



County Offices
Newland
Lincoln
LN1 1YL

21 September 2018

Planning and Regulation Committee

A meeting of the Planning and Regulation Committee will be held on **Monday, 1 October 2018 at 10.30 am in Council Chamber, County Offices, Newland, Lincoln LN1 1YL** for the transaction of business set out on the attached Agenda.

Yours sincerely

A handwritten signature in black ink that reads 'Keith Ireland'.

Keith Ireland
Chief Executive

Membership of the Planning and Regulation Committee
(15 Members of the Council)

Councillors I G Fleetwood (Chairman), T R Ashton (Vice-Chairman), D Brailsford, L A Cawrey, Mrs P Cooper, Mrs J E Killey, D McNally, Mrs A M Newton, Mrs M J Overton MBE, N H Pepper, S P Roe, P A Skinner, H Spratt, M J Storer and C L Strange

**PLANNING AND REGULATION COMMITTEE AGENDA
MONDAY, 1 OCTOBER 2018**

Item	Title	Pages
1.	Apologies/replacement members	
2.	Declarations of Members' Interests	
3.	Minutes of the previous meeting of the Planning and Regulation Committee held on 3 September 2018	5 - 8
4.	County Matter Applications	
4.1	For the erection of General Purpose Building for storage and maintenance of plant and equipment, external storage of skips, plant and equipment as an extension to the adjacent MRF and the installation of bays for the storage, sale and distribution of recycled and imported aggregate at Mushroom Farm, Boundary Lane, South Hykeham, Lincoln - Steven Dunn Architects Ltd - 18/1096/CCC	9 - 34
5.	County Council Applications	
5.1	To vary condition 2(b) of planning permission number S35/0922/16 - To remove and replace the existing 2.5m high fencing with 3.6m high mesh paladin fencing in the same colours as the existing (green) at The Beacon Children's Centre, Sandon Close, Grantham - Kier Workplace Services - S18/1490	35 - 46
5.2	For the construction of a northern access and southern access into the commercial site at the junction of the A46/Lincoln Road, Dunholme, Lincoln - WSP - 138194	47 - 66

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Please note: for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

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**PLANNING AND REGULATION
COMMITTEE
3 SEPTEMBER 2018**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors T R Ashton (Vice-Chairman), Mrs A M Austin, D Brailsford, L A Cawrey, Mrs P Cooper, Mrs J E Killey, D McNally, Mrs M J Overton MBE, N H Pepper, P A Skinner and H Spratt

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Neil McBride (Planning Manager), Marc Willis (Applications Team Leader) and Mandy Withington (Solicitor)

34 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors R P H Reid and S P Roe.

The Chief Executive reported that under the Local Government (Committee and Political Groups) Regulations 1990, he had appointed Councillor Mrs A Austin to the Committee, place of Councillor Mrs A M Newton, for this meeting only.

35 DECLARATIONS OF MEMBERS' INTERESTS

No declarations of interests were made at this stage of the meeting.

36 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 30 JULY 2018

RESOLVED

That the minutes of the previous meeting held on 30 July 2018, be approved as a correct record and signed by the Chairman.

37 COUNTY MATTER APPLICATION

38 PLANNING APPLICATION FOR PROPOSED BIOMASS CHP (COMBINED HEAT AND POWER) PLANT, WASTE WATER TREATMENT PLANT AND VERTICAL FOOD GROWING FACILITY AT DECOY FARM, SPALDING ROAD, CROWLAND BY SYCAMORE PLANNING LTD - H02-0640-18

Lewis Smith, representing the applicant, commented as follows:-

- Open window composting had been carried out at Decoy Farm for many years.

- Recycling to produce green sustainable products was at the centre of operations.
- Recently a 3MW Anaerobic Digester plant had been constructed to provide green electricity and a yet to be constructed glasshouse facility would take advantage of cheap heat and power.
- A 5MW solar farm also exported green electricity to the National Grid.
- The latest proposal expanded on the operating ethos of the site by treating waste water generated in landfill sites.
- The evaporation of the water using waste wood as a biomass fuel would create green electricity and heat that would be used in a vertical food growing facility that was also part of the applicant's proposal.
- This production method would see, for example, herbs and salad leaves grown vertically in the absence of soil solely within a building.
- Energy created for light and heat would see perfect growing conditions 24/7 enabling crops to be grown that traditionally would have been imported from warmer climates.
- Increased production compared to the traditional method of growing and a reduction in the use of water.
- Waste water was brought to the site in sealed tankers and transferred through sealed pipes avoiding any odour from exposure to the atmosphere. Waste wood was fed into the biomass boiler and the resultant steam was used to evaporate the waste water leaving a small quantity of residue which was taken away for disposal.
- Surplus electricity was exported to the National Grid.
- The application had been accompanied by technical reports which gave a comprehensive explanation of the impact of the proposals.
- There had not been any objections to the application from statutory consultees.
- The applicant noted that Cowbit Parish Council and two local residents had made comments about highways matters which were addressed in the report.
- Decoy Farm had the benefit of being located away from sensitive receptors and the suggested conditions would ensure that the site would operate satisfactorily.
- Consent was required from the Environment Agency to the environmental permitting regulations.
- The application was recognised by the Greater Lincolnshire Local Enterprise Partnership as the way forward for the food sector in Lincolnshire.

In response to questions from the Committee, Lewis Smith responded as follows:-

- It was noted that there had been a reduction in complaints about traffic issues but the comments made by Cowbit Parish Council about traffic were supported. Lewis Smith stated that this was a police enforcement matter. Lewis Smith stated that the Council's highways' officers had examined the traffic issues as detailed in the report and were satisfied with the arrangements.
- Access and mud on the road near the applicant's site were the main issues. Lewis Smith stated that the access to the applicant's site would be made up to highway standards.
- Lewis Smith stated that there was a sufficient wood and leachate supply to ensure that the plant operated satisfactorily.

Comments made by the Committee and the responses of officers, where appropriate, included:-

- A 7.5 tonne weight limit was already in place in Cowbit and Cowbit Parish Council should be informed that traffic passing through their village was a police enforcement matter.
- Was the colour code for the proposed buildings on the site in the plans? Officers stated that the colour code of the buildings was detailed in the report.
- Care was needed in the transport of leachate and residents should be encouraged to report any offending vehicle to the responsible company.
- Had the Fire and Rescue service responded to the application? Officers stated that the Fire and Rescue service had not responