

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

Report to:	Planning and Regulation Committee
Date:	4 July 2016
Subject:	County Council Development - B/0130/16

Summary:

Planning permission is sought to construct a household waste recycling centre (HWRC) with a single storey welfare building/office and access road to highway adoptable standard at Nursery Road, Boston.

The development is considered to be an acceptable form of development within this location and, subject to the imposition of appropriate conditions, could 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.

The Application

1. Planning permission is sought to construct a Household Waste Recycling Centre (HWRC) with a single storey welfare building office and access road at land off Nursery Road, Riverside Industrial Estate, Boston. The proposed HWRC is to replace the existing facility which is operated on behalf of Lincolnshire County Council (LCC) which is located within the FCC owned Boston Landfill site located off Slippery Gowt Lane. Planning permission is being sought for a LCC owned facility as this would give greater control and power to manage the use and operations on the site and also guarantee the existence of such a facility without the need to rely upon external parties.
2. The following documents have been submitted in support of this application:

Planning Supporting Statement
Ecological Survey
Transport Statement

Noise Impact Assessment
Flood Risk Assessment
Plans and Drawings

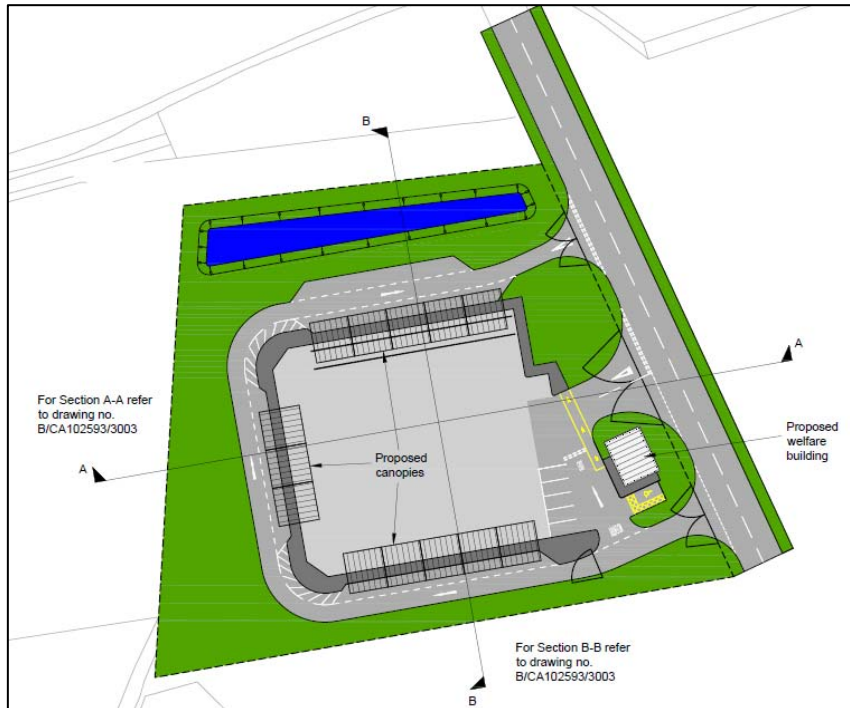


Figure 1 - Site Layout

3. An outline of the main elements/features of the proposed development as contained within the application and various supporting documents are summarised below:

Annual throughput/capacity and site layout – based on the existing site, the proposed HWRC would handle approximately 8,000 to 8,500 tonnes of waste materials per year which would be brought to the site from members of the public. The HWRC layout has been purposefully designed so as to separate the operational areas of the site from those accessed by the public. Upon arrival at the site the public would be directed in a one-way system around the outer edges of the site. The dedicated waste and skip storage areas would be positioned below canopied structures (approximately 4.5m high) so as to provide all weather protection to members of the public. Access to the central area of the site would be restricted to staff only and this would enable site operations such as the movement and loading/unloading of skips to continue without putting at risk the health and safety of the public. All wastes brought to the site would be temporarily stored prior to them being transferred off site for recycling and re-use by facilities elsewhere.

Staff Welfare Building – a single storey, 12° mono-pitched roofed building (approximately 7.87m long x 6.08m wide x 4.67m high, at its highest point) would be constructed at the front of the site. This building would contain an office, kitchen, storage room as well as staff toilet facilities. The facing brickwork of the building would be buff coloured and the roof would comprise of profile steel sheets which would be anthracite grey in colour. Double glazed uPVC windows and black/grey uPVC rainwater goods would also be used. A total of 6 parking spaces (including one disabled space) would be provided within the site for use by site staff.

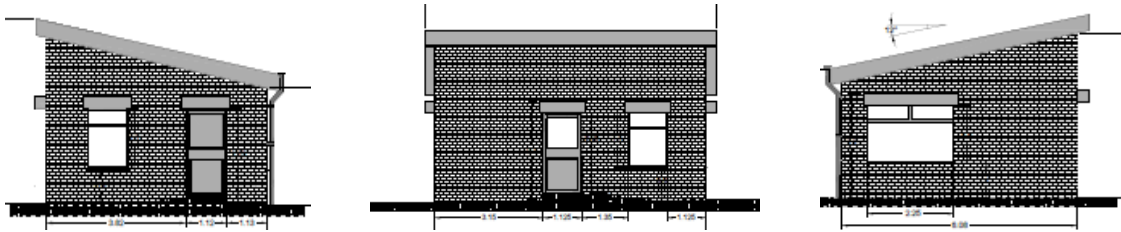


Figure 2 – Welfare Building

Boundary Fencing and Landscaping – a new 2.4m high steel mesh fence (black in colour) is proposed to be erected around the outer perimeter of the site.

