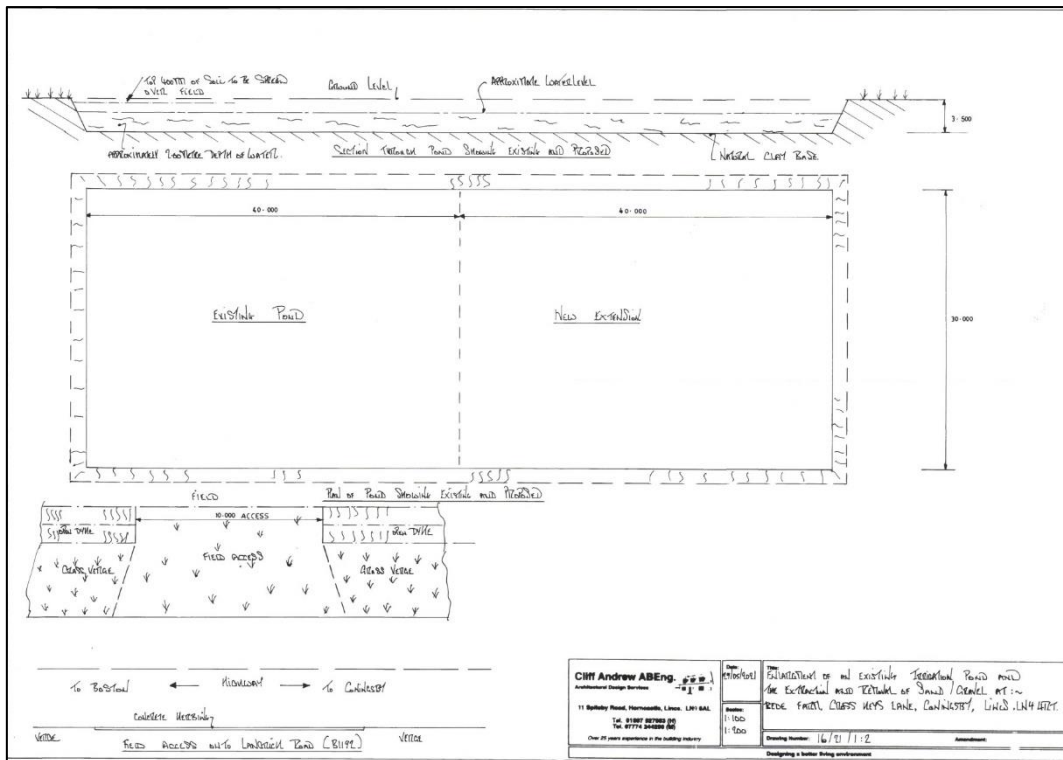
The Application

2. Planning permission is sought for the enlargement of an existing irrigation pond and the removal from site of extracted minerals (sand and gravel) for treatment at Bede Farm, Cross Keys Lane, Coningsby, Lincolnshire. The existing pond is approx. 40 metres long by 30 metres wide and 3.5 metres deep and is a seepage reservoir meaning that it is filled from the ingress of underlying groundwater when the water table is high. The sides of the pond are clay lined to prevent water escaping and the applicant has an existing abstraction licence from the Environment Agency which permits its current use.



Site Plan

3. This proposal seeks to extend and enlarge the existing pond and the application site, including temporary construction access road, cover an area of 0.5 hectares. It is proposed to extend the pond northwards by 40 metres so as to double the footprint of the existing pond to 2,400 square metres. The overlying topsoil/subsoil (approx. 400mm) would be removed and redistributed across the adjoining field that is also in the ownership of the applicant. The pond would then be excavated to a depth of 3.5 metres (to match the existing) with the underlying sand and gravel being extracted and exported off site 'as raised' for processing elsewhere by a third party/aggregate company. It is estimated that approximately 4,200m³ or 6,300 tonnes of sand and gravel would be removed from site. The water level of the finished pond would be approximately 2 metres as the height of the winter water table is 1.5 metres below ground level. The slopes of the pond would be 3 degrees off the vertical and, like the existing pond, the sides of the extension would be clay lined to prevent water escaping through the sides. The existing abstraction licence issued by the Environment Agency (EA) would require an amendment to allow for the additional water holding capacity created by this enlargement/extension and the applicant confirms that an application seeking a licence has been submitted to the EA.



Pond Details and Section Plan

4. The applicant states the extended pond would be used to store water that would be used to irrigate crops grown on their farm holding. The farm holding extends to 17.5 hectares of land surrounding irrigation pond with a further 12 hectares located to the west of Cross Keys Lane. The applicant current grows sugar beet, carrots, and potatoes on 8.5 hectares of their land however the increasing demands for water cannot be met by the existing pond and a larger pond would enable the applicant to grow an increased variety of crops including leeks and brassicas and thereby deliver increased yields of high-quality vegetables.

5. It is estimated that it would take a total of four weeks to fully complete the development. Hours of work would be limited to daytime hours only between 0800 and 1700 hours with the extraction of mineral taking place over a two to three week period by a local aggregate company (dependant on weather conditions). A temporary haul route would be laid to the existing field entrance allowing access onto/off the B1192. This field entrance measures 10.0 metres in width and is flanked by a highway verge, with an existing culvert over a drainage ditch. There is unobscured visibility in both directions and the surface of the field entrance is currently compacted hardcore suitable for agricultural vehicles. In order to accommodate the HGV and construction equipment a temporary track would be laid using matting to reinforce the surface and to prevent mud and debris being deposited on the highway.

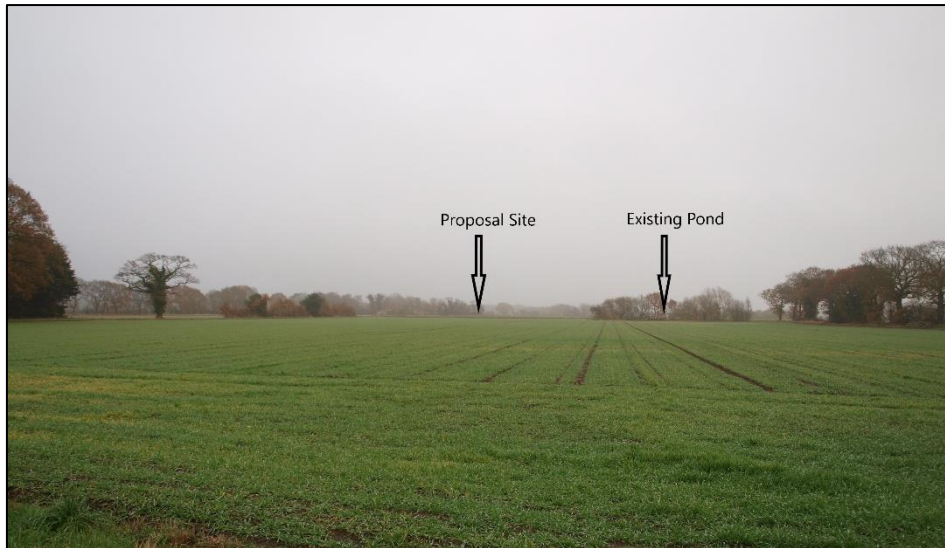


Photo view south from existing field entrance onto Langrick Road

6. The applicant states that contractors would liaise with the Highway Authority to ensure that correct signage is used, and no excavated sand and gravel would be stored at the site with all excavated material being removed by HGV for processing elsewhere. It is estimated that there would be approximately 40 lorry loads (80 two-way movements) per day during the extraction phase.
7. Finally, the existing pond and waterbody has been allowed to naturalise with established reeds beds and surrounding vegetation including mature trees. It is not proposed to damage or remove these during the construction works, rather this proposal seeks to increase the biodiversity interest in and around the site with an intention to retain the existing vegetation and to propagate reed beds into the extended pond. No landscape screening is proposed as the visual impact of the extension would not give rise to any adverse effects given the distance of the site from external views and as no raised earth banks are considered necessary.

Site and Surroundings

8. The site lies centrally between Cross Keys Lane to the west and B1192 to the east and is surrounded by agricultural land growing both grain and vegetables.



View from Cross Keys Lane Extent of existing and proposed ponds

9. The site is approximately 225.0 metres distant from either road. The proposed extension to the pond would be constructed to the north.



Photo View across existing pond to site beyond

10. A Public Right of Way Conb/228/2 runs east/west 130 metres to the north of the proposal site and is wholly screened from the site by the existing mature native hedgerow along the northern field boundary. The flat fenland landscape is characterised by a network of drainage ditches and native species hedgerows interspersed by mature trees and copses of trees and isolated farmsteads. The nearest residential property is a bungalow approximately 200 metres to the

southwest of the existing pond. The site does not lie within Flood Zone 1 and the proposal site is less than 1 hectare in area.

11. The site lies within the Impact Risk Zone of the Site of Special Scientific Interest being Troy Wood approximately one kilometre to the east. There is a Site of Nature Conservation Interest (SNCI) approximately 250 metres to the south and within a fenced secure compound ancillary to RAF Coningsby which lies further to the south and west of the proposal site.

