



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

Report to:	Planning and Regulation Committee
Date:	4 December 2023
Subject:	County Matter Application - H08-0920-23

Summary:

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

Planning permission (ref: H08-1150-22) was granted on 13 February 2023 for this same use and in granting permission five pre-commencement conditions were imposed. However, the development commenced prior to these pre-commencement conditions being fulfilled and as a result, it was considered by the Waste Planning Authority that the planning permission was lost. The applicant has therefore submitted a fresh application that seeks to reestablish this permission and largely reflects the application submitted previously with the exception that it now contains additional details to address the pre-commencement conditions that had been imposed previously.

As before 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) were previously 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 to reestablish 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. 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:

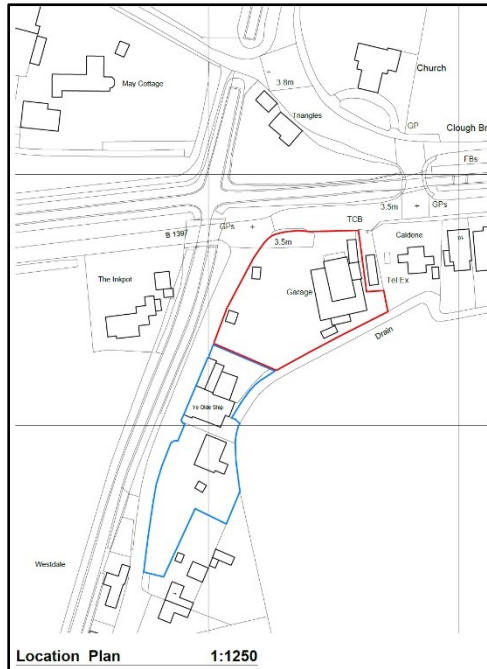
Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

Background

1. Planning permission (ref: H08-1150-22) was granted on 13 February 2023 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. In granting permission for this use five pre-commencement conditions were imposed which required further details to be submitted for the written approval of the Waste Planning Authority before the development could lawfully commence. These conditions sought to secure details in relation to: site drainage; proposed means of disposal of foul/contaminated water; additional landscaping details; details of proposed security fencing and a Flood Evacuation Plan. The applicant however commenced development on the site prior to these pre-commencement conditions being fulfilled and as a result, it was considered by the Waste Planning Authority that the planning permission was lost. The use of the site was therefore deemed to be unauthorised and no longer benefited from the terms of the planning permission H08-1150-22.
2. The applicant was advised of this situation and has consequently now submitted a fresh application that seeks to reestablish permission to use the site for the same purpose. This revised application largely reflects that which was submitted previously with the exception that it now contains additional details to address the pre-commencement conditions that had been imposed previously.

The Application

3. 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. This application is retrospective insofar as the use of the site had already commenced before the pre-commencement conditions imposed on the former permission that authorised this use had been satisfied.
4. The application site is the same as that previously subject of permission H08-1150-22 and comprises of an area of yard and existing buildings that had previously been used as a courier/transportation business by the former owner.



Location Plan

Site operations and activities

5. Like the previous application this proposal is seeking permission to use the land and existing buildings 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.

6. 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 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.

7. 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 bodyshells

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

- 8. The proposed hours of operation would be 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 the public. These are the same hours as those previously permitted by H08-1150-22.

Amenity and Environment Impacts

- 9. The applicant states 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.
- 10. In relation to visual impacts, the site had previously benefited from some soft landscape screening along the northern, eastern and southern boundaries of the site which helped to restrict views into the site from outside the site. However, some of the lower quality shrubs and scrub have since been removed from these areas which the applicant states has been undertaken to improve visibility at the Beck Bank junction and to make way for the new security fencing that was proposed to be installed as part of the previous permission. However, in order to maintain screening of the site in future, the applicant has retained as much of the better quality trees and mature shrubs as possible and has planted new and infill Portuguese Laurel Hedging within the security fencing to further screen the site. Details of the security fencing and this additional landscape planting had been

matters that were subject of the pre-commencement conditions that had been imposed on permission H08-1150-22 but which the applicant failed to satisfy. As part of this application the applicant is therefore seeking permission to retain the fencing and planting as carried out and therefore address and negate the need for the previous pre-commencement conditions.