Hours of Operation - the HWRC is proposed to be open seven days a week between the hours of 09:00 and 16:00 but would be closed Christmas Day, Boxing Day and New Year's Day. The hours of operation would however be subject to review depending upon site usage and public demand.

Traffic and Access - Vehicular access to the site would be gained via a new access road which would be constructed from the entrance of the HWRC site and extend northwards providing direct connection onto Nursery Road. This access road is proposed to be constructed to an adoptable highway standard. In the longer-term, access to the site is also intended to be gained and sign-posted from Bittern Way, however, this would only be possible once a link road from Bittern Way has been constructed. A planning application is currently being considered by Boston Borough Council for this link road although planning permission has not yet been granted. Consequently, in the interim period, access to the HWRC site for both the construction and initial opening would be gained via Nursery Road.

On approach to the HWRC site itself, traffic would be spilt in two directions with HGV traffic required in association with the site (i.e. for the delivery and removal of skips) being directed towards a separate entrance into the central concrete service yard. Private cars would be directed towards a separate one-way system roadway which would extend around the perimeter of the site. Laybys would be provided to enable there to be a continuous flow of vehicles around the site to prevent any queuing traffic within or outside the site.

A Transport Statement has been submitted in support of the application which predicts the total traffic associated with the site. The Transport Statement is based upon the traffic figures associated with the existing HWRC as there is anticipated to be any significant change in the number of members of the public using the facility once it has been relocated to this new site. The current figures calculated from the tonnage of material passing through the site estimate approximately 115,000 car visits and 2,000 HGV visits per annum. The use of compaction machines within the site would however reduce the overall volume of wastes and so in turn it is expected that this would reduce the overall number of HGVs required.

Site and Surroundings

- The application site is approximately 0.75ha in size and is roughly trapezoidal in shape and located on the south-eastern edge of the Riverside Industrial Estate, Boston. The site is currently in agricultural use and is devoid of any existing features. The site itself, along with the land surrounding it is however allocated for employment (industrial and commercial) development in the adopted Boston Borough Local Plan 1999 (ref: Policy ED1).

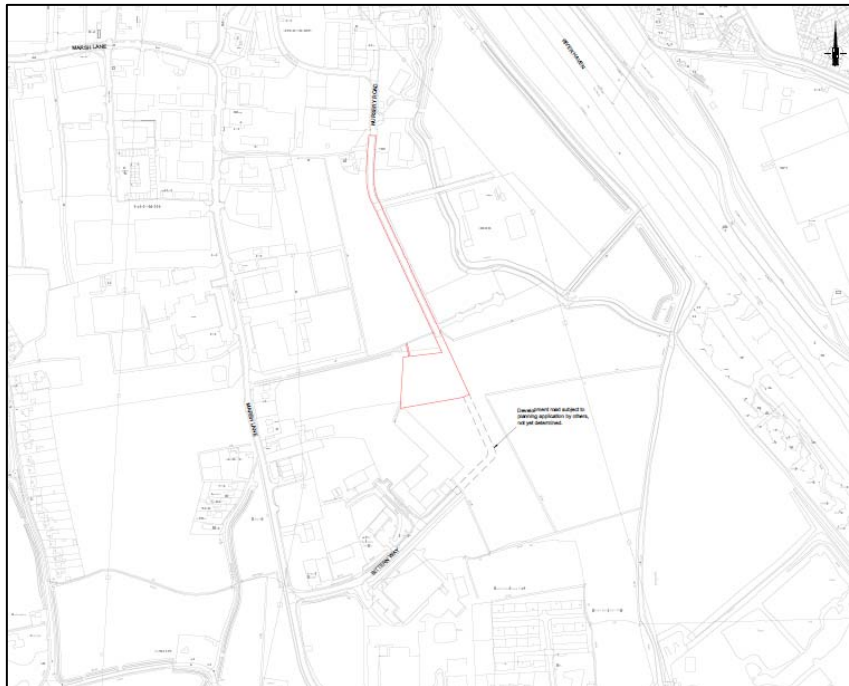


Figure 3 – Site Location and Setting

- To the immediate south-east are existing industrial and commercial units with similar uses/developments, including waste management uses, located both to the south and north. A large scale gasification plant is currently being constructed on land located to the east of the proposal site. The nearest residential property to the proposal site is located approximately 200m to the west and is situated along Marsh Lane.



View across site (existing businesses in background)

6. Access to the site would be gained via a new access road which would be constructed from the entrance of the HWRC site and extend northwards providing direct connection onto Nursery Road. In the longer-term, access to the site is also likely to be gained and sign-posted from Bittern Way although planning permission for this road has not yet been granted. As a result, until such time that this additional link road has been provided the only access to the site would be via Nursery Road.



View from Nursery Road

Main Planning Considerations

National Guidance

7. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 14 - Sustainable development

Paragraph 17 - Core planning principles

Paragraph 103 - Flood risk

Paragraph 120 - Protection of the natural environment and general amenity

Paragraph 122 - Land use planning and pollution control regimes

Paragraph 123 - Noise impacts

Paragraphs 186 & 187 - Positive and proactive approach to decision-taking

Paragraphs 215 & 216 - Status of Local Plans and their consistency with the NPPF.

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

Planning Practice Guidance [ID7] 'Flood Risk and Coastal Change' (April 2015) – supports the NPPF and provides further guidance on the assessment of flood risk when considering new development.

