

Officers Report

Planning Application No: 143441

PROPOSAL: Planning application to erect a new operational services depot to facilitate waste services in the region, including an operations office and staff welfare building, external yard for storage and maintenance of the vehicle fleet, bulky storage facility, staff and visitor parking, and site landscaping being variation of condition 2, 3 and 6 of planning permission 142916 granted 27 May 2021 re: wording of conditions

LOCATION: Land East of A15/North of A631 Caenby Corner Market
Rasen Lincolnshire LN8 2AR
WARD: Waddingham and Spital
WARD MEMBER(S): Cllr Summers
APPLICANT NAME: Mr A Selby

TARGET DECISION DATE: 10/11/2021
DEVELOPMENT TYPE: Major - Other
CASE OFFICER: Martin Evans

RECOMMENDED DECISION: To delegate back to officers to grant planning permission with conditions, subject to consideration of any further representations received within the consultation period which is up to and including 13th September 2021.

This application is reported to planning committee because the application is made by an employee on the behalf of West Lindsey District Council.

Description:

Planning permission, reference 142916, "to erect a new operational services depot to facilitate waste services in the region, including an operations office and staff welfare building, external yard for storage and maintenance of the vehicle fleet, bulky storage facility, staff and visitor parking, and site landscaping being variation of condition 9 of planning permission 140485 granted 8 July 2020 re: approved plans" was granted subject to conditions on the 27th May 2021. Development has commenced.

Condition 2 states:

"2. The scheme for the prevention and interception of any pollutants from the development to the water environment shall proceed in accordance with the details approved in compliance with condition application 141372 and the scheme shall be in place prior to the first use of the site.

Reason: To prevent pollutants from the development contaminating the water environment in accordance with Policy LP14 of the Central Lincolnshire Local Plan.”

Condition 3 states:

“3. The scheme of ecological enhancements for the site shall proceed in accordance with the details approved in compliance with condition application 141372.

Reason: To secure ecological enhancements in accordance with the requirements of Policy LP21 of the Central Lincolnshire Local Plan.”

Condition 6 states:

“6. Landscaping shall proceed in accordance with the details approved in compliance with condition application 142188. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the site or the completion of the development, whichever is the sooner; and any planting which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that a landscaping scheme to soften the appearance of the development and provide ecological enhancements is provided in accordance with Policies LP17, LP21 and LP26 of the Central Lincolnshire Local Plan.”

This application seeks to vary the wording of these conditions by changing the drawing number they refer to. This would have the effect of allowing the proposed installation of a below ground water treatment recycling plant and allowing amended tree locations to avoid the boundary line or below ground services. The applicant has provided the following statement regarding the need for the change to condition 2:

“Vehicle Wash Treatment Plant Operational Statement

This is a fully automated system without need for manual intervention. The system comprises a washing area slab laid to falls to a sump which has a rapid release bottom outlet which discharges via a diverter. When the jet wash is not in use, rainwater discharges to the sump, and the diverter allows the water to enter the surface water drainage system. If the jet wash is in use, this triggers the diverter so that wash-down water is discharged to the treatment plant. Excess treated water is stored in a sump and holding/buffer tank. When washing is stopped, the rapid discharge sump empties immediately to prevent residual effluent entering the surface water system. Jet-washing utilises recycled water which is stored in the buffer tank /sump. If this runs out then mains water is used.

Why the alternative proposal is required

The original proposal, although planning permission was granted, was not acceptable to the Environment Agency. As such an alternative proposal was presented to West Lindsey District Council (Operator), which included storing water discharged from the vehicle wash in a below ground tank until it could be taken off site, but this was not acceptable from an operational point of view. Following on a third option incorporating a fully automated below ground treatment plant which eliminated water from the vehicle wash from entering the surface water drainage ditch (alongside highway). This final solution was acceptable to all parties and applications have been submitted to the Environment Agency and WLDC Planning Department.”