11. In addition to the above, as part of this revised application the applicant has also proposed to attach temporary green privacy netting to the security fence in order to provide a more immediate screen whilst the additional planting matures and is a suitable height and density to sufficiently screen the site itself.

Access & Traffic Movements

12. Access to and from the site would continue to be gained via the existing access which fronts onto the B1397. Access into the site is gained through a 9m wide sliding entrance gate. The B1397 is used by mixed traffic including heavy agricultural machinery and HGV's including those based at nearby transport, agricultural tyre sales & timber sales businesses.
13. In terms of traffic movements, these would again remain unchanged from that previously proposed and accepted in relation to permission H08-1150-22 and are expected to be low in number (around HGV five vehicles arriving to the site per week with a container HGV collecting dismantled vehicles once every 3-4 weeks). As this was deemed acceptable previously then it is argued that this proposal would also not have an adverse impact on the function or safety of the highway network.

Flood Risk & Drainage

14. The site lies within Flood Zones 1 and 3 as shown on the Environment Agency's Flood Zone map. 95% of the site is located in Flood Zone 1 with the remaining 5% located within Flood Zone 3. No flooding is predicted to the site in a 1 in 100 year event in 2115. Although there is very low risk of flooding, a Flood Warning and Evacuation Plan has been submitted in support of the application which confirms the approach to be taken for any personnel on site for safe access & egress. This Flood Evacuation Plan had been one of the matters subject of the pre-commencement conditions imposed on permission H08-1150-22 and so by submitting it as part of this revised application the applicant is seeking to address and negate the need for the previous pre-commencement condition to be reimposed.

Drainage

15. The applicant has undertaken drainage works within the site. The works include the installation of three private storm water manholes which feed into attenuation storage tanks. During the site visit, the applicant confirmed that the attenuation storage tanks will be emptied and taken off site for recycling periodically. Details

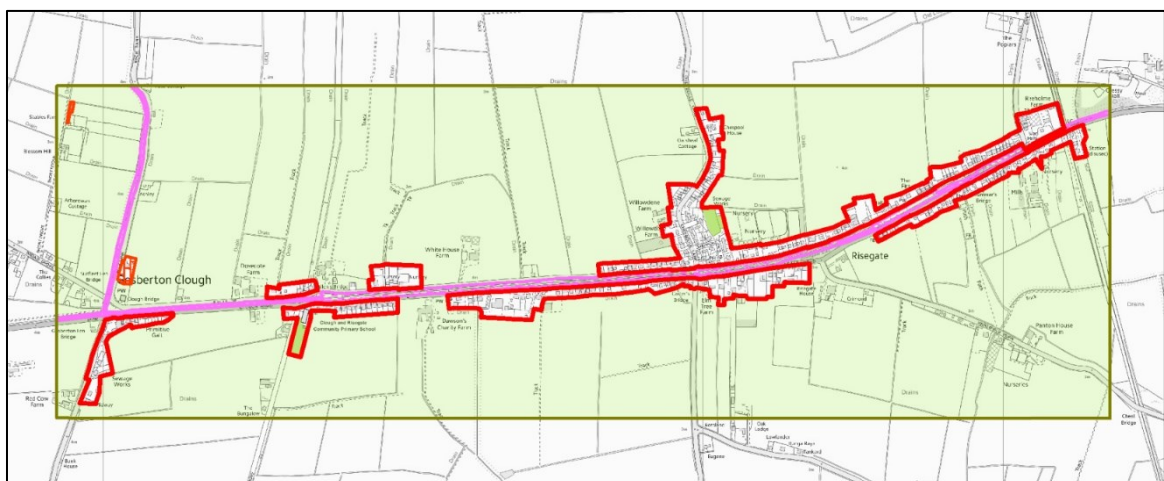
relating to site had been one of the matters that was subject of the pre-commencement conditions imposed on permission H08-1150-22. As part of this application the applicant is therefore seeking permission to retain the drainage infrastructure installed and so address and negate the need for the previous pre-commencement condition which related to this.

Foul Drainage

16. In relation to foul drainage, the applicant has confirmed that there are no toilet or facilities within the building which require foul drainage. Site operatives and staff instead use the existing toilet facilities within the old public house which lies adjacent to the site and which is occupied by the same owner/user of the site. As a result, whilst a pre-commencement condition had been imposed requiring details of these arrangements, as no such provision is needed then the applicant submits that the previous condition is no longer required.

