

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

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

### Summary:

#### Supplementary Report

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

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

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

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

### Recommendation:

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

## Background

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

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

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

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

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

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

## **Appendix**

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

Appendix B	Planning and Regulation Committee Report 15 February 2021
------------	---

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

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

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

**Summary:**

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

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

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

**Recommendation:**

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

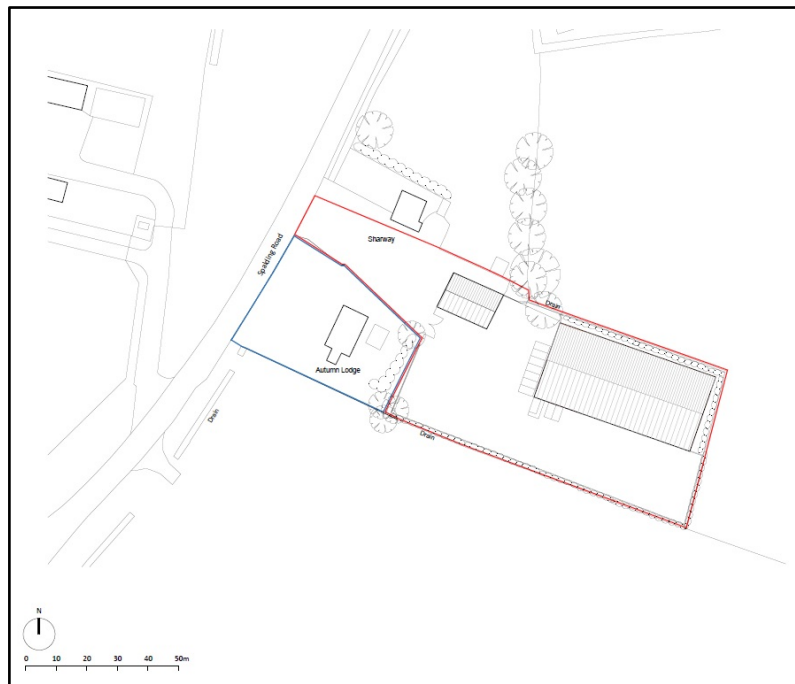
**Background**

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

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

## The Application

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



Location Plan

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

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



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

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

#### Site and Surroundings

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

#### Main Planning Considerations

##### Planning Policy Context

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

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

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

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

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

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

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

Paragraphs 212 - 214 (NPPF and Local Plans) – states that due weight should be given to existing Local Plans where they are consistent with the NPPF. This is of relevance to the Lincolnshire Mineral and Waste Local (2016).

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

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

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

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

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



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

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

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

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

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

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

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

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

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

#### Results of Consultation and Publicity

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

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

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

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

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

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

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

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

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

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

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

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

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

#### District Council's Recommendations

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

#### Conclusions

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

#### Visual Amenity

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

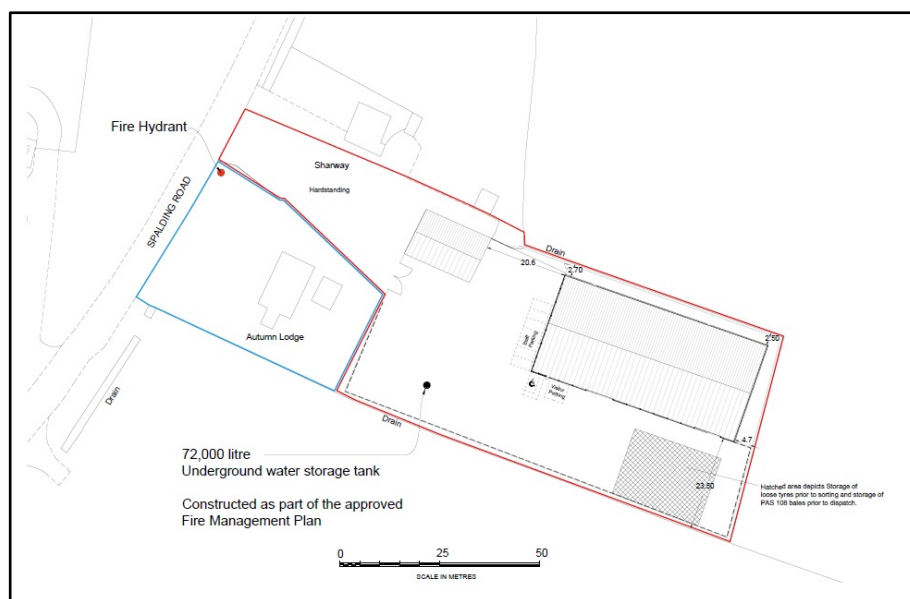
#### Noise

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

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

### Increased Tonnage, Fire Risk and Pollution

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



Fire Water Plan

## Human Rights Implications

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

## Final Conclusion

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

## **RECOMMENDATIONS**

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

## **Informatives**

Attention is drawn to:

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

## **Appendix**

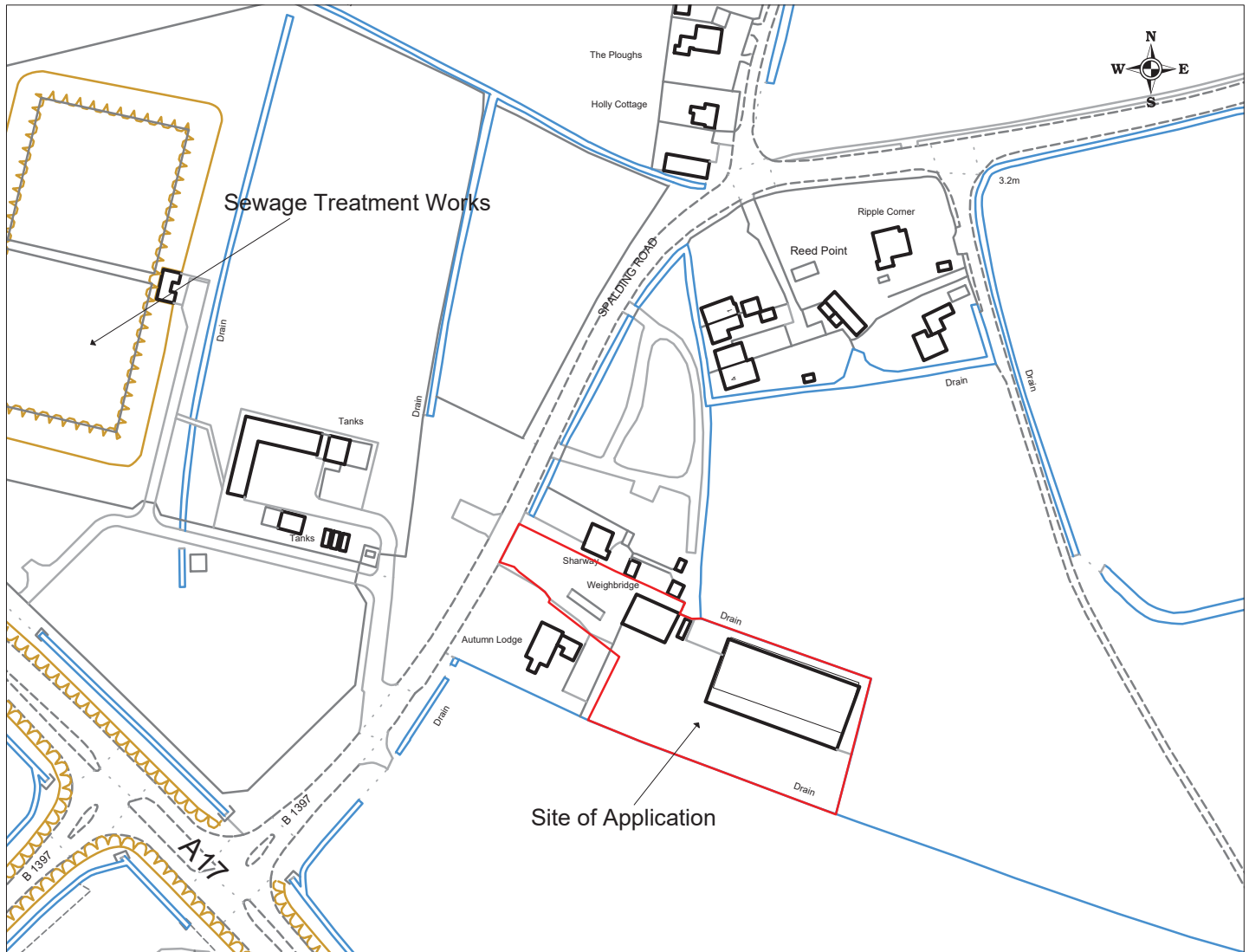
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

## Background Papers

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

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

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



### Prevailing Wind Direction from the south-west ↗



Lincolnshire County Council  
You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of the data to third parties in any form.

© Crown copyright and database rights 2019  
OS Licence number 100025370

**Location:**  
Reed Point  
Spalding Road  
Sutterton

**Application No:** B/20/0474

**Scale:** 1:2500

### Description:

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

This page is intentionally left blank