Relevant history:

140485- Planning application to erect a new operational services depot to facilitate waste services in the region, including an operations office and staff welfare building, external yard for storage and maintenance of the vehicle fleet, bulky storage facility, staff and visitor parking, and site landscaping. Approved 8/7/2020.

141372- Request for confirmation of compliance with conditions 2, 3 and 4 of planning permission 140485 granted 08 July 2020. Approved 2/9/2020.

142188- Request for confirmation of compliance with conditions 6, 7 and 8 of planning permission 140485 granted 8 July 2020. Approved 8/2/2021.

142916 Planning application to erect a new operational services depot to facilitate waste services in the region, including an operations office and staff welfare building, external yard for storage and maintenance of the vehicle fleet, bulky storage facility, staff and visitor parking, and site landscaping being variation of condition 9 of planning permission 140485 granted 8 July 2020 re: approved plans. Approved 27/5/2021.

Representations:

WLDC Environmental Protection:

No objection.

Environment Agency:

No comment.

(Officer note- the EA has been asked to provide a fuller response as the changes to condition 2 are driven by it raising issue with pollution prevention measures via its separate Environmental Permit process).

Natural England:

No comment.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Relevant policies of the CLLP include:

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP21: Biodiversity and Geodiversity

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

The site is within a Limestone Minerals Safeguarding Area where policy M11 of the Core Strategy applies.

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

<https://www.gov.uk/guidance/national-planning-policy-framework>

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in July 2021. Paragraph 213 states:

"However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- **National Planning Practice Guidance**
- **National Design Guide**

Draft Local Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- **Draft Central Lincolnshire Local Plan**

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

The very early stage of preparation, unknown extent of unresolved objection because consultation is at the time of writing underway and untested consistency with the Framework mean very little weight is given to the policies it contains relevant to this proposal at this moment.

Main issues

- The acceptability of the changes proposed

Assessment:

The acceptability of the changes proposed

Policy LP14 and the NPPF require protection of the water environment meaning LP14 is consistent with the NPPF and is given full weight. The pollution interception measures approved under compliance with condition application 141372, to which the Environment Agency did not raise objection and noted an environmental permit will be required from it, entailed diverting vehicle wash down water to a commercial package treatment plant for cleaning and eventual discharge to the roadside ditch.

An application for an environmental permit was duly submitted to the EA. The measures approved in 141372 were, according to the applicant, not acceptable to the EA. The applicant provided this background information as the reason for seeking the proposed variation to condition 2. The EA, at the time of writing, has provided “no comment” on this application. A fuller explanation has been sought from the EA and will form an update at the meeting.

This makes it necessary for the system to be re-designed to that proposed. If the jet wash is in use, this triggers the diverter so that wash-down water is discharged to the treatment plant. This will prevent polluted water discharging into the wider surface water system on the site and into the roadside ditch.

The proposed changes to condition 2 seek to protect the water environment in accordance with Policy LP14 and the NPPF.

Policies LP17 and LP26 require consideration of landscape impacts and incorporation of appropriate landscaping treatment to ensure that the development can be satisfactorily assimilated into the surrounding area. Paragraph 130 of the NPPF requires decisions ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Policy LP21 requires ecological enhancements are provided as does paragraph 174 of the NPPF. These policies are consistent with the NPPF and given full weight.

The changes to ecological enhancements condition 3 and landscaping condition 6 entail moving three trees further into the site along the eastern boundary and repositioning trees along the western boundary. There would be less tree planting to the west of the main building with one tree proposed compared to the three currently permitted. However, the proposed hedge will mature to provide a reasonable level of screening and the overall number of trees proposed remains the same. The same level of ecological enhancement would be provided.

The proposed changes to conditions 3 and 6 provide ecological enhancements and appropriate landscaping in accordance with Policies LP17, LP21, LP26 and the NPPF.

It is recommended that conditions 1, 4, 5, 7 and 8 of planning permission 142916 remain unchanged.