Need

17. As stated previously, this application is seeking to reestablish the use for which planning permission had previously been granted. The need case presented by the applicant as to why this development/use should be justified therefore remains unchanged from that which was presented previously and is summarised below.
18. As before, the applicant states that this proposal would develop a previously developed, brownfield site lying within the defined settlement boundary of Gosberton Risegate and Clough (as identified on Inset Map No 42 of the South East Lincolnshire Local Plan).



Inset Map No 42 of the South East Lincolnshire Local Plan

19. The applicant identified this site as being suitable for its intended use as sites in the local main urban areas are difficult to find due to the space required and high rental costs. Due to the nature and scale of the business, sites in an urban area are therefore not suitable or viable. The applicant states that 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, 4x4's & pickups. The business relies upon a constant and steady turnaround of vehicles, parts and associated waste products and so 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

20. 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.
21. 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 high galvanised steel security fence and gate with some established trees and newly planted shrubs. The eastern boundary is formed with mature hedgerow whilst the southern boundary is formed with 2m high galvanised steel security fence and gate. The western boundary is formed with 2m high galvanised steel security fence and gate with newly planted shrubs.



Northern Boundary



Southern Boundary



Western Boundary

22. The fencing located to the south of the site separates the site from the residential dwelling (former Old Ship Inn) which lies to the southwest of the proposed site .
23. 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

24. The National Planning Policy Framework (2023) 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 104 to 109 (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 119 (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 126 - 136 (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 159 to 169 (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

25. (a) Local County Council Member, Councillor Jane King – objects to this application as she feels this development is in the wrong place being a fairly residential area. Concerns have been raised that there will be lots of noise from the breaking process and more traffic on what is a narrow road. Cllr King has also raised concerns about what assurances are in place to ensure that the removal and storage of fluids from batteries antifreeze etc would not runoff into the nearby dyke causing pollution. It is stated that there has already been a complaint regarding the noise and the applicant has already shown total disregard for the condition laid down from the first application which prompted a visit from the Councils enforcement team and which has resulted in the need for this new application.
- (b) Gosberton Parish Council – has commented that there should be a restriction on operating hours so that local residents aren't disturbed and also concerns that the perimeter fence of the property restricts the view of motorists at the junction of Beck Bank.
- (e) Environment Agency (EA) – no objection but has provided a number of Informatives which it recommends be attached to any decision notice issued. These Informatives relate to the need for and Environmental Permit and that the site should be appropriately drained and have a Flood Evacuation Plan in place.
- (f) Highway and Lead Local Flood Authority (Lincolnshire County Council) – have raised no objection commenting that consent was granted for this same use in February 2023. The proposed use would be accessed by the same entrance from the B1397 Clough Road and is considered suitable for HGV movements. Whilst the applicant has removed the old boundary hedge and fencing boards and replaced this with a new galvanised steel palisade fence, if anything, this has improved visibility over the previous situation. There is sufficient space within the site for delivery vehicles to be unloaded and to

manoeuvre and for staff parking on site and there is no mention of direct sales to the public.

In view of the above, and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network.

(g) Lincolnshire Police – no objections.

The following bodies were also consulted, however no representations had been received as a result of this publicity within the statutory consultation period or by the time this report was prepared:

Environmental Health Officer (South Holland District Council)
Historic Places (Lincolnshire County Council)
Public Health (Lincolnshire County Council)

26. The application has been publicised by notices posted at the site and in the local press (Lincolnshire Free Press on 24 October 2023) and letters of notification were sent to the nearest neighbouring residents. A total of 17 representations (7 in opposition and 10 in support) have been received in response to this publicity/notification and a summary of the comments received are set out below:

Objections:

- 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 the removal of the established hedgerow which now allows views into an untidy site.
- 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.
- Hours of Operation - concerns have been raised in relation to the site being operational outside of the conditioned hours.
- Location - concerns have been raised in relation to the site being located within a rural residential area.

Support:

- Noise Pollution – find the operator considerate to neighbours and noise has been minimal. No more noisy than agricultural operations.