Adopted and Emerging Waste Local Plan Context

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

Policy W1 (Future Requirements for New Waste Facilities) states that the County Council will, through the Site Locations document, identify locations for a range of new or extended waste management facilities within Lincolnshire where these are necessary to meet the predicted capacity gaps for waste arisings 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 following main urban areas as indicated on the key diagram subject to the criteria of Policy W4:

- Lincoln;
- Boston;
- Grantham;
- Spalding;
- Bourne;
- Gainsborough;
- Louth;
- Skegness;
- Sleaford; and
- Stamford.

Proposals for new waste facilities, outside the above areas will only be permitted where they are:

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

Proposals for large extensions to existing facilities, outside of the above areas will only be permitted where it can be demonstrated that they meet an identified waste management need, are well located to the arisings of the waste it would manage and are on or close to an A class road and meet the criteria of Policy W4.

Policy W4 (Locational Criteria for New Waste Facilities) identifies the type of land suitable for the purpose in and around main urban areas. Proposals for new waste facilities, including extensions to existing waste facilities, in and around the main urban areas set out in Policy W3 will be permitted provided that they would be located on:

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

Proposals for the recycling of construction and demolition waste and/or the production of recycled aggregates in and around the main urban areas set out in Policy W3 will also be permitted at existing Active Mining Sites. In the case of large extensions to existing waste facilities, where the proposals do not accord with the main urban areas set out in Policy W3, proposals will be permitted where they can demonstrate they have met the above criteria. Small scale facilities that are not in and around the main urban areas will be considered under Policy W7.

Proposals must accord with all relevant Development Management Policies set out in the Plan.

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

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

- Minerals and Waste – Locations which reduce distances travelled by HCVs 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 arising.

Policy DM6 (Impact on Landscape) – 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.

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.

Policy DM16 (Water Resources) states that 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 DM17 (Cumulative Impacts) states that planning permission will be granted for minerals and waste developments where the cumulative impact would not result in significant adverse impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively.

Lincolnshire Waste Local Plan (WLP) (2006) – with the exception of policies WLP2, WLP6 and WLP12, this document and the policies contained therein have now been replaced by the CSDMP. In line with paragraph 215 of the NPPF, due weight should therefore continue to be given to relevant policies according to their degree of consistency with the policies of the NPPF. The following 'saved' policies are of relevance to this proposal:

WLP2 (Household Waste Recycling Centres) identifies specific sites which, at the time the Waste Local Plan 2006 was adopted, were identified as potential suitable locations for the development of new household waste recycling centres where they would not have an adverse or amenity impacts. The sites identified at that time are as follows:

- Land off Gallamore Lane, Market Rasen;
- Land at Summergangs Lane, Gainsborough;
- Land at Corringham Road Industrial Estate, Gainsborough;
- Land east of Uffington Road, Stamford;
- Land off Bolingbroke Road, Louth;
- Deepings – Former landfill site, Stowage Road/B1166.

Draft Site Locations Document (Preferred Site and Areas) of the Lincolnshire Minerals and Waste Local Plan (December 2015)

between 4 December 2015 and 29 January 2016 consultation on a draft version of this document took place. The document sets out the preferred sites and areas for future minerals and waste development to be taken forward as well as those not to be taken forward to the next stage of plan preparation.

Policy SL2 (Waste Site Allocations) identifies the sites that are proposed to be allocated and safeguarded for waste uses and states that applications for waste development on the sites/areas identified will be permitted where the applicant can demonstrate that the proposal is in line with the Development Plan. The proposal site is located within area WA22-BO which is identified as a potential acceptable site for a wide range of waste uses which includes a HWRC.

Notwithstanding the support that this document offers, in line with paragraph 216 of the NPPF, given the early stage of preparation of this plan, at this stage limited weight may be given to this document in the determination of this application.

Adopted and Emerging Local Plan Context

9. Boston Borough Local Plan (BBLP) (1999) - in line with paragraph 215 of the NPPF, due weight should be given to relevant policies within the Plan according to their degree of consistency with the policies of the NPPF. The following 'saved' policies are of relevance to this proposal (summarised):

Policy G1 (Amenity) is permissive and states that planning permission will only be granted for development which will not substantially harm general amenity considerations.

Policy G2 (Wildlife and Landscape Resources) states planning permission will not be granted for proposals which will have a significant adverse impact upon existing landscape, wildlife and vegetation resources.

Policy G3 (Foul and Surface Water Disposal) supports developments where foul and surface waters are satisfactorily disposed of.

Policy G4 (Safeguarding the Water Environment) states planning permission will not be granted for developments which will have an adverse effect on water environment, or the quality of surface or groundwater.

Policy G6 (Vehicular & Pedestrian Access) states that planning permission will not be granted for development where the proposed means of pedestrian and vehicular access are unsatisfactory.

Policy G8 (Air and Soil Resources) states that planning permission will not be granted for development which will have an adverse effect upon the quality of air or soil such as to lead to harm to local living or working conditions or operation of nearby land-uses; harm natural flora and fauna of interest, and/or; added constraints on future developments in the area.

Policy ED1 (Development in Industrial/Commercial Areas) this policy is permissive and states that new industrial or commercial development within existing and new industrial/commercial areas allocated in the Local Plan will be permitted subject to satisfying traffic, noise, dust, smell, environmental amenity, utility services and SSSI considerations. The proposal site lies within part of a 75 hectare area of land that is identified in the Local Plan as an extension to the Riverside Industrial Estate.