Conclusion

The proposed amendments to conditions 2, 3 and 6 are acceptable. Therefore, it is recommended that planning permission is granted, subject to the following conditions, once the consultation period has expired:

Conditions stating the time by which the development must be commenced:

None.

Conditions which apply or require matters to be agreed before the development commenced:

None.

Conditions which apply or are to be observed during the course of the development:

1. Foul water drainage shall proceed in accordance with the details approved in compliance with condition application 141372 or any alternative scheme that has been submitted to and agreed in writing with the LPA and the scheme shall be in place prior to the first use of the site.

Reason: To ensure appropriate foul water treatment facilities are in place to serve the development and prevent pollution and flooding of the surrounding area in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

2. The scheme for the prevention and interception of any pollutants from the development to the water environment shall proceed in accordance with the following or any alternative scheme that has been submitted to and agreed in writing with the LPA:

Morclean drawings

BY2755 Rev 1

BY3095 Rev 2 Sheet 1

BY3095 Rev 2 Sheet 2

BY3095 Rev 2 Sheet 3

and Watermans drawings

15679 STR SA 92 0001 rev E09

15679 STR SA 95 0001 rev E05

15679 STR SA 95 0003 rev E09

The scheme shall be in place prior to the first use of the site.

Reason: To prevent pollutants from the development contaminating the water environment in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

3. The scheme of ecological enhancements for the site shall proceed in accordance with the details in ECUS drawings or any alternative scheme that has been submitted to and agreed in writing with the LPA:

13956_LD_01K

13956_LD_02J

13956_LD_03G

13956_LD_04D.

They shall be installed once the buildings are substantially complete.

Reason: To secure ecological enhancements in accordance with the requirements of Policy LP21 of the Central Lincolnshire Local Plan.

4. Development shall proceed in accordance with the precautionary mitigation measures as recommended for amphibians at paragraph 5.11, 5.12 and 5.13; birds at 5.18; and reptiles at 5.23 of the Preliminary Ecological Appraisal as submitted with application 140485 or any alternative scheme that has been submitted to and agreed in writing with the LPA.

Reason: To prevent harm to protected species in accordance with Policy LP21 of the Central Lincolnshire Local Plan.

5. External finishing materials shall proceed in accordance with the details approved in compliance with condition application 142188 or any alternative scheme that has been submitted to and agreed in writing with the LPA.

Reason: To secure good design in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

6. Landscaping shall proceed in accordance with ECUS drawings 13956_LD_01K, 13956_LD_02J, 13956_LD_03G and 13956_LD_04D or any alternative scheme that has been submitted to and agreed in writing with the LPA. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the site or the completion of the development, whichever is the sooner; and any planting which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that a landscaping scheme to soften the appearance of the development and provide ecological enhancements is provided in accordance with Policies LP17, LP21 and LP26 of the Central Lincolnshire Local Plan.

7. External lighting shall be installed in accordance with the details approved in compliance with condition application 142188 or any alternative scheme that has been submitted to and agreed in writing with the LPA. No additional external lighting shall be installed unless details of the number, location, design and light pollution reduction measures have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise light pollution in the interests of the amenities of the area and ecology in accordance with Policies LP21 and LP26 of the Central Lincolnshire Local Plan.

8. Development shall proceed in accordance with the following approved drawings or any alternative scheme that has been submitted to and agreed in writing with the LPA:

Location Plan (received 21/1/2020)

Proposed Building Plan (received 21/1/2020)

Proposed Roof Plan rev P01 (received 19/4/2021)

Proposed Building Elevations (received 13/5/2021)

Proposed Storage Building (received 21/1/2020)

Fuel Package Tank (received 21/1/2020)

Proposed Water Services Layout (received 10/3/2020)

Proposed Site Plan rev P10 (received 19/4/2021)

0004 Rev A02 (received 13/5/2020)

0005 Rev A02 (received 13/5/2020)

Reason: For the sake of clarity and in the interests of proper planning.

Conditions which apply or relate to matters which are to be observed following completion of the development:

None.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report