Main Planning Considerations

Planning Policy Context

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

Paragraphs 7 to 11 (Achieving sustainable development) advises that LPAs should approve development proposals that accord with an up-to-date development plan without delay; or 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.

Paragraphs 110 & 111 (Considering development proposals) In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraphs 119 & 120 (Making effective use of land) Planning policies and decisions should promote in effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Planning policies and decisions should recognise that some undeveloped land can perform many functions, such as for wildlife,

recreation, flood risk mitigation, cooling/shading, carbon storage or food production.

Paragraphs 174 & 179 (Conserving and enhancing the natural environment)
Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 180 (Habitats and biodiversity) when determining planning applications, local planning authorities should apply the following principle - development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.

Paragraph 187 (Ground conditions and pollution) the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, 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 199 & 202 (Proposal affecting heritage assets) when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraphs 209 & 211 (Facilitating the sustainable use of minerals) it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings,

energy, and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation. When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health, or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality. Provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.

Paragraph 218 & 219 (Annex 1: Implementation) the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which the Framework has made. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Annex 3: Flood risk vulnerability classification.

Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (CSDMP) 2016. Of relevance in this case are the following policies:

Policy M11 (Safeguarding of Mineral Resources) seeks to protect mineral resources (including sand and gravel) from permanent sterilisation from other development. Applications for non-minerals development in a minerals safeguarding area will be granted provided that it would not sterilise mineral resources or prevent future minerals extraction on neighbouring land.

Policy M14 (Irrigation Reservoirs) states that planning permission will be granted for new or extensions to existing irrigation reservoirs that involve the extraction and off-site removal of minerals where it can be demonstrated that:

- there is a proven agricultural justification for the reservoir; and
- the need can be met by an irrigation facility; and
- an abstraction licence has been granted by the Environment Agency; and
- the design is fit for purpose; and
- the environmental impacts of removing material off-site would be less than constructing an above ground facility; and
- the proposals accord with all relevant Development Management Policies set out in the Plan.

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

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

- Identify locations which reduce distances travelled by HGVs in the supply of minerals and the treatment of waste, unless other environmental/sustainability and, for minerals, geological considerations override this aim.
- Encourage ways of working which reduce the overall carbon footprint of a mineral site;
- Promote new/enhanced biodiversity levels/ habitats as part of restoration proposals to provide carbon sinks and/or better connected ecological networks;
- Encourage the most efficient use of primary minerals.

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).

Where unacceptable impacts are identified, which cannot be addressed through appropriate mitigation measures, planning permission will be refused.

Policy DM4 (Historic Environment) states that proposals that have the potential to affect heritage assets including features of historic or archaeological importance should be assessed and the potential impacts of the development upon those assets and their settings taking into account and details of any mitigation measures identified.

Policy DM6 (Impact on Landscape) planning permission will be granted for minerals and waste development provided that due regard has been given to the likely impact of the proposed development on landscape and townscape, including landscape character, valued or distinctive landscape features and elements, and important views.

Policy DM8 (Nationally Designated Sites of Biodiversity and Geological Conservation Value) states that planning permission will be granted for developments on or affecting such sites (e.g., SSSI's and Ancient Woodland) provided it can be demonstrated that the development, either individually or in combination with other developments, would not conflict with the conservation,

management, and enhancement of the site to have any other adverse impact on the site.

Policy DM9 (Local Sites of Biodiversity Conservation Value) planning permission will be granted for minerals and waste development on or affecting locally designated sites {including Local Wildlife Sites and their predecessors: Sites of Nature Conservation Importance; County Wildlife Sites; Local Nature Reserves; Critical Natural Assets), sites meeting Local Wildlife Site criteria and undesignated priority habitats identified in the Lincolnshire Biodiversity Action Plan, provided that it can be demonstrated that the development would not have any significant adverse impacts on the site.

Policy DM11 (Soils) proposals for minerals and waste development should protect and, wherever possible, enhance soils.

Policy DM12 (Best and Most Versatile Agricultural Land) proposals for minerals and waste development that include significant areas of best and most versatile agricultural land will only be permitted where it can be demonstrated that:

- no reasonable alternative exists; and
- for mineral sites, the site will be restored to an after-use that safeguards the long-term potential of the best and most versatile agricultural land.

Policy DM13 (Sustainable Transport Movements) proposals for minerals and waste development should seek to minimise road-based transport and seek to maximise where possible the use of the most sustainable transport option.

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.

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 DM16 (Water Resources) planning permission will be granted for minerals and waste developments where they would not have an unacceptable impact on

surface or ground waters and due regard is given to water conservation and efficiency.

Policy R1 (Restoration and Aftercare) proposals must demonstrate that the restoration of mineral workings and landfill operations will be of high quality and carried out at the earliest opportunity.

Policy R2 (After-use) the proposed after-use should be designed in a way that is not detrimental to the local economy and conserves and where possible enhances the landscape character and the natural and historic environment of the area in which the site is located.

After- uses should enhance and secure a net gain in biodiversity and geological conservation interests, conserve soil resources, safeguard the potential of the best and most versatile agricultural land, and decrease the risk of adverse climate change effects. Such after-uses could include agriculture, nature conservation, leisure, recreation/ sport, and woodland.

East Lindsey Local Plan (ELLP) (2018) - of relevance in this case are the following policies:

Policy SP10 (Design) the Council will support well-designed sustainable development, which maintains and enhances the character of the District's towns, villages and countryside

Policy SP11 (Historic Environment) the Council will support proposals that secure the continued protection and enhancement of heritage assets in East Lindsey, contribute to the wider vitality and regeneration of the areas in which they are located and reinforce a strong sense of place.

Policy SP22 (Transport and Accessibility) supporting development which is shown to link with the existing road and public transport systems operating within the District.

Policy SP23 (Landscape) the District's landscapes will be protected, enhanced, used and managed to provide an attractive and healthy working and living environment. Development will be guided by the District's Landscape Character Assessment and landscapes defined as highly sensitive will be afforded the greatest protection. The Council will ensure that the distinctive character of the District's landscapes whether they are of cultural, natural or historic significance, will not be compromised.

Policy SP24 (Biodiversity and Geodiversity) development proposals should seek to protect and enhance the biodiversity and geodiversity value of land and buildings and minimise fragmentation and maximise opportunities for connection between natural habitats. Where new habitat is created it should, where possible, be linked to other similar habitats to provide a network of such sites for wildlife.

Lincolnshire Minerals and Waste Local Plan Review (Issues and Options) – work has begun on replacing the current Lincolnshire Minerals & Waste Local Plan with an ‘Issues and Options’ paper and ‘Call for Sites’ consultation having recently been carried out. Given the review is at an early stage of preparation and no draft policies or preferred allocated sites have yet been identified, this can be given very little weight at this stage.

Results of Consultation and Publicity

13. (a) Natural England – has no objection based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England’s has provided an Informative relating to generic advice on other natural environment issues.
- (b) Environment Agency (EA) – has no objection to the application but has advised that to fill and/or maintain the extended pond the applicant will need to apply for an increase to the current abstraction licence. It is added that there is no guarantee that a licence will be granted.
- (c) Highway and Lead Local Flood Authority (Lincolnshire County Council) – has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.
- (d) Lincolnshire Police (Designing out Crime) – do not have any objections to this application.
- (e) Ministry of Defence (Safeguarding RAF Coningsby) – has no statutory safeguarding objection
- (f) Cadent – has no objection but provided an informative relating to their assets in the vicinity of the application site.
- (g) Western Power – has no objection but provided an informative relating to their assets in the vicinity of the application site
- (h) Historic Places Quarries (Lincolnshire County Council) – has no objection and commented that the application makes no reference to any assessment of the impact the development will have on heritage assets as required by the NPPF. That said, there is no indication that archaeological features will be harmed by this development. Also, the setting of listed buildings in the vicinity will not be harmed.
- (i) Local County Council Member – Councillor T Ashton is a member of the Planning and Regulation Committee and therefore reserves his position on the application until the Committee date.

The following bodies/persons were consulted on the application on 08 December 2021. No comments or response had been received within the statutory consultation period or by the time this report was prepared:

Coningsby Town Council
Environmental Health Officer (East Lindsey District Council)
Public Health (Lincolnshire County Council)
Health and Safety Executive (Quarries)
Lincolnshire Fire and Rescue
Lincolnshire Wildlife Trust
Arboricultural Officer (Lincolnshire County Council)

14. The application has been publicised by notices posted at the gate to the field on Cross Keys Lane and near the proposed access on the B1192 and in the local press (Skegness Standard and News on 15 December 2021). No representations have been received as a consequence of the publicity.

District Council's Recommendations

15. East Lindsey District Council has no objection in principle subject to there being no harm to biodiversity and encourage additional landscaping to help integrate the development within the wider, rural surrounding, and highlights concerns is undertaking work during the winter resulting mud on the highway. It is advised that an Informative be included that remediation to widen the existing farm access to serve would require separate planning permission.

