

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

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

**Summary:**

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

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

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

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

**Recommendation:**

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

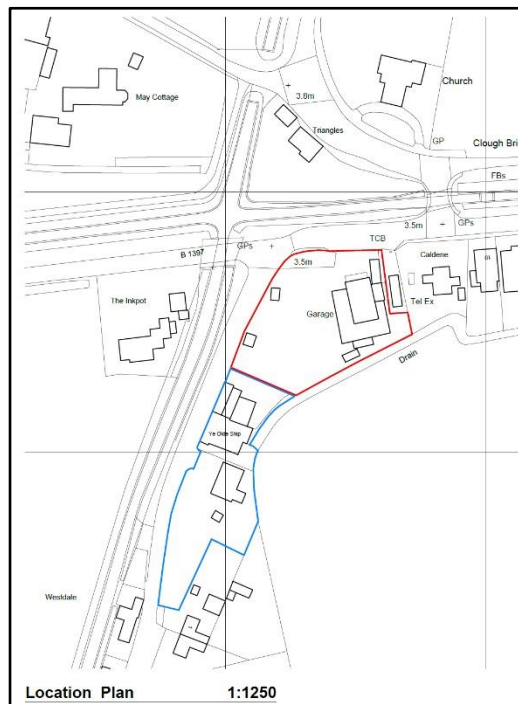
## Background

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

## The Application

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

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



## Site operations and activities

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



Block Plan

## Hours of operation

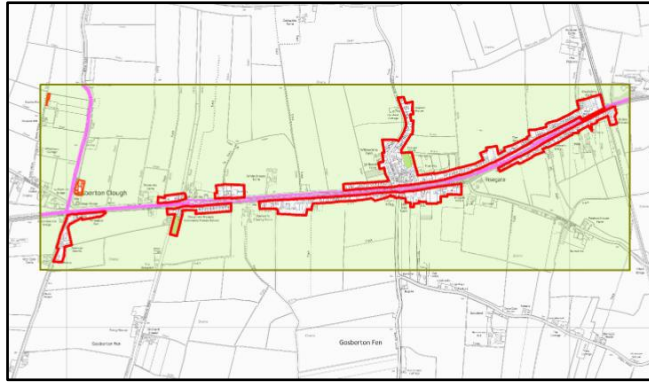
5. The proposed hours of operation are between 0800 and 1700 hours Monday to Friday and between 0800 and 1300 hours on Saturdays. The site would not be open or operate on Sundays and on Bank/Public Holidays and would not be open to the public.

## Amenity and Environment Impacts

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

## Need

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



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

#### Site and Surroundings

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

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



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

#### Main Planning Considerations

#### Planning Policy Context

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Results of Consultation and Publicity

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

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

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

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

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

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

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

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

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

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

#### District Council's Recommendation

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

#### Conclusions

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

#### Need and Location

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

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

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

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

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

Suitable site/existing permitted use

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

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

#### Environmental and amenity considerations/compliance with other Development Management Policies

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

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

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



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

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

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

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

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

#### Human Rights Implications

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

## Final Conclusions

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

## RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

### Commencement

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

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

### Approved Documents and Drawings

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

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

## Pre-commencement and Pre-Occupation Conditions

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

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

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

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

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

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

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

#### Hours of Operation/Use

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

0800 – 1700 Monday – Friday

08:00 and 1300 on a Saturday.

No operations on Sundays and public holidays.

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

#### Highway Access

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

*Reason: In the interests of highways safety.*

#### Amenity

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

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

## Noise

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

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

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

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

Cessation of use and clearance of the site

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

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

### **Informatives**

Attention is drawn to:

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

## Appendix

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

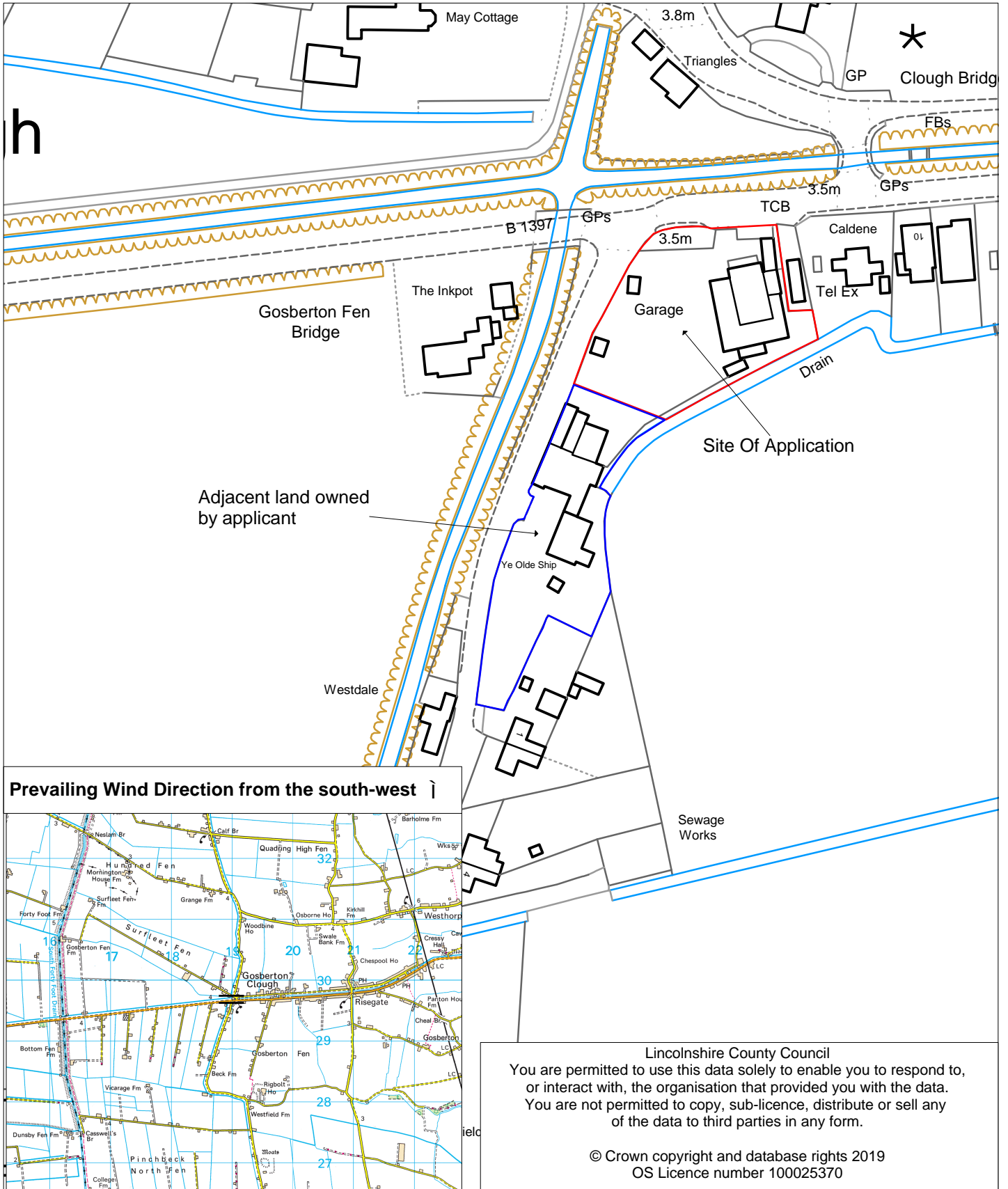
## Background Papers

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

Document title	Where the document can be viewed
Planning Application File H08-1150-22	Lincolnshire County Council's website <a href="https://lincolnshire.planning-register.co.uk/">https://lincolnshire.planning-register.co.uk/</a>
National Planning Policy Framework (2021)	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)	South Holland District Council's website <a href="http://www.sholland.gov.uk">www.sholland.gov.uk</a>

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





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<p><b>Location:</b>                  The Old Ship Inn                  Beck Bank                  Gosberton Clough</p> <p><b>Application No:</b> H08-1150-22  <b>Scale:</b> 1:1500</p>	<p><b>Description:</b>                  For change of use of redundant courier/transportation business to car dismantling business</p> <p style="text-align: right;">Page 87</p>
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