Policy T2 (Roads & Footpaths in New Developments) states that planning permission for developments that involve a new road and/or footpath layout will not be granted unless it meets a range of criteria including that the road/footpath layout relates well to the nature and form of the development and its locality and caters satisfactorily for the needs of pedestrians and cyclists.

South East Lincolnshire Local Plan (SELLP) (Draft January 2016) - work has begun on the preparation of the South East Lincolnshire Local Plan which will eventually replace the currently adopted Boston Borough Local Plan 1999 and South Holland Local Plan 2006. Public consultation on a draft plan is currently being undertaken (between 8 January and 19 February 2016), however, given its early stage of preparation, in line with paragraph 216 of the NPPF, the policies contained within this document currently carry very little weight in the determination of planning applications. Notwithstanding this the key draft policies that are of relevance in this case are as follows:

Policy 1 (Presumption in Favour of Sustainable Development) supports proposals that are consistent with the principles of sustainable development.

Policy 3 (Development Management) sets out a range of criteria that need to be taken into consideration in the determination of applications.

Policy 7 (Improving South East Lincolnshire's Employment Land Portfolio) seeks to safeguard and identify a choice of sites suitable for employment/commercial and industrial uses. The Riverside Industrial Estate (Site BO1) is identified as a Proposed Main Employment Area which is land considered suitable for uses falling within Classes B1, B2 and B8.

Policy 29 (Design of New Development) seeks to ensure that all developments are appropriate in terms of their design and layout and maximise opportunities for improving the character and quality of an area.

Results of Consultation and Publicity

10. (a) Local County Council Member, Councillor A Austin – enquired whether access to the site would be gained via Bittern Way rather than Nursery Road once the site is opened to the public as this is considered to be a better route.

In response to this enquiry, your Officers have confirmed that in the longer-term the main access to the site is intended to be gained and sign posted from Bittern Way, however, this will only be possible once the link road from Bittern Way has been constructed. A planning application is currently being considered by Boston Borough Council for this link road although planning permission has not yet been granted. Consequently, in the event that the proposed access road from Bittern Way is not constructed in time, it is proposed to gain access to the site both for construction and initial opening from Nursery Road. This application (as submitted) therefore includes the proposed construction of a link road to the end of Nursery Road in order to ensure that the development can be served/delivered as a stand-alone project.

No further comments or response has been received from Councillor Austin following this clarification.

- (b) Environment Agency (EA) – initially objected to the proposal and requested that further information be provided in order to demonstrate that suitable mitigation has been taken into account to keep the occupants of the site safe in the event of a flood.

In response to the Agency's comments the applicant submitted a revised Flood Risk Assessment (FRA) which confirms that the operator would sign up to the Flood Warning System in order to receive advanced warning of flooding and also provides details of the Flood Evacuation Procedure which would be implemented to ensure that there is safe passage away from the site in the event of an extreme flood event.

The EA has subsequently confirmed that they withdraw their objection and recommend that a condition be imposed requiring the development to be carried out in accordance with the revised FRA.

- (c) Western Power Distribution - were consulted via their on-line enquiry search system and details of their apparatus within the vicinity of the site have been provided. This information and advice regarding notification prior to any works taking place can be drawn to the attention of the applicant by way of an Informative.
- (d) Highway & Lead Local Flood Authority (Lincolnshire County Council) – has confirmed that subject to the inclusion of a condition to secure details of the proposed drainage proposals, the proposed development is acceptable and therefore raises no objection to the planning application.

In terms of traffic and access, Nursery Road, Lealand Way, Marsh Lane, the signals at Wyberton Low Road and the roundabout junction at the A16 Spalding Road are all capable of accommodating the vehicle movements that would be generated by the proposed development. Therefore the proposed development would not be

expected to have a materially harmful impact upon the safe use or the capacity of the local highway network.

Nursery Road is adopted as public highway only as far as the Abattoir (A. Wright and Son) and beyond this point it is a private road. Accordingly, there would appear to be no compelling reason for a condition to be imposed requiring that the section of road to be constructed up to and along the frontage of the site be constructed to an adoptable standard. In the event that planning consent is granted (by Boston Borough Council) for the proposed extension of Bittern Way which could also provide access to the proposed HWRC, then the Highway Authority would advise the Local Planning Authority that conditions be imposed which would require this section of the road (i.e. from Bittern Way) to be constructed to standards that would permit it to be adopted as a Public Highway. This would also include the provision of footways, highway drainage and street lighting.

In terms of drainage, although the preferred means of onward conveyance of the surface water run-off from the proposal site would be via an engineered system provided as part of the extension of Bittern Way this preferred option is not currently available to the applicant. Therefore instead it is proposed to discharge waters via a riparian watercourse that runs along the northern boundary of the site and this would then convey to the IDB drainage system in Marsh Lane. Provided the run-off from the proposal site is no greater than the greenfield run-off rate then IDB are obliged to accept this water.

- (e) Black Sluice Internal Drainage Board – note that it is proposed to discharge waters from the site to the IDB maintained drain via a riparian watercourse that runs along the northern boundary of the site. Subject to the discharge rate from the site being limited to no more than the greenfield run off rate of 1.4 ltrs/sec/ha, the IDB has no objection to this strategy. However, they do note that this arrangement would mean that the applicant would be reliant upon the landowner to maintain the riparian watercourse in order to ensure flows can continue. It is added that the existing ground level of the site should also not be raised above the level of the surrounding land unless measures are taken to prevent possible flooding or waterlogging of neighbouring land and also that no existing watercourses should be infilled without the prior written consent of the IDB.