Conclusions

16. The main issues to be considered in the determination of this application are whether the applicant has demonstrated a proven need for an extended irrigation pond of this size and holding capacity; whether the design of the reservoir is "fit for purpose", and whether removal of the minerals from the site and impacts associated with the development would have a significant detrimental and unacceptable adverse impact on the environment and amenity of nearby residents.

Agricultural justification and need for an irrigation facility

17. The sand and gravel to be extracted would be incidental to the creation of the extended pond and so are not the primary purpose or driver for this development. As a result, the policies contained in the CSDMP which usually apply when considering applications for new sand and gravel workings (namely Policies M1, M2 and M3) are not applicable in this case. Instead, Policy M14 of the CSDMP applies as this specifically relates to proposals for irrigation reservoirs where the extraction and export of minerals is proposed, and this policy sets out the criteria that must be met if proposals are to be supported.

18. The proposed extension/enlargement of the existing pond would increase its overall holding capacity allowing more water to be stored and retained for irrigating the applicant's surrounding farmland. The applicant states that the farmholding is cropped mainly for root crops, including potatoes, carrots, and sugar beet and that they are looking to increase crop varieties by introducing leeks and brassicas in the future. In recent years the demand for irrigation water has increased because of climate change and drier summers and the capacity of the current irrigation pond is no longer sufficient to meet current demands and insufficient to meet the water requirements needed to produce high quality vegetables over a wider area of land. An extension to the existing pond would therefore enable more water to be abstracted during the winter months so that this can be stored for use during the summer months when the pressure on water resources is greatest.
19. The applicant has not provided any detailed or quantitative evidence or information to support the water consumption requirements and demand of existing/future crops however it is accepted that crops such as sugar beet and potatoes require high volumes of water. In this case the farmholding where the crops are to be grown is relatively small (less than 30 hectares in size) and the irrigation pond, when extended, would have a holding capacity of less than 4,800m³. Given the current and future crop types and farmholding size, the need for, and additional holding capacity created by, the extended pond seems reasonable and reflective of the reasons given as the basis and justification for this development. Therefore, in principle at least, I am satisfied that criterion (i) and (ii) of Policy M14 have been met.
20. Criterion (iii) of Policy M14 of the CSDMP requires all new and extended irrigation reservoirs to demonstrate that an abstraction licence has been granted by the Environment Agency before permission is granted. This is purposefully a pre-requisite requirement to ensure that planning permission is only granted for irrigation reservoirs/ponds (where mineral extraction and export is proposed) where they have consent to be filled and so reducing the risk that such proposals are simply a pretence for the working of unallocated mineral reserves. Given the relatively small volume of mineral identified to be extracted and exported by this development, Officers are content that the main driver for this proposal would appear to genuinely be for irrigation purposes rather than being a guise for mineral extraction itself. However, Policy M14 still requires that an abstraction licence be in place if a proposal is to be compliant with this policy. Whilst the Environment Agency has confirmed there is an existing abstraction license in place which allows water to be extracted and stored in association with the current pond, a variation to this licence would be required to allow the additional volume of water required to fill the proposed extended pond. The applicant has advised such an application has been made however this has not been granted and so has failed to demonstrate compliance with this criterion. The planning application for this development was submitted and received by the Mineral Planning Authority in September 2021 and so it has now been over 12 months since the application was first submitted. Given the absence of an appropriate abstraction licence (or any

evidence to suggest this is forthcoming) it is uncertain whether consent would be given to abstract the volumes of water required to fill the larger pond. As the construction of the extended pond involves the extraction and export of mineral then the justification and need for the development needs to be considered more carefully and therefore without an appropriate abstraction licence in place, there is no need to create a larger pond or to extract the mineral as proposed. As a result, the applicant has failed to demonstrate compliance with criterion (iii) of Policy M14 which is a key pre-requisite requirement that needs to be met. Failure to have met this policy therefore means the applicant has also failed to demonstrate the proposal is fully compliant with the aims and objectives of the NPPF and or in accordance with Policy M14, DM1, DM2 and DM16 of the CSDMP which seeks sustainable development, and which require development to demonstrate that it would not have an unacceptable impact on ground waters and due regard is given to water conservation and efficiency.

Design

21. Policy M14 also requires a development to demonstrate that: the design of the reservoir is fit for purpose; that the environmental impacts of removing material off-site would be less than constructing an above ground facility; and the proposals accord with all relevant Development Management Policies set out in the Plan.
22. In terms of design, the proposed pond extension would be excavated to reflect that of the existing pond with steep sides and utilise underlying clays to seal the sides to contain the irrigation water at a level equal to that of the natural surrounding water table. The excavated mineral would not be stockpiled or processed at the site and instead would be removed from site 'as raised' by a local aggregates company. The construction of the pond would not require the retention of the soils as no bunds are proposed and so the development would not result in the creation of any above surface structures or alien features within an otherwise flat landscape which is characterised by native species hedgerows interspersed with trees and drainage ditches. The stripped soils would not be removed from the farmholding but instead spread and distributed over the adjoining farmland to enhance the existing soil condition and structure. The MoD has confirmed that there are no safeguarding (bird strike zone) objections to this proposal and no objections have been received from any of the other consultees in respect of the overall size, scale, design or appearance of the extended pond. I am therefore satisfied that the design, size and capacity of the extended pond seem reasonable and not excessive given its intended purpose and so would be "fit for purpose" and meet criterion iv and v of Policy M14 and would also not broadly comply with Policy DM3, DM4, DM6, DM11, DM12 and DM16 of the CSDMP as well as Policies SP10, SP11 and SP24 of the ELLP that seek to preserve the historic and landscape character, best and most versatile soil and water resources of the district through good design and practices.

Environment and Amenity Considerations

Natural Environment

23. The existing pond and waterbody contains established reed beds and these are to be retained and propagated in order to increase biodiversity interest in the extended pond. Following construction, the periphery of the pond would be seeded with a wildflower mix and this would increase the existing value of the agricultural field. Natural England do not consider that the proposal poses an unacceptable risk to Troy Woods SSSI which is located 1 kilometre to the east and as the pond would be allowed to naturalise over time, it would not only have a functional role as an irrigation pond but also create new and extended biodiversity interest and habitat and so reflect the wider objectives of the NPPF and Policies DM6, DM8 and DM9, R1 and R2 of the CSDMP and Policies SP23 and SP24.

Highways

24. Following the provision of additional information requested by the Highway and Lead Local Flood Authority, the Highways Officer has raised no objection but has commented that the construction phase of the excavation has the potential to result in the deposit of debris on the highway. However, given that the proposal is for a limited period and the use of track matting is proposed, this would protect the road infrastructure at the existing field entrance and ameliorate the potential for mud being tracked into the highway. The comments of East Lindsey District Council are noted however this proposal does not seek to make any permanent changes to the existing field entrance and should planning permission be approved then conditions could be imposed to secure the use of track matting, and which imposes a requirement that debris and mud should not be deposited on the highway. Subject to such conditions the development would be considered acceptable from a highways perspective and therefore compliant with Policies DM2 and DM14 of the CSDMP and would not compromise or conflict with Policy SP22 of the ELLP.

Historic Environment

25. Whilst the application is not supported by any formal statement or assessment relating to archaeology or the historic environment, the Historic Environment Team has commented that there is no indication that archaeological features would be harmed by this development and that the setting of listed buildings in the vicinity would not be harmed. It is therefore considered that the proposal meets the aims and objectives of the NPPF and Policy DM4 of the CSDMP and would not conflict with or compromise Policy SP11 of the ELLP which seeks to secure the continued protection and enhancement of heritage assets in East Lindsey.

Final Conclusion

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
27. Planning permission is sought to extend an existing irrigation pond in order to increase its holding capacity so that additional water supplies can be stored to help support the growth of a wider range of vegetable crops on the applicants farmholding. Whilst the justification for an enlarged irrigation pond and its general design and size appear reasonable, the applicant has not been granted an abstraction licence which would allow the volume of water required to fill the extended pond to be taken from the underlying water environment. As the construction of the extended pond involves the extraction and export of mineral the Mineral Planning Authority requires evidence that an appropriate abstraction licence is in place before permission will be granted. Without this there is no guarantee a larger pond could be filled and used as intended and therefore no need to create a larger pond or extract the mineral as proposed. As a result, the applicant has failed to demonstrate compliance with criterion (iii) of Policy M14 which is a key pre-requisite requirement that needs to be met. Failure to have met this policy therefore means the applicant has also failed to demonstrate the proposal is fully compliant with the aims and objectives of the NPPF and or in accordance with Policy M14, DM1, DM2 and DM16 of the CSDMP which seeks sustainable development, and which require development to demonstrate that it would not have an unacceptable impact on ground waters and due regard is given to water conservation and efficiency.

Human Rights Implications

28. 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.