- Visual Impacts – the site has been tidied and cleared. The newly erected security fencing is an improvement to what was there previously as well as making the site secure.
- Highway Safety - the removal of the established hedgerow has improved visibility when leaving Beck Bank to join the B1397.
- Hours of Operation – the restricted hours granted under planning ref: H08-1150-22 welcomed, particularly after the previous use (haulage yard) was operational 24 hours per day.
- Location – traditionally, the site has been light industrial/engineering use and overall the steps taken for this application appear positive.

District Council's Recommendation

27. South Holland District Council has advised that it has no objection 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

28. This application is seeking to reestablish permission to use the land and buildings for the same use as that which has previously been granted and deemed acceptable, subject to planning conditions. The development subject of this fresh application is therefore fundamentally the same as that which was presented and considered by the Waste Planning Authority previously save for the fact that this now also contains additional details to address the pre-commencement conditions that had previously been imposed on permission H08-1150-22.
29. The main issues to be considered in the determination of this application are therefore the same as they were previously which are:
- whether the proposed development is acceptable given its location; and
 - whether the proposed use can be carried out without causing unacceptable harm or detriment to residential amenity and the environment.

Need and Location

30. 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.

31. 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.
32. 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.
33. 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.
34. 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.
35. 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 and given the size and scale of the development it is considered to be a small-scale facility. Therefore in assessing the acceptability of this development consideration needs to be given to the criteria within Policy 1 of the SELLP and Policy W7 of the CSDMP.
36. Planning permission has previously been granted for this same waste management use on this same site and there have been no fundamental changes to the development proposed or to the planning policy context since the previous application was considered. As before, as the proposal 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 and re-establish permission for a waste management use which the Waste Planning Authority has previously deemed to be acceptable in this location. Taking into account the above, I am therefore satisfied that this proposal, like before, 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

37. 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.
38. 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 has previously been granted permission for this same waste management use. The application (as submitted) proposes to re-establish permission for 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 would 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 history and background to this case I am therefore once again satisfied that this proposal accords with the types of site identified as suitable by Policy W7.

Environmental and amenity considerations/compliance with other Development Management Policies

39. 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.
40. 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.
41. 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 with the temporary storage of incoming and outgoing

vehicles within designated and defined areas of the site. A 2m high galvanised steel palisade security fencing has been erected internally to the site and whilst the site was previously well screened from public vantage points by mixed tall shrub, hedge and tree planting since the last application/permission was granted, some of the lower quality shrubs and scrub have been removed. The removal of this screening has opened up views into the site however the applicant has carried out additional planting alongside the new security fencing which in time will mature and provide a more robust and fuller visual screen. Whilst it is accepted that views into the site have therefore increased as a result of the removal of the former shrubs, in order to maintain a degree of screening whilst this new planting matures, in the interim the applicant has proposed to attach green privacy netting to the fence and maintain this until the newly planted hedgerow is to a suitable height and density to sufficiently screen the site. This temporary netting would help to reduce views into the site but not completely remove them in the short-term however, on balance, I am satisfied that the development would not have a significant or long-term adverse impacts once the planting has matured.

42. Planning conditions can be used to secure ongoing maintenance and also 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 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 minimised and controlled to an acceptable level.

Traffic and Access

43. The use and number of traffic movements associated with this use remain unchanged from that previously proposed in association with the development that was granted permission under permission ref: H08-1150-22. The number of HGV vehicle movements is stated as being low (around five vehicles arriving to the site per week with a container HGV collecting dismantled vehicles once every 3-4 weeks). Whilst objections have been raised by local residents about traffic movements and the proposed ELV use, as before no objections have been raised by the Highways Officer as the existing access to the site is considered to be of a suitable size with adequate visibility in both directions and as the low number of traffic movements would not have a severe impact on the function, safety or condition of the local highway network. As a result, given this proposal is the same as that granted permission previously, this revised development is also considered to accord with the requirements set out in Policy DM14 of the LMWLP.

Noise

44. As indicated the ELV use is a small-scale operation with the depollution and dismantling operations taking place within the building using hand and power tools only. The nearest residential dwelling to the site is that of the former Old Ship Inn which is in the same ownership as the applicant. It is understood that the operator of this site resides in this dwelling and so given their interest and association with the use their potential exposure to higher levels of noise or disturbance from this use would be acceptable.
45. 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 as before 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. Subject to these conditions I am satisfied that the amenity of those nearby residents would not be severely or adversely affected and so the development would, as before, accord with Policy DM3 of the CSDMP and Policies 2 and 30 of the SELLP.