The following bodies/persons were consulted on the application on the 19 April 2016 but no response/comments had been received within the statutory consultation period or by the time this report was prepared:

Wyberton Parish Council (adjoining)
Environmental Health (Lincolnshire County Council)
Historic Environment (Lincolnshire County Council)
Lincolnshire Fire & Rescue.

11. The application has been publicised by way of notices posted near to the site and in the local press (Boston Standard on 27 April 2016). Notification letters were also sent to the nearest existing commercial and residential properties to the site.

Four representations have been received from local businesses and a summary of the comments/objections raised are set out below.

- Express concerns that the application has not been well publicised and that neighbouring businesses were not directly notified and therefore aware of the application.
- There are a number of businesses in very close proximity to the site. These include a site within 25m of the site boundary as well as food businesses within 250m of the site. Concerns have been expressed that the HWRC would create odour and dust nuisance which have the potential to affect air quality which could contaminate food and affect the ability of existing businesses to continue to secure high level accreditations and supply customers with quality products.
- Future investment in existing businesses is predicated on the understanding that the local area will continue to provide a suitable environment for food production, storage and distribution and concerned that the potential impacts of the HWRC would negatively impact upon these businesses. If permission is granted then the potential success of existing businesses could be jeopardised, some of which employ 250 people, and they could also be forced to relocate.
- Concerns over the proposed volumes of green wastes to be held at the site (circa. 2,400 tonnes per annum) and that the composting and compaction of these on-site would result in leachate which could give rise to odours and contamination. No objective assessments of odour or dust have been undertaken to support the applicant's assertion that these would be minimal.
- The existing HWRC site attracts insects and odours that emanate from the site and can be overpowering at certain times of year. To bring this facility closer to existing businesses would increase these impacts.
- The ecological survey was undertaken when some plants and species of animals, reptiles would have been dormant or in hibernation. Protected species such as water voles and slow worms are present in the area and so this should be properly investigated.

District Council's Recommendations

12. Boston Borough Council – no objections but are aware that concerns and comments have been received from local businesses who fear that their businesses might be jeopardised in the future by this development. It is

therefore requested that these comments and concerns be taken into account in the consideration of this application.

Conclusions

13. The main issues to be considered in the determination of this application are whether the proposed operations in this location are appropriate in planning policy terms and whether it would give rise to any unacceptable adverse environmental, traffic or amenity impacts.

Waste Policy Context and Locational Considerations

14. The HWRC will provide a new facility for the local community/public to bring and recycle bulky household wastes which are not capable of being disposed of via their normal household waste collection service. The HWRC allows a wider range of wastes and materials to be collected and deposited at the site which not only helps maximise the amount and range of wastes that are capable of being recovered for recycling and reuse elsewhere but which also contributes towards reducing the volumes of wastes that would otherwise be disposed of via landfill. Therefore whilst the HWRC itself does not directly process, recycle or reuse wastes it does nevertheless contribute towards achieving the objectives of the NPPW and WLP Policies WLP1 and WLP21(xvii) by providing a means to assist in the recovery and recycling of wastes thereby moving the management of these wastes up the waste hierarchy.
15. In terms of location, the proposed HWRC is not located on one of the potential sites identified for such facilities by WLP Policy WLP2, however, that plan is now 10 years old and has now been largely replaced by the CSDMP. Although WLP Policy WLP2 remains in force until such time that the Site Locations Document of the emerging Lincolnshire Minerals and Waste Local Plan replaces it, it does not mean that alternative sites cannot be considered acceptable or granted planning permission if it can be demonstrated that they are acceptable in terms of their general location and would not be contrary to the objectives or policies of the CSDMP.
16. Despite the objections received from local businesses regarding the perceived incompatibility of this use, the proposal site does lie within a wider area which is identified and allocated for B1, B2 and B8 uses within the existing Boston Borough Local Plan (Policy ED1) and which continues to be identified for such uses by Policy 7 (Site BO1) in the emerging South East Lincolnshire Local Plan (SELLP). Whilst the site is therefore currently in agricultural use, given its inclusion and allocation within both the adopted and emerging Local Plans there is an expectation that this land will be developed in the future for employment and industrial type uses. A HWRC is classed as a *sui generis* use and in line with the NPPW and Policies W3 and W4 of the CSDMP the development of such a facility close to a main urban area and within this industrial and commercial setting is therefore considered to be a compatible use and acceptable. Although the site is not therefore one identified by WLP Policy WLP2 the establishment of a site in

this location is not considered to be contrary to the wider objectives and principles of the NPPF and NPPW and would not conflict with the existing adopted policies of the WLP or BBLP or the emerging SELLP. The proposed development is also considered to accord with the spatial strategy and locational criteria advocated by the CSDMP and are also offered support by the emerging Site Locations Document in that it is located in an area that is being promoted as a suitable location for the development of a HWRC.