RECOMMENDATIONS

That planning permission be refused for the following reasons:

1. The proposed development would extend an existing pond that acts as an irrigation reservoir serving the applicants farmholding. Whilst the justification for an enlarged irrigation pond and its general design and size appear reasonable, the

applicant has not been granted an abstraction licence which would allow the volume of water required to fill the extended pond to be taken from the underlying water environment. As the construction of the extended pond involves the extraction and export of mineral the Mineral Planning Authority requires evidence that an appropriate abstraction licence is in place before permission will be granted. Without this there is no guarantee a larger pond could be filled and used as intended and therefore no need to create a larger pond or extract the mineral as proposed.

2. Without an appropriate abstraction licence in place, the applicant has therefore failed to demonstrate compliance with criterion (iii) of Policy M14 which is a key pre-requisite requirement that needs to be met. Failure to have met this policy therefore means the applicant has also failed to demonstrate the proposal is fully compliant with the aims and objectives of the NPPF or DM1, DM2 and DM16 of the Core Strategy and Development Management Policies (2016) which seeks sustainable development and which require development to demonstrate that it would not have an unacceptable impact on ground waters and due regard is given to water conservation and efficiency.

Informatives

Attention is drawn to:

- (i) Environment Agency letter dated 23 December 2021 Ref: AN/2021/132577/01-L01
- (ii) Natural England letter dated 20 December 2021 Ref: 377581
- (iii) Cadent e-mail dated 07 December 2021 Ref: 24103045
- (iv) Western Power letter dated 07 December 2021 Ref: 24103045
- (iv) East Lindsey District Council letter dated 28 January 2022 Ref: S/035/02549/21
- (v) In dealing with this application the Mineral Planning Authority has worked with the applicant in a positive and proactive manner seeking further information to address issues identified and enhancements to the proposal and processed the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

Appendix

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

Background Papers

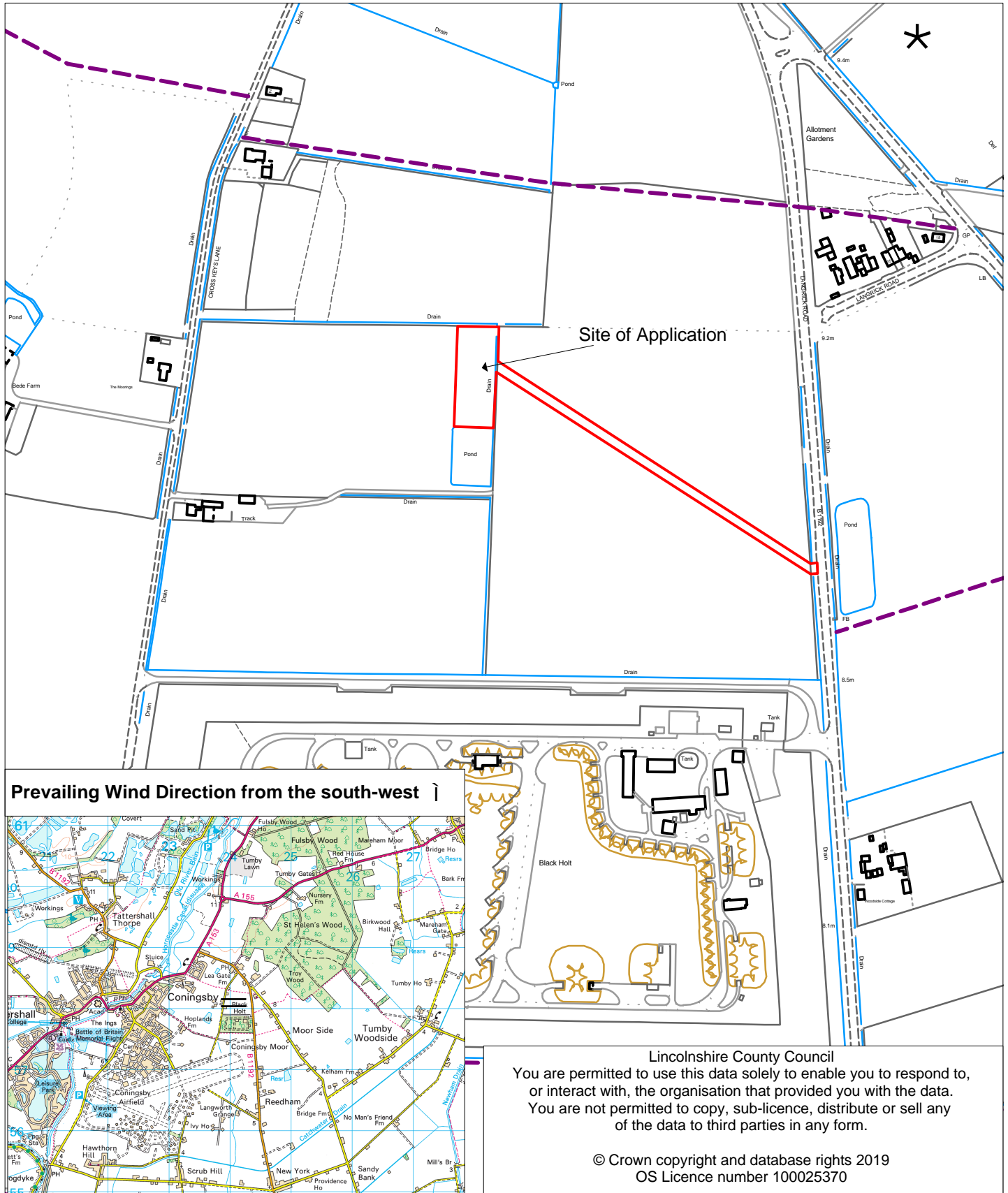
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File S/035/02549/21	Lincolnshire County Council's website https://lincolnshire.planning-register.co.uk/
National Planning Policy Framework (2021)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan (2016) Lincolnshire Minerals and Waste Local Plan Review (Issues and Options)	Lincolnshire County Council's website www.lincolnshire.gov.uk
East Lindsey Local Plan (2018)	East Lindsey District Council's website www.e-lindsey.gov.uk

This report was written by Felicity Webber, who can be contacted on 01522 782070 or dev_planningsupport@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 07 NOVEMBER 2022



Location:
Bede Farm
Cross Keys Lane
Coningsby

Application No: S/035/02549/21
Scale: 1:2500

Description:

For the enlargement of an existing irrigation pond and the removal from site of extracted minerals (sand and gravel) for treatment

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

Report to:	Planning and Regulation Committee
Date:	13 February 2023
Subject:	County Matter Application - H08-1150-22

Summary:

Planning permission is sought by Mr E Elfkey (Agent: JB Architectural Design Services) for change of use of redundant courier/transportation business to car dismantling business at The Old Ship Inn, Beck Bank, Gosberton Clough, Spalding.

The application site forms part of a larger plot of land previously occupied solely by the Old Ship Inn public house. The previous pub building is a residential dwelling whilst the land and buildings to the north (subject of this application) appear to have been used by the former owner/occupier to run a transportation/motor engineering business. There are a number of vehicles shells, scrap metal and wastes present on the site which remain from the previous use. The site has is now in new ownership and this proposal is seeking permission to use the land and existing buildings falling within the application site as an 'end of life' (ELV), de-pollution and dismantling facility.

All dismantling/de-pollution operations would take place undercover with end-of-life vehicles (pre-treatment and de-polluted) being stored externally within the yard. As part of the development infill landscape planting and fencing is proposed around the site boundaries with access into the site from the adjoining Old Ship Inn dwelling therefore being closed off. Sole access to the site would be from the existing gated access onto B1397.

The main issues to consider are whether the proposed operations are acceptable within this location and whether they can be carried out without having any significant adverse environmental or amenity impacts.

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.

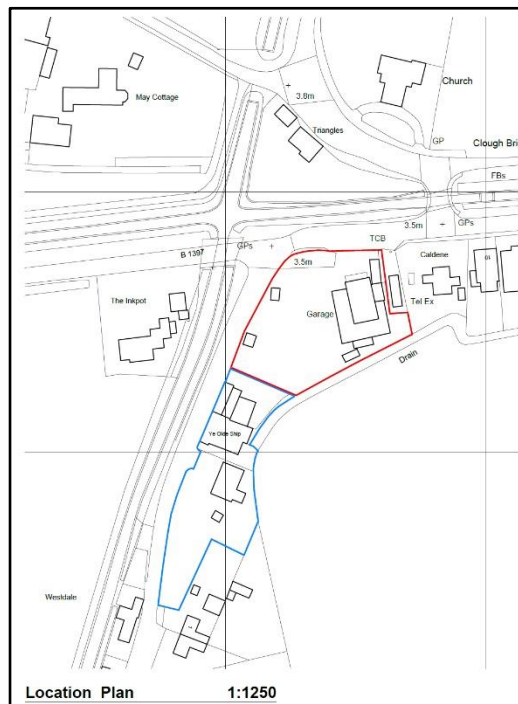
Background

1. This application relates to part of a larger plot of land previously occupied solely by the Old Ship Inn public house. The previous pub building was converted into a residential dwelling many years ago and the yard and existing buildings lying to the north (subject of this application) were both owned/occupied by the previous owner. The yard/buildings appear to have been used by the former owner to run a transportation/motor engineering business and latterly a similar use to that now proposed although there does not appear to be any planning permission in place to have permitted this use. The residential dwelling (previously the Old Ship Inn) and yard/buildings have now been sold but remain in the ownership of a single landowner and the applicant is seeking permission to use and operate an end-of-life vehicle dismantling operation from the yard/buildings.