Flood Risk and Drainage

46. 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. A Flood Warning and Evacuation Plan has been submitted in support of the application which confirms the approach to be taken for any personnel on site for safe access & egress.
47. Since the last application, the applicant has undertaken drainage works within the site which includes the installation of three private storm water manholes which feed into attenuation storage tanks where water is stored before being tinkered off-site for treatment/disposal elsewhere. These drainage arrangements mean that the site operates a sealed system and does not discharge any waters to existing watercourses or to any sewer. As part of the previous application, details

of this drainage system had been sought as a pre-commencement condition but as these works have now been carried out the applicant is effectively seeking to gain permission for this as part of any new permission granted. In relation to foul drainage, the applicant confirms that there are no facilities within the building which required no foul drainage and as a result the details sought by the pre-commencement condition imposed on the previous permission are redundant.

48. No objections have been received from the Environment Agency or Highway and Lead Local Flood Authority in relation to the details submitted as part of the application. Therefore I am satisfied that subject to conditions which require the development to be carried out in accordance with the details as submitted, the development would accord with Policies 2, 4 and 30 of the SELLP and Policy DM15 of the CSDMP.

Human Rights Implications

49. 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

50. The application (as submitted) proposes to re-establish permission for the use of the land and existing building to enable it to be used as a ELV facility. The proposed development and use is essentially unchanged from that which was proposed and which the Waste Planning Authority has previously deemed to be acceptable in this location. This revised application does however now contain further information and details to address matters which had previously been the requirements of pre-commencement conditions that had been imposed on the former permission (ref: H08-1150-22).
51. Whilst objections to this use have once again been received, this time letters of support have also been received and given the use has not fundamentally changed and the planning policy context is the same as that which was in place when the previous use was considered, having taken into account the location, size, scale and nature of the development, I am again satisfied that this development is acceptable 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:

1. The development hereby permitted shall be retained in accordance with the following documents and plans:

Documents

- Application form (date stamped received 01 October 2023)
- Flood Risk Assessment (date stamped received 01 October 2023)
- Flood Warning Evacuation Plan (date stamped received 01 October 2023)
- Foul Drainage Statement (date stamped received 01 October 2023)
- Site Survey Report (date stamped received 01 October 2023)
- Revised Supporting Statement (date stamped received 01 October 2023)

Plans

- 101-P01 Drainage Strategy (date stamped received 01 October 2023)
- 102-P01 Exceedance Flow (date stamped received 01 October 2023)
- 103-P01 Maintenance Schedule (date stamped received 01 October 2023)
- 183-01-LBP01-Rev F Proposed car dismantling business Location & Block Plans (date stamped received 10 November 2023)

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

Hours of Operation/Use

2. 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 and 1700 Monday – Friday

0800 and 1300 on a Saturday.

No operations on Sundays and Bank/Public Holidays.

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

Highway Access

3. Vehicles shall only use the access located on the B1397 as identified on Drawing No. 183-01-LBP01-Rev F.

Reason: In the interests of highways safety.

Amenity

4. With the exception of vehicles awaiting treatment, depolluted vehicle shells and materials stored in the skips in the areas identified on approved Drawing No. 183-01-LBP01-Rev F, no scrap metals, pre-treated or depolluted vehicles, vehicle parts tyres and any other materials shall be stored outside of the building.
5. 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.
6. 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.

7. Within three months of this decision, an additional minimum 2.0m high close boarded fence shall be erected along the shared southern-southern-eastern boundary between the site and the dwelling (identified as the former Old Ship Inn). 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 southern boundary of the site so as to further minimise the visual impacts of the development on nearby residents and the wider area.

Noise

8. 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.

9. 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.
10. 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.
11. 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.

12. 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.

Landscaping

13. All trees and shrubs on the site shall be retained in accordance with the landscaping proposals as shown on Drawing ref: 183-01-LBP01-Rev F and shall be maintained in accordance with the details set out in Document 103-P01 Maintenance Schedule.

Reasons: To minimise the impact of the development on the local landscape and to secure biodiversity enhancements.

Cessation of use and clearance of the site

14. 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.