Landscape and Visual Impact

17. The proposal site is currently a vacant plot lying in a flat, open area and has limited vegetation or natural screening around it. Currently the site is only really visible from the rear of the industrial/commercial premises located to the south-east and from the end of Nursery Road located further to the north. The site is situated within an area that is earmarked for industrial and employment uses in the future and therefore whilst the wider industrial area currently remains largely undeveloped, over time it is expected to be developed and is likely to accommodate a number of uses and industrial type buildings which would be similar in their overall design and size to those located elsewhere within the wider Riverside Industrial Estate. When viewed in this context, and against the backdrop of the neighbouring Riverside Industrial Estate, your Officers are therefore satisfied that this HWRC would be compatible with these proposed future uses and thus would not be incongruous or have significant adverse effects on the visual appearance or amenity value of the area. Consequently the proposed development would accord with WLP Policy WLP21(xi) and BBLP Policies G1 and G2 and also comply with Policies DM3 and DM6 of the CSDMP and Policies 3 and 29 of the emerging SELLP.

Noise

18. The majority of noise arising from the operation of a HWRC is largely associated with the delivery and collection of wastes); the loading and unloading of skips; the deposit of wastes into skips/bins; and operation of hydraulic compactors associated with the skips/containers. It is therefore accepted that the HWRC would give rise to and contribute towards noise in the area, however, the noise assessment submitted in support of the application indicates that the predicted noise levels from the HWRC are unlikely to be significant at the nearest residential receptors to the site. Whilst it is accepted that there are businesses in closer proximity to the site and objections have been raised in relation to this, again your Officers are satisfied that the adoption of on-site noise management controls and practices (as proposed by the applicant) would be sufficient to ensure that any noise arising from this development would not be significant nor have a detrimental impact on the surrounding environment and therefore accords with WLP Policy WLP21(xi) and BBLP Policies G1, G8 and ED1 and also comply with Policy DM3 of the CSDMP and Policy 3 of the emerging SELLP.

Dust, Odour, Litter and Vermin Control

19. Objections have been received on the grounds of potential adverse odours and these, in part, are claimed to be based on past experiences associated with the existing HWRC located off Slippery Gowt Lane. Whilst these objections are noted your Officers are not aware of any complaints having previously been received about the existing HWRC. The existing HWRC is however located on the site of the Boston Landfill site which until recently has been an operational site and thus it is possible that any odours experienced could have been from that site and operations and not specifically the HWRC.
20. Notwithstanding this, in terms of minimising potential odours from this HWRC, it should be noted that the majority of wastes accepted at the site would be stored in sealed skips or containers and these would be frequently rotated and emptied so as to reduce the residency time of such wastes on site. In order to minimise dust and litter problems, the sites surface would be kept clean and any loose wastes collected by site operatives. The proposed security fencing around the site would also act as a barrier to any windblown wastes thus preventing them from escaping beyond the site boundaries. Additionally, as wastes would be stored in sealed skips and containers and would not be stored for long periods, pests and vermin are unlikely to be a problem, however, to prevent any infestation the applicant confirms the site would be regularly inspected and if necessary baiting traps employed.
21. The above practices are employed at several other HWRC's and are effective and therefore, subject to the implementation and adoption of the above practices, your Officers are satisfied that the development is not likely to have an adverse impact on the surrounding area or lead to unacceptable nuisance. As a result the proposed development is considered to accord with the relevant cited policies/statements contained in the NPPF, NPPW and WLP Policy WLP21(xi) and BBLP Policies G1, G8 and ED1 and Policy DM3 of the CSDMP and Policy 3 of the emerging SELLP.

Highways & Access

22. A Transport Statement has been submitted in support of the application and although the numbers of vehicle movements associated with this development are potentially significant, the majority of these movements are from private cars and the number and frequency of these vehicles can therefore vary significantly throughout the year. A new access road is to be constructed from South Fen Road which would serve the site and which has been designed, and would be constructed, to a specification such that it can be formally adopted by the Highway Authority. The Highways Officer has confirmed that they have no objection to the proposal and therefore given the location of the development and nature of the existing and proposed highway network serving the site, it is considered that the development would not be likely to have an adverse impact on the function or safety of the highway network and therefore accords with the objectives of the NPPF,

WLP Policy WLP21(x) and (xii) and BBLP Policies G6, ED1 and T2 and also Policies DM3, DM13 and DM14 of the emerging CSDMP and Policy 3 of the emerging SELLP.

Flood Risk & Drainage

23. The site would largely comprise of an impermeable concrete pad and access roads and surface water run-off from the site would be managed by directing these (via a Class 1 separator) to an attenuation lagoon which would be constructed along the northern boundary of the site. Waters from this pond would be discharged at a controlled rate of 1.4 l/s into the existing riparian ditch located to the north of the site which then discharges into the IDB maintainable watercourse via a pipe. Foul waters from the welfare facilities are to be discharged and collected within an underground sealed septic tank which would be emptied when required by tanker.
24. In terms of flood risk, the proposal site lies within Flood Zone 3 which is land that is deemed to have a high probability of flooding from rivers or sea (i.e. 1 in 100 greater annual probability of flooding from a river (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year). The primary source of flood risk to the application site is identified as tidal flooding arising from breaches of the defence banks of The Haven. The greatest risk of such events occurring is under high tide conditions, however, taking into account the Boston Strategic Flood Risk Assessment and the existing flood defence systems/infrastructure that exist in the locality, the FRA concludes that the site is actually considered to be medium risk of flooding. This is principally due to the height of the existing defences and the extensive fluvial drainage networks present in the locality and in the event that there was a breach of the defences the flood depths at the site are estimated to be between 1-2 metres.
25. The application site itself lies within land that is allocated for industrial/commercial uses and Table 2 of the Planning Practice Guidance which supports the NPPF categorises the proposed HWRC as being a 'More Vulnerable' form of development and therefore should only be permitted in Flood Zone 3 if the Exception Test is passed and if the development is designed and constructed to remain operational and safe for users in times of flood. Having considered the proposals I am satisfied that the development is acceptable in this location and meets the Exception Tests for the following reasons:
 - the development would replace the existing privately owned HWRC which is located off Slippery Gowt Lane. The contract between the owner of this site and the County Council expires in March 2017 and so the development of a site which would be owned and managed by the County Council will ensure continuity and a guaranteed service for members of the public. The purpose of the facility is to temporarily store waste and recyclable material delivered from residents of Lincolnshire prior to the onward transportation in bulk carriers for recovery of materials, energy recovery and composting to reduce the amount of

waste in the county of Lincolnshire for final disposal. It is felt that the development therefore provides wider sustainability benefits to the local community of Boston and surrounding area that outweigh the potential flood risk issues.