The Application

2. Planning permission is sought for the change of use of a redundant courier/transportation business to a car dismantling business at The Old Ship Inn, Beck Bank, Gosberton Clough, Spalding. The application site comprises of an area of yard and existing buildings that have been described as having previously been used as a courier/transportation business, however, planning records show no evidence of planning permission, or a certificate of lawfulness having been issued which authorises this use. Notwithstanding this, it is apparent that the buildings and yard have been in used/existed for a number of years and there are a number of remnant and redundant car shells currently on the site and within the building which remain from a previous use. The site is otherwise vacant and non-operational.

A plan identifying the shape and location of the land is below:



Site operations and activities

- This proposal is seeking permission to use the land and existing buildings falling within the application site as an 'end of life' (ELV), de-pollution, dismantling, packaging and export facility. It is proposed that up to five vehicles per week would be handled at the site. Vehicles would be delivered to the site where they would be stripped and processed to recover reusable car parts which would be temporarily stored on site prior to being exported for reuse/resale abroad approximately once every 3-4 weeks - subject to the size and number of usable/recoverable parts. The remaining vehicle shells and any scrap metal would also be taken off site for treatment elsewhere.
- Upon delivery to the site the ELVs would be stored on an existing impermeable hardstanding situated in the southern confines of the site for a short period of time. All de-pollution activities would be carried out within the existing garage building using a lift ramp. The existing garage building has a concrete floor and all of the liquids (e.g. brake fluid, fuel, oils and coolants) would be drained, removed and stored in separate containers in a newly built brick bunded area. These would later be removed by a licensed operator as and when required and in accordance with the appropriate Environment Agency Permit/Licence. Once de-polluted the vehicles would be moved into the designated dismantling area which is also within the existing building where they would then be stripped of parts and dismantled using low impact hand and power tools. Tyres removed from the vehicles would be stored in a designated area of the building ready for collection by a licensed operator. All usable parts removed would be wrapped and transferred to the storage areas within the building ready for loading onto a shipping container using a forklift truck. Remaining bodysells of depolluted and dismantled vehicles would be temporarily taken outside and stored on the impermeable hardstanding to the west of the site ready for removal off-site to a scrapyard.



Block Plan

Hours of operation

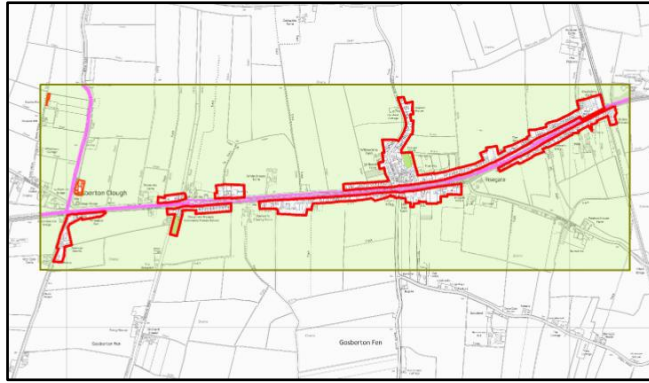
5. The proposed hours of operation are between 0800 and 1700 hours Monday to Friday and between 0800 and 1300 hours on Saturdays. The site would not be open or operate on Sundays and on Bank/Public Holidays and would not be open to the public.

Amenity and Environment Impacts

6. The applicant submits that the impact of the vehicle dismantling operations would be limited due to the scale and low intensity of the site operations and given the equipment to be used would be limited to low impact hand and mechanical tools only. Visually, the site is well screened from public vantage points to the north, east and south with existing hedgerows which would be retained. As part of this proposal a new 2.0m high, galvanised steel palisade security fence is proposed to be erected around the southern, south western, western and northern boundaries of the site along with the planting of additional native shrubs and trees to infill an existing gap within the existing boundary treatment which would help to further screen operations.
7. Access to and from the site would be gained via the existing access which fronts onto the B1397 which is currently used by mixed traffic including heavy agricultural machinery and HGV's including those based at nearby transport, agricultural tyre sales & timber sales businesses. The applicant argues that there is good visibility in both directions when exiting the site and that the applicant intends to widen the existing gateway to accommodate a sliding 9m wide entrance gate to further aid entry & exit from the site.
8. In terms of traffic movements, these are expected to be small in number and likely lower than that associated with the former use. As a result, it is argued that this proposal would be unlikely to have an adverse impact on the function or safety of the highway network.

Need

9. The applicant states that this proposal would develop a vacant previously developed, brownfield site which lies within the defined settlement boundary of Gosberton Risegate and Clough (as identified on Inset Map No 42 of the South East Lincolnshire Local Plan).



10. The applicant proposes to develop this site as they have been unable to find a suitable site in the local main urban areas due to the space constraints of those that were available and high rental costs associated with them. It is added that due to the nature and scale of the business, sites in an urban area would not be economically viable for the business to be profitable and having previously worked for a similar successful business in the Peterborough area, the applicant states the agricultural nature of the wider area means it is well located as it gives access to a large network base from which to source vehicles including agricultural vehicles including 4x4's & pickups. Due to the size and nature of the business, which relies on a constant and steady turnaround of vehicles, parts and associated waste products, the applicant does not anticipate any long term storage on site and no permanent disposal of wastes on site. As a result, like the previous businesses which operated from the site, the applicant argues that the proposed use/operations are acceptable in this location and can be carried out without having any significant adverse environmental or amenity impacts.

Site and Surroundings

11. The proposal site covers an area of land extending 0.25ha and is positioned at the junction of Beck Bank and the B1397 in Gosberton Clough. Gosberton Clough is located approximately 3 miles west/south/west from the in the civil parish of Gosberton, 30 miles south-east of the city of Lincoln and 5 miles north of Spalding. The site is located within the defined settlement boundary of Gosberton Risegate and Clough and is surrounded by agricultural land with a number of residential properties located nearby. The vast majority of the proposal site lies within Flood Zone 1 with a small strip along the southern boundary falling within Flood Zone 3.
12. The site comprises of a yard and steel framed building clad with corrugated steel sheeting which has 3 metal roller shutter doors on the front (western) elevation which give access to bays/work spaces. This building is proposed to be used to carry out the ELV depollution and dismantling activities. The external yard is currently being used for the storage of old vehicles and car parts. The sites northern boundary is formed with a 2m wooden fence and gate with some established trees and hedgerow. The eastern boundary is formed with mature hedgerow whilst the southern boundary is formed with 2m high corrugated sheets. The western boundary is formed with a steel fence with fallen corrugated panels.

There is currently no boundary separation between the application site and the residential dwelling (former Old Ship Inn) which lies to the south west of the proposed site.



13. The former Old Ship Inn (now a residential property) forms part of the original site and adjoins the southern boundary of the proposal site. This property, along with a former annex/building once linked and associated with this dwelling, are owned by the same landowner as the proposal site. Other residential properties include those on the opposite side of the road from the property on Beck Bank to the west (approximately 30m from the boundary of the proposal site and the dwelling, increasing to 60m from building to building); on the opposite side of the B1397 to the north (approximately 35m from the boundary of the proposal site, increasing to 45m from building to building) and; to the east (approximately 15m between the rear of the ELV building and dwelling) with an existing mature planting/shrub belt and telephone exchange building lying in between.

Main Planning Considerations

Planning Policy Context

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy DM15 (Flooding and Flood Risk) - states that proposals for minerals and waste developments will need to demonstrate that they can be developed without increasing the risk of flooding both to the site of the proposal and the surrounding

area, taking into account all potential sources of flooding and increased risks from climate change induced flooding. Minerals and waste development proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations. Development that is likely to create a material increase in the risk of off-site flooding will not be permitted.

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

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

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

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

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

Policy 4 (Approach to Flood Risk) - sets out the criteria to be applied when considering the impact of development to and from flooding. It states that development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk

Assessment) application must be supported by a site-specific flood risk assessment, covering risk from all sources of flooding including the impacts of climate change. The Flood Risk Assessment should demonstrate the location of the development meets the Sequential Test and demonstrate that the vulnerability of a proposed use is compatible with the relevant flood zone. It also states that appropriate drainage and flood resistance and resilience measures should be provided and that where necessary appropriate flood warning and evacuation procedures be demonstrated.

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

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

Results of Consultation and Publicity

15. (a) Environment Agency (EA) – no objections have been raised. The Environment Agency has no major concerns from a flood risk point of view although a Flood Warning Evacuation Plan should be considered as areas may be surrounded by flood water in high events and a Plan would confirm the approach to be taken by any personnel on site in terms of safe access & egress. It is also recommended that the Internal Drainage Board be consulted as the proposed development looks to be close to their drainage network and could have impacts on their byelaw distances.