Informative

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

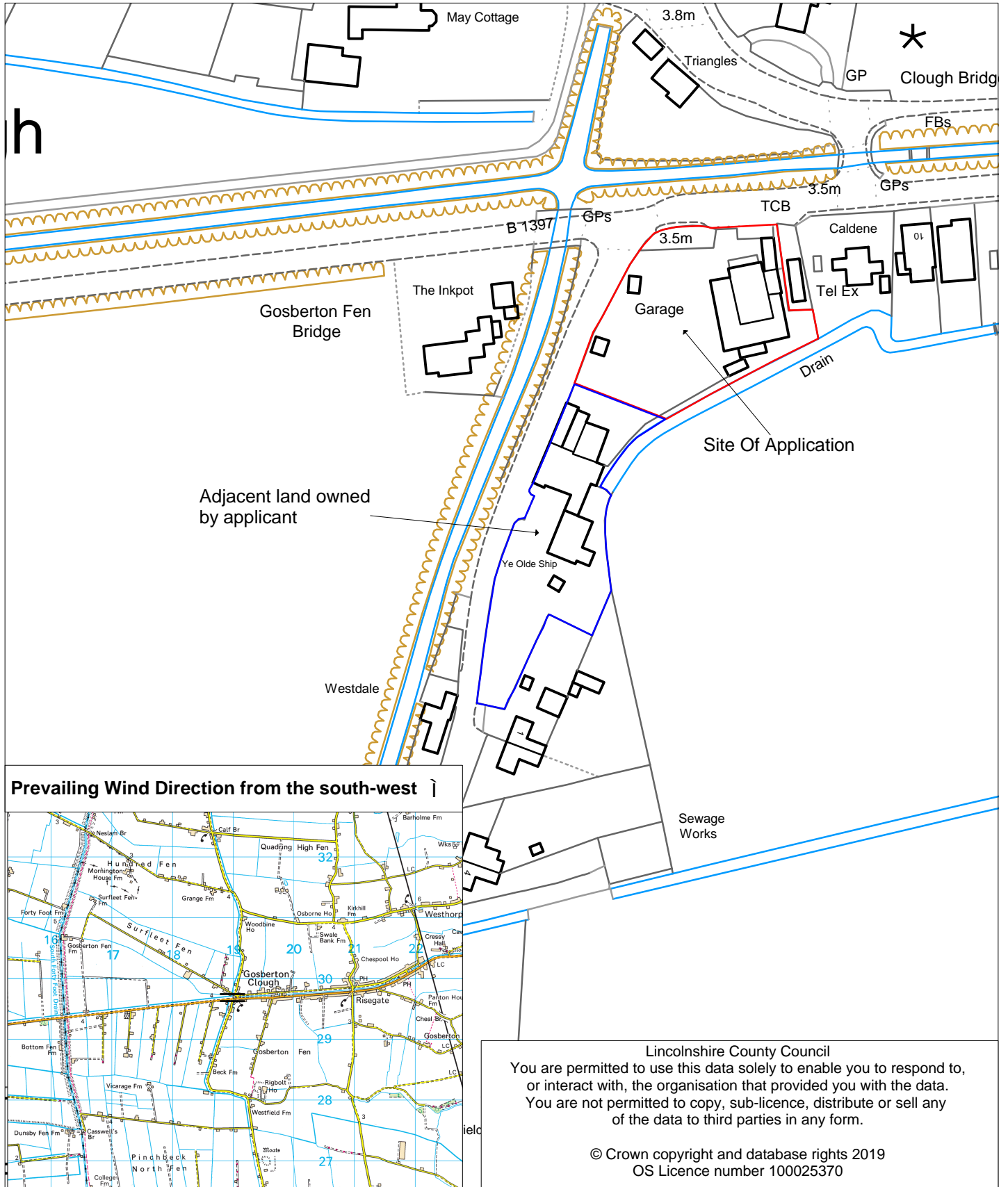
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

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

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

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 4 DECEMBER 2023



Lincolnshire County Council
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<p>Location: The Old Ship Inn Beck Bank Gosberton Clough</p> <p>Application No: H08-0920-23 Scale: 1:1500</p>	<p>Description: For change of use of redundant courier/transportation business to car dismantling business</p> <p>Page 128</p>
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