- the development would be located on land that has been specifically allocated for uses which are akin to that proposed and which are considered to be acceptable forms of development in this location despite the land being within Flood Zone 3. Taking into account the existing flood defence infrastructure it is considered the proposal site is not at significant risk of flood now or as a result of climate change;
 - the development includes detailed proposals to manage surface waters derived from the site and therefore would not increase the risk of flooding on site or elsewhere. The FRA also includes details which would ensure the protection of the users of the development in the event of flood events (e.g. Flood Evacuation Plan).
26. No objections have been received from the Internal Drainage Board or Highway & Lead Local Flood Authority and following the submission of the revised FRA the Environment Agency withdrew their initial objection. Consequently it is considered that the development would not have an unacceptable adverse impact on the water environment or flood risk. Therefore the proposal accords with the relevant cited policies/statements contained within the NPPF and accords with WLP Policy WLP21(v) and BBLP Policies G3 and G4 as well as Policies DM3, DM15 and DM16 of the emerging CSDMP and Policies 3 and 29 of the emerging SELLP.

Ecology

27. The proposal site is an intensively cropped arable field and as a result the ecological survey which supports the application confirms that the site does not appear to support any significant or protected fauna and flora species and consequently no special mitigation measures are considered necessary should the site be developed.
28. Despite the findings of the ecological survey objections/comments have been received which suggest that the site and wider area may support protected species including water voles and slow worms. The applicant's ecologist has reviewed the representations and comments received and responded advising that during the time of the surveys the ditches which might be affected by the development were examined including that located to the north alongside Nursery Road. Water voles generally stay within a few metres of their burrows and close to water and as the ditch will not be directly affected by the proposed development, even if water voles were to be present these would be unaffected by this proposal.
29. In respect of slow worms, it is advised that these lizards are associated with old grass pastures and usually on light soils and so are extremely rare in fenland areas. The applicant's ecologist found no evidence of slow worms

being present at the time of the survey and the National Biodiversity Network Gateway, which gives access to all records for species of animals and plants, does not show any known record of slow worms being present in the Boston area. As a result, the presence of slow worms in this location is considered to be unlikely however it is noted that there have been alleged sightings of such species and slow worms are protected from intentional damage or killing. Consequently, it is stated that if they are found to be living within a proposed development area they may be caught and released in a safe and appropriate habitat. No special licensing is required for such an operation.

30. Having taken into account the nature of the site and the findings of the ecological survey, despite the objections raised I am satisfied that the development is unlikely to have a negative impact on any protected species and therefore would accord with the objectives of WLP Policy WLP21(vii) and BBLP Policy G2.

Human Rights Implications

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

Final Conclusions

32. The proposed HWRC is located on land which lies on the outskirts of an existing and established industrial area but which is identified within the adopted Local Plan as a site to be developed for employment and industrial type uses. Taking into account its position and limited visual, environmental and amenity impacts on the surrounding area and given its close proximity to the communities that it is intended to serve, the development of a HWRC in this location is considered acceptable and appropriate and accords with the principles of the National Planning Policy Framework, National Planning Policy for Waste and cited policies contained in the adopted Lincolnshire Waste Local Plan and Boston Borough Local Plan and also does not conflict with the emerging policies contained within the Core Strategy and Development Management Policies of the Lincolnshire Minerals and Waste Local Plan or South East Lincolnshire Local Plan (Draft January 2016).

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

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

commencement of development shall be sent to the Waste Planning Authority within seven days of commencement.

2. The development hereby permitted shall only be carried out in accordance with the following documents and plans, unless modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions:
 - (i) Planning Application Form, Planning Supporting Statement, NVC Noise Impact Assessment, Ecological Survey and Transport Statement (all date stamped received 12 April 2016) and the Flood Risk Assessment (ref: CA102593/FRA/REV1) (date stamped received 18 May 2016).
 - (ii) The following drawings all date stamped received 12 April 2016;
 - Dwg No. B/CA102593/3000: Site Location Plan
 - Dwg No. B/CA102593/3001: General Arrangement
 - Dwg No. B/CA102593/3002: Concept Diagram
 - Dwg No. B/CA102593/3003: Sections Through Site
 - Dwg No. B/CA102593/3004: Welfare Building Plans & Elevations.
3. The permitted hours of opening are as follows:

08:00 to 18:00 hours Monday to Sunday including Bank and Public Holidays but excluding Christmas Day and Boxing Day.
4. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Waste Planning Authority.

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall, unless otherwise agreed with Black Sluice Internal Drainage Board (the receiving body), be restricted to 1.4 litres per second per hectare;
- c) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and the use of the permitted development shall not be commenced until the approved scheme has been completed. The approved

scheme shall be retained and maintained in full in accordance with the approved details.