Finally the Agency also reminds the applicant that this development would require an Environmental Permit and so is advised to contact the Agency to discuss this matter further. This advice can be dealt with by way of Informative.

- (b) Highway and Lead Local Flood Authority (Lincolnshire County Council) – has raised no objection commenting that the site has had some historic use for automotive engineering purposes as well as its more recent courier/transportation use. This proposed use would utilise the site's existing vehicle access from Beck Bank and that access has previously been proven, by use, to be suitable for Heavy Goods Vehicles movements. The access has suitable visibility for safe egress from the site into the highway and the vehicular movements associated with the proposed use would not be expected to be greatly different from the site's historic uses and so would not

overwhelm the capacity of the local highway network. It is added that the details show there to be sufficient space within the site for storage of vehicles and recovered materials and for vehicle manoeuvring and therefore the highway authority does not consider there to be sufficient grounds for withholding the grant of permission for the proposed development on highway grounds.

- (c) Lincolnshire Police – no objections.
- (d) Black Sluice Internal Drainage Board (IDB) – The IDB has made the following comments (summarised):
- Rainfall Runoff - it is understood that the applicant's intention is to discharge surface water via soakaways, however, infiltration tests have not been carried out and so no evidence has been provided to demonstrate that this method is achievable. Further drainage details should therefore be submitted to the Local Planning Authority for their approval.
 - Disposal of foul or dirty water - it is unclear if foul water will be managed via a septic tank or via a bio-package plant. Confirmation and further details of the proposed method of disposal should therefore be submitted to the Local Planning Authority for their approval.
 - Access to Watercourses / Byelaws - there is an IDB maintained drain located to the south of the site and there are existing historic structures/trees within the 9m byelaw distance which do not have IDB approval. However, the IDB do not object to them remaining on the understanding that if any issues are identified with the stability of the banks or access is required for maintenance then they could be required to be removed by the applicant.
 - Site Ground Levels – the IDB state that ground levels should remain the same.

Having reviewed the IDB comments, officers advise that planning conditions be imposed to secure further details of the proposed surface and foul water drainage arrangements for the site. These could be secure by way of a pre-commencement condition.

- (e) Health & Safety Executive – no comments.

The following individuals/organisations were consulted on 17 October 2022, but no response had been received within the statutory consultation period or at the time this report was prepared:

Local County Council Member, Councillor J King
Gosberton Parish Council
Environmental Health Officer (South Holland District Council)
Historic Places (Lincolnshire County Council)

16. The application has been publicised by notices posted at the site and in the local press (Lincolnshire Free Press on 13 December 2022) and letters of notification were sent to the nearest neighbouring residents. A total of 11 representations have been received in response to this publicity/notification and a summary of the objections, comments and concerns raised are set out below:
- Noise Pollution - concerns have been raised in relation to the noise generated by the use of machinery and cutting equipment during the dismantling process.
 - Visual Impacts - concerns have been raised in relation to cars being stacked upon each other once ready for export, resulting in the site being an eyesore.
 - Light Pollution - concerns have been raised that the development proposal would cause light pollution which would affect the residential area.
 - Odour/Smell - concerns have been raised that the development proposal would lead to smells which would affect the residential area.
 - Discharge into Watercourses – concerns have been raised in relation to the potential for pollutants to be discharged into the waterways surrounding the site.
 - Highway Safety - concerns have been raised in relation to highway safety and increased traffic movements. The B1397 is a busy 50mph road with two school bus stops within 30 metres from the site.

District Council's Recommendation

17. South Holland District Council has advised that it has no objections to this proposal subject to conditions which ensure the development is carried out in accordance with the documents and plans that supported the application.

Conclusions

18. The main issues to be considered in the determination of this application are whether the proposed development is acceptable given its location and whether the proposed use can be carried out causing unacceptable harm or detriment to residential amenity and the environment.

Need and Location

19. Policy W1 of the CSDMP supports the development of waste management facilities where these are necessary to meet an identified capacity gap for wastes arising in the County. ELV facilities such as this are not listed as a specific waste management type/facility and therefore a need or capacity gap has not been identified at a strategic level. The absence of any strategic requirement does not however mean that proposals which seek to establish such facilities cannot be acceptable so long as they meet the spatial and locational policies of the CSDMP; meet any other specific criteria as set out within relevant policies, and; where they

are capable of being operated without giving rise to any unacceptable adverse environmental or amenity impacts.

20. 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 spatial strategy is reflected in Policy 1 of the SELLP which ranks settlements deemed to be most sustainable for new development in descending order. The Policies Map/Inset Maps contained within the SELLP support Policy 1 by defining the settlement boundaries for each settlement that aim to provide a degree of certainty to the community and developers where the most sustainable locations for a new development in those settlements will be promoted.
21. In this case, the proposal site lies within the settlement boundaries of Gosberton Risegate/Clough (as shown on Inset Map No.42 of the SELLP) which is classed as an "Other Service Centre and Settlement" within Policy 1 of the SELLP. Policy 1 states that in "Other Service Centres and Settlements" development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. It is added that development will normally be limited to committed sites and infill.
22. Policy W3 of the CSDMP reflects the broad spatial approach of Policy 1 of the SELLP by seeking to direct and lend support to the establishment of waste management facilities in and around the main urban areas with only certain types of facility being supported outside of those areas. Types of facility that are identified as suitable outside of main urban areas include small-scale waste management facilities and such facilities are required to demonstrate compliance with the criteria under Policy W7. Policy W7 of the CSDMP states that small-scale facilities can be acceptable if there is a proven need to locate such a facility outside of the main urban areas; the facility would be well located to the arisings of the waste it would manage; it would be on land which constitutes previously developed and/or contaminated land, or redundant agricultural and forestry buildings and their curtilages, and; the proposal accords with all relevant Development Management policies set out in the Plan.
23. In this case, the proposal site does not lie within a main urban area (as set out in Policy W3 of the CSDMP) but instead lies within the settlement boundaries of Gosberton Risegate/Clough. Given the size and scale of the proposed facility, it is considered to be small-scale and so in assessing the acceptability of this location consideration needs to be given to the criteria within Policy 1 of the SELLP and Policy W7 of the CSDMP.
24. The applicant argues that this site is suitable for the proposed use and can be justified in this location as the ELV wastes would largely be sourced from the surrounding local villages as well as settlements such as Spalding (within an approximately 5 mile radius of the site), Bourne (within an approximately 7 mile

radius of the site), Donington (within an approximately 4 mile radius of the site) as well as those further afield, including Sleaford (within an approximately 12 mile radius of the site), with a smaller quantity coming from neighbouring counties, car auctions and online consumer outlets. It is also claimed a former business of a similar nature in the local area has recently ceased operating due to retirement and so this facility would replace that business. The applicant states they have considered sites in more urban areas, however, the space requirements for this operation and high rental costs make such sites unviable. This site however has the space needed, is well located and would provide a means to bring an unused, derelict plot of land and buildings lying within the identified settlement boundary of Gosberton Clough and Risegate back into a beneficial use.

25. As the site lies within the defined settlement boundaries of Gosberton Clough/Risegate, the principle of development/redevelopment is acceptable and this proposal would be akin to infill development that would bring a currently redundant and underused plot of land and buildings back into use. Whilst the applicant has not provided any evidence to demonstrate which alternative sites have been considered, Officers note and generally accept that higher rents demanded for plots within more established industrial estates and parks, coupled with the lower throughput of facilities such as this, can often make it difficult for operators of ELV facilities to find suitable sites within urban areas. This is why provision is made in the Minerals and Waste Local Plan that allows smaller-scale facilities such as this to be sited outside of those locations. Although the proposal site is not located within a main urban area and is not on the immediate outskirts of one, it is within a relatively short distance of a number of settlements from which ELVs could potentially be sourced and so this development would therefore help to *'...meet the service needs of other local communities'* (in accordance with the requirements of Policy 1) and, to a degree, is located relatively close to the sources of wastes which it seeks to manage (as required by Policy W7). Taking into account the above, I am therefore satisfied that the proposed redevelopment and use of this particular redundant brownfield site is capable of support and would not fundamentally conflict or undermine the locational approach and objectives advocated by Policy 1 of the SELLP and criteria 1 and 3 of Policy W7 of the CSDMP.