5. The development shall proceed in accordance with the approved Flood Risk Assessment (ref: CA102593/FRA/REV1 dated May 2016 – cited in Condition 2) including the following mitigation measures therein:
 - Appropriate flood resistance and resilience measures to be incorporated
 - Finished floor levels of welfare building/office to be raised as high as practicable.

6. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be undertaken within a reasonable period, the equipment affected should be taken out of service.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. To define the permission and to ensure the development is implemented in all respects in accordance with the approved details.
3. For the avoidance of doubt and to define the hours of operation.
- 4 & 5 To ensure that surface waters from the development are appropriately managed in the interests of flood risk and sustainable drainage.
6. In the interest of minimising noise pollution.

Informative

The applicant's attention is drawn to the advice and information set out in the attached letters/correspondence:

- Western Power Distribution dated 19 April 2016
- Environment Agency's letter dated 20 May 2016.

Appendix

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

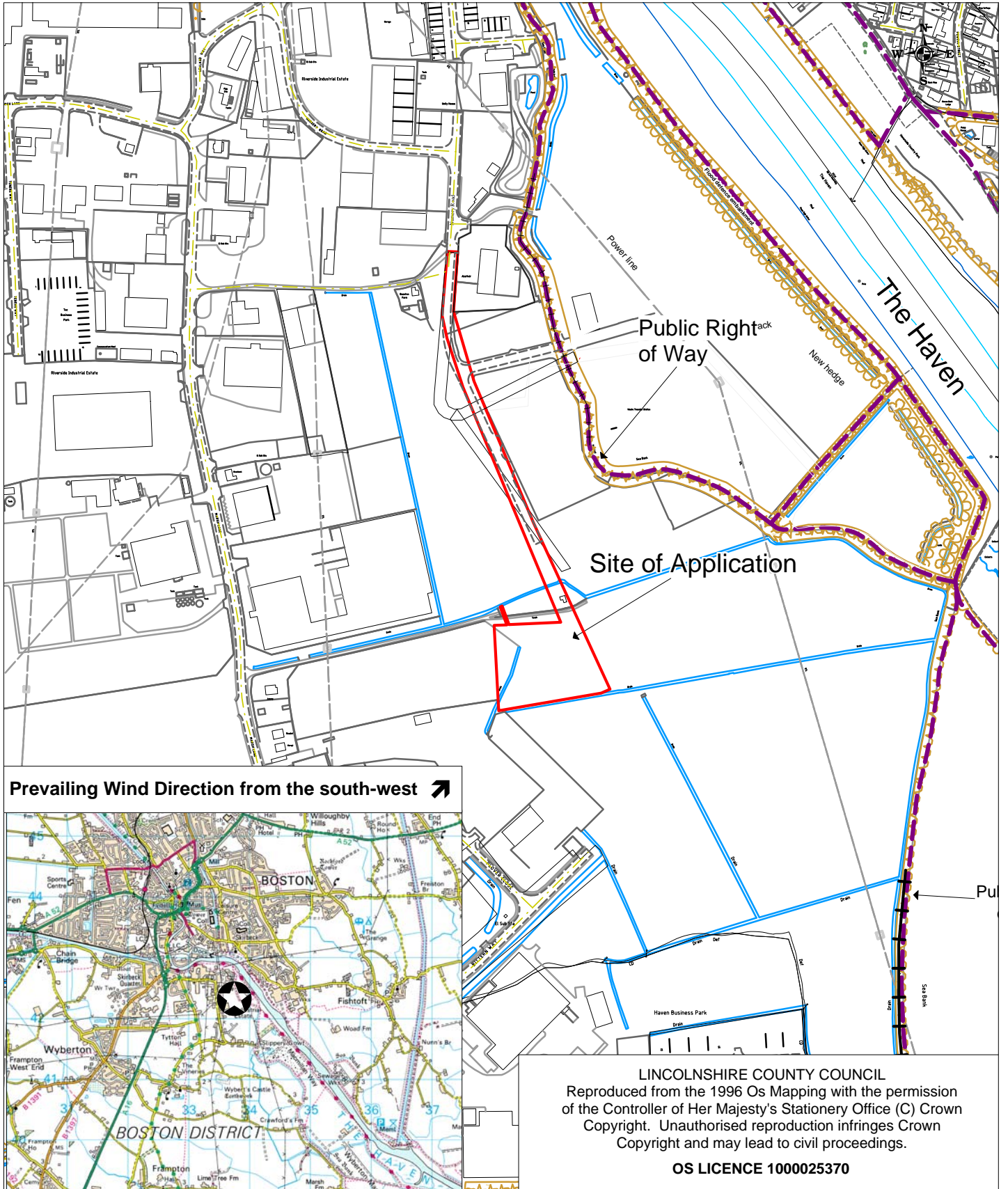
Appendix A	Committee Plan
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Background Papers

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

Document title	Where the document can be viewed
Planning Application File B/0130/16	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	The Government's website www.gov.uk
Boston Borough Local Plan (BBLP) (1999)	Boston Borough Council website www.boston.gov.uk
South East Lincolnshire Local Plan (SELLP) (Draft January 2016)	South East Lincolnshire Joint Strategic Planning Committee website www.southeastlincslocalplan.org

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



Location:
Nursery Road
Boston

Description:
To construct a household waste recycling centre (HWRC) with a single storey welfare building/office and access road to highway adoptable standard

Application No: B/0130/16
Scale: 1:5000

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