Suitable site/existing permitted use

26. Policy W7 requires small-scale waste management facilities outside of main urban areas to be located on a certain specified types of land or sites. The purpose of this criterion is to limit new development to the re-use and re-development of existing land/sites rather than the creation of new sites which would lead to a loss of greenfield land. Examples of suitable sites identified within Policy W7 includes existing or planned industrial and employment land.
27. In this case, the proposal site is not identified or allocated for industrial or commercial use within the Development Plan (both the SELLP and CSDMP) however it does comprise of a previously developed, brownfield plot of land that is no longer in use and which has become dilapidated and redundant. Although

there is no planning permission in place for the former uses site seems to have been used for a number of years for similar motoring and engineering uses to that proposed by this development. The application (as submitted) proposes to formally change the use of the land and existing building to enable it to be used as a ELV facility and does not seek to extend the lateral footprint or boundaries of the existing yard or building. All activities associated with this use are to take place within the confines of the site and/or building and so not lead to any further encroachment or expansion into the surrounding area. Given the land consists of previously developed land, in principle at least, the redevelopment and use of the site for a small-scale ELV development would accord with the types of sites identified as suitable by Policy W7.

Environmental and amenity considerations/compliance with other Development Management Policies

28. In considering whether or not planning permission should be granted, the proposal must also be considered in light of its compatibility with other policies within the development plan and demonstrate that the operations would not have any unacceptable adverse impacts.
29. **Visual Impacts/Appearance** - Policies 2 and 3 of the SELLP and DM3 and DM6 of the CSDMP are key and seek to ensure that development is well designed and contributes positively to the character and quality of the area within which it is located and not have an adverse landscape and visual impact or the amenity of nearby residents.

The western boundary of the site currently benefits from some existing shrub/tree planting which help to filter views into the site. Along the northern boundary the existing tree/shrub planting continues until it meets the sites entrance gates which again help to restrict views into the site although the upper extents of the building are still visible. Views into the site and of the external yard from the east are limited due to the presence of the building but towards the southern end of the western boundary the lack of any existing planting means that open views into and across the site from this location and the adjoining dwelling (former Old Ship Inn) are possible.

Under this proposal the main depollution operations would be carried out internal to the building whilst external operations would be limited to the unloading and loading of ELVs and depolluted vehicle shells and the temporary storage of incoming and outgoing vehicles within designated and defined areas of the site. As part of this proposal the existing fencing around the perimeter of the site is to be replaced with new 2.0m high, galvanised steel palisade security fence and this would sit internal to the site and so behind the existing soft-landscaping. In order to improve the existing landscape screening the applicant has proposed to plant additional native shrubs and trees along the western boundary of the site to reinforce and infill the existing gap. When matured this would help to further filter and screen views into the site. A planning condition can be used to secure further

details of this additional planting and ensure these improvements are secured and also conditions can be used to control the height of materials/wastes stored within the site so as to ensure these do not become visible outside the site. It is also recommended that in addition to the proposed security fencing, a condition be imposed which would require a close boarded fence to be provided along the shared boundary with the dwelling to the south (former Old Ship Inn) which, whilst in the same ownership as the proposal site, would help provide a more effective visual screen both from this property and from Beck Bank. Subject to these conditions I am satisfied that the impact of this development on the wider area would be minimise and controlled to an acceptable level.

30. **Traffic and access** - under this proposal the number of HGV vehicle movements is low (around five vehicles arriving to the site per week with a container HGV collecting dismantled vehicles once every 3-4 weeks) and whilst objections have been raised by local residents about traffic movements and the proposed ELV use, no objections have been raised by the Highways Officer. The existing access to the site is considered to be of a suitable size with adequate visibility in both directions for this intended use and given the low number of traffic movements proposed this proposal would not have a severe impact on the function, safety or condition of the local highway network which accords with the requirements set out in Policy DM14 of the LMWLP.
31. **Noise** - as indicated the proposed ELV use would be a small-scale operation with the depollution and dismantling operations taking place within the building using hand and power tools only. The proposal site and former Old Ship Inn dwelling are in the same ownership and therefore the landowner has a financial interest and control over of the use of both properties. It is understood that the operator of this development intends to live in the dwelling and so given their interest and association with the proposed use their potential exposure to higher levels of noise or disturbance from this use would be acceptable. The other nearest residential properties to the site (not in the same ownership as the landowner of the proposal site) are located on the opposite side of Beck Bank to the west (approximately 30m from the boundary of the proposal site and the dwelling, increasing to 60m from building to building); on the opposite side of the B1397 to the north (approximately 35m from the boundary of the proposal site, increasing to 45m from building to building) and; to the east (approximately 15m between the rear of the ELV building and dwelling although these are separated by a belt of existing planting/shrub belt and the telephone exchange building). Whilst these premises are also close, given the type of tools/equipment to be used in the depollution operations these are not likely to be excessively noisy and the fabric of the building would help to reduce any noise break out from their use. Although objections have been received about potential noise impacts, no objections have been raised by the District Council and I am satisfied that planning conditions could be used to limit operating hours; to ensure tools and equipment are restricted to small power and hand tools only and that all depollution operations must only take place inside the building. I am satisfied that such conditions would safeguard the amenity of

those nearby residents and ensure the development accords with Policy DM3 of the CSDMP and Policies 2 and 30 of the SELLP.

32. **Flood Risk and Drainage** - the proposal site is within the defined settlement boundary of Gosberton Clough/Risegate and the vast majority of the site lies within Flood Zone 1 and so is classed as being within an area with a low probability of flooding. A small strip of land towards the southern boundary of the site (where the IDB drain is located) does however fall within Flood Zone 3. In relation to flood risk, the proposed use is classed as a 'less vulnerable' form of development which is considered to be a compatible use within Flood Zones 1 and 3 and so acceptable from a flood risk perspective. Accordingly, no objection has been received from the Environment Agency from a flood risk perspective but they have recommended that consideration be given to securing a Flood Warning Evacuation Plan as area may be surrounded by flood water in high events and such a plan would confirm the approach to be taken for any personnel on site for safe access & egress. It is therefore recommended that a condition be imposed which would require the applicant to submit details of such Plan prior to the site being brought into use.

In terms of drainage, the applicant states that they intend to discharge surface water from the site via soakaways. Whilst soakaways may be suitable for managing clean surface water run-off from certain areas of the site (e.g. the roof of buildings) no evidence has been provided to demonstrate that this method of management is achievable. Furthermore, as the external yard is to be used to store pre-treated and de-polluted vehicles there is also a risk that surface water run-off from these areas may need to be pre-treated before it can be discharged via a soakaway (or other means) so as to avoid any pollution or contamination risk. Similarly, it is currently unclear whether foul waters would be managed via a septic tank or via a bio-package plant and therefore it is recommended that conditions be imposed which would require further details of the proposed means of drainage to be submitted and agreed by the Waste Planning Authority before the development commences. Such conditions would address the comments made by the IDB and also enable Officers to ensure that surface and foul water from the site are managed appropriately.

Human Rights Implications

33. 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 Conclusions

34. The proposal site comprises of a derelict, brownfield site that lies within the settlement boundaries of Gosberton Clough/Risegate. The site would handle a relatively small volume/tonnage of wastes per annum and given the nature of the processing operations and plant and equipment to be used on-site, subject to conditions, the impacts of this proposed use can be controlled and limited to ensure they do not have an unacceptable or adverse impact on the amenity of nearby residents or the wider area. Having taken into account the location, size, scale and nature of the development I am satisfied that the redevelopment and use of this particular redundant brownfield site is capable of support and would not fundamentally conflict or undermine the locational approach and objectives advocated by Policy 1 of the SELLP and criteria 1 and 3 of Policy W7 of the CSDMP and subject to conditions would also accord with policies 2, 3, 4 and 30 of the SELLP and DM1, DM2, DM3, DM6, DM14, DM15, W1 and W3 of the CSDMP.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

Commencement

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission. Written notification of the date of commencement should be sent to the Waste Planning Authority within seven days of such commencement.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Documents and Drawings

2. The development hereby permitted shall be carried out in strict accordance with the following documents and plans except where modified by conditions attached to this planning permission or details subsequently approved pursuant to those conditions.
 - Planning Application Form and Supporting Statement (received 25 October 2022)
 - Flood Risk Assessment (received 18 November 2022)
 - Drawing No. 183-02-LBP01 Rev D - Proposed car dismantling business Location & Block Plans (received 24 January 2023)

Reason: To define the permission and to ensure the development is implemented in all respects in accordance with the approved details.

Pre-commencement and Pre-Occupation Conditions

3. No development shall take place until a detailed surface water drainage scheme has been submitted to, and been approved in writing by, the Waste Planning Authority. The drainage scheme should demonstrate how surface water run-off from the site (including that from the roof of the building and the external yard) would be managed, treated and discharged from the site. The approved scheme shall be implemented in full before the use hereby permitted is brought into use and thereafter retained and maintained for the duration of the development.
4. No development shall take place until full details of how foul and potentially contaminated/dirty waters from the site would be managed, treated and discharged from the site have been submitted to, and been approved in writing by, the Waste Planning Authority. The approved scheme shall be implemented in full before the use hereby permitted is brought into use and thereafter retained and maintained for the duration of the development.

Reason: To ensure the satisfactory management, treatment and disposal of surface and foul waters from the site so as to prevent the risk of flooding both within and outside the site and to prevent the pollution of the water environment.

5. No development shall take place until a detailed landscaping scheme has been submitted to, and been approved in writing by, the Waste Planning Authority. The landscaping scheme shall provide for supplementary and infill planting to be carried out within the existing gap located along the western boundary of the site (i.e. which fronts Beck Bank) as indicated on approved Drawing No. 183-02-LBP01 Rev D. The scheme shall include details of the location, size, species and means of future protection and maintenance of the planting. The approved planting shall be carried out and implemented in accordance with the approved details in the next available planting season following the approval of such details and shall thereafter be maintained for a period of five years with any losses being replaced in the next available planting season.
6. The site shall not be brought into use until a 2.0m high galvanised steel security fence has been installed (as identified on approved Drawing No. 183-02-LBP01 Rev D) and/or along the shared southern-southern-eastern boundary between the site and the dwelling (identified as the former Old Ship Inn) an additional minimum 2.0m high close boarded fence has been erected. Once installed the boundary fencing shall be retained and maintained whilst ever the site and buildings subject of this decision are being used for the uses hereby permitted.

Reason: To secure additional screening along the western and southern boundaries of the site so as to further minimise the visual impacts of the development on nearby residents and the wider area.

7. The site shall not be brought into use until a Flood Evacuation Plan has been submitted to, and been approved in writing by, the Waste Planning Authority. The

approved Plan shall thereafter be implemented whilst ever the development hereby permitted subsists.

Reason: To ensure measures are adopted to safeguard occupiers/users of the site in the event of an extreme flood event given part of the site lies within Flood Zone 3 and as recommended by the Environment Agency.

Hours of Operation/Use

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

0800 – 1700 Monday – Friday

08:00 and 1300 on a Saturday.

No operations on Sundays and public holidays.

Reason: To define the hours of operation in the interests of limiting the effects of the development on local amenity.

Highway Access

9. Vehicles shall only use the access located on the B1397 as identified on Drawing No. 183-02-LBP01 Rev. D.

Reason: In the interests of highways safety.

Amenity

10. With the exception of vehicles awaiting treatment, depolluted vehicle shells and materials stored in the skips in the areas identified on approved Drawing No. 183-02-LBP01 Rev. D, no scrap metals, pre-treated or depolluted vehicles, vehicle parts tyres and any other materials shall be stored outside of the building.
11. Vehicle shells (pre-treated and de-polluted) stored within the external yard shall not be stacked on top of one another and the height of any stockpiles shall not exceed 2.0 metres in height.
12. No external lighting shall be fixed to the building or erected within the site unless full details have first been submitted to, and been approved in writing by the Waste Planning Authority. Any external lighting approved shall thereafter be implemented in accordance with the approved details.

Reason: To minimise the visual impacts of the development on nearby residents and the wider area.

Noise

13. Noise levels from the development hereby permitted shall not exceed the background noise level as measured at any of the nearest noise sensitive locations/receptors (with the exception of the dwelling which was the former Old Ship Inn) by more than 5dB(A) at any time. In the event of any substantiated complaint being notified to the operator by the Waste Planning Authority or District Planning Authority relating to noise arising as a result of the operations undertaken at the site, the operator shall provide the Waste Planning Authority with a scheme of noise monitoring for its written approval. Following the written approval of the Waste Planning Authority the noise monitoring scheme shall be carried out within 14 days of this written approval and the results of the noise monitoring scheme and survey and details of any additional mitigation measures to be implemented as part of the development shall be submitted for the attention of the Waste Planning Authority. Any additional mitigation measures identified as part of the survey shall be implemented within one month of the survey and thereafter implemented for the duration of the development.
14. All dismantling and depolluting operations associated with this development shall be carried out within the confines of the building only and are not permitted to take place within the external yard.
15. The roller shutter doors located on the western elevation of the building to be used in association with the development hereby permitted shall be kept closed at all times whilst depollution and dismantling operations within the building are being carried out.
16. All dismantling and depollution operations hereby permitted shall be carried out using hand or handheld power driven tools.

Reason: In order to minimise the potential impacts of noise in the interests of safeguarding the amenity of the nearest residents to the site.

17. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To ensure the satisfactory treatment of surface waters, to prevent the risk of flooding both within and outside the site and to prevent the pollution of the water environment.

Cessation of use and clearance of the site

18. In the event the use hereby permitted permanently ceases the Waste Planning Authority will be notified in writing of the date the use ceased and within 12 months of that date the site shall be cleared of all wastes and the building shall be removed.

Reason: To ensure that the site is cleared at the earliest opportunity should the use hereby permitted cease.

Informatives

Attention is drawn to:

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

Appendix

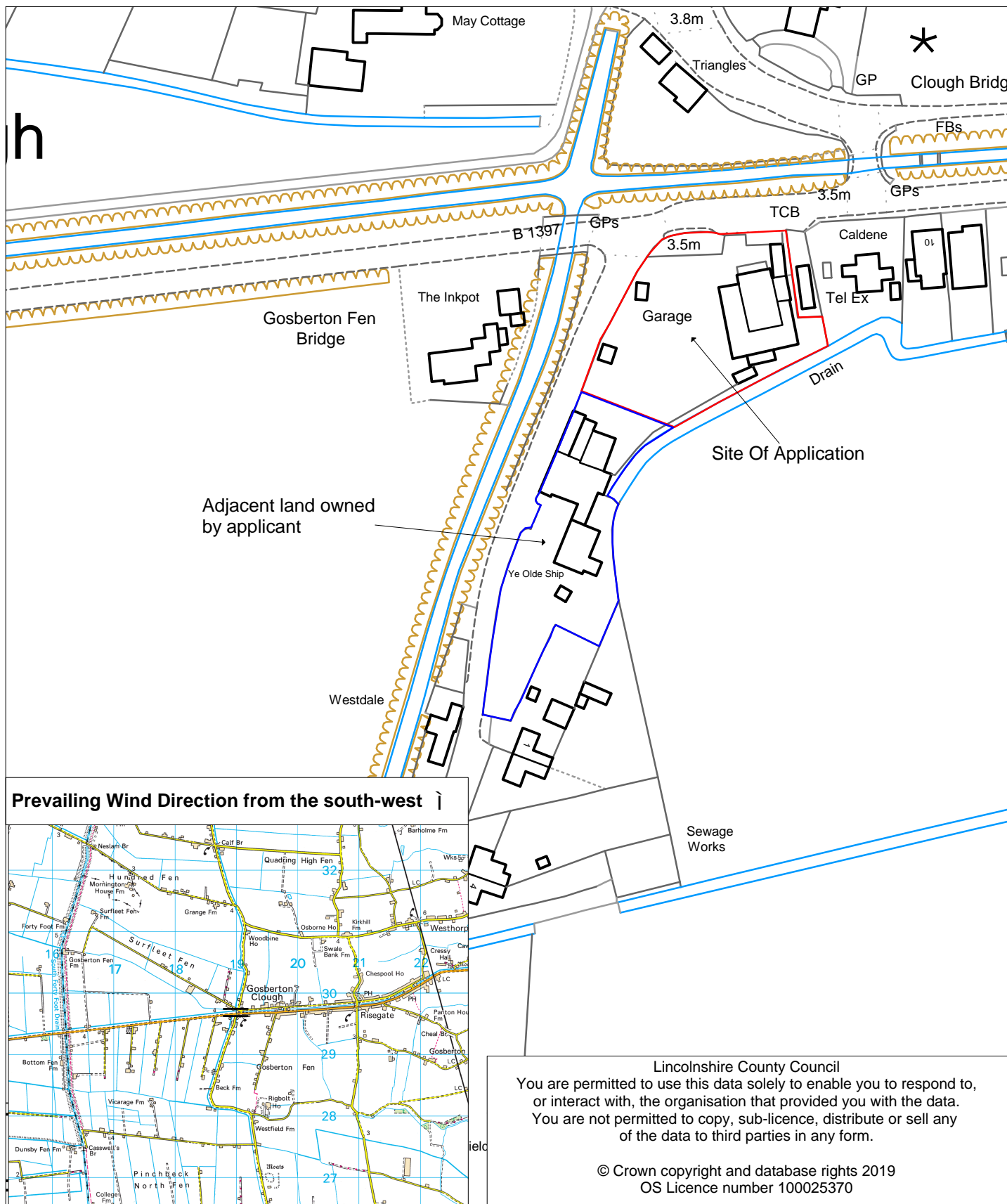
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

Background Papers

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

Document title	Where the document can be viewed
Planning Application File H08-1150-22	Lincolnshire County Council's website https://lincolnshire.planning-register.co.uk/
National Planning Policy Framework (2021)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan (2016)	Lincolnshire County Council's website www.lincolnshire.gov.uk
South East Lincolnshire Local Plan (2019)	South Holland District Council's website www.sholland.gov.uk

This report was written by Eloise Shieber, who can be contacted on 01522 782070 or dev_planningsupport@lincolnshire.gov.uk



Location:
 The Old Ship Inn
 Beck Bank
 Gosberton Clough

Description:
 For change of use of redundant courier/transportation
 business to car dismantling business

Application No: H08-1150-22
Scale: 1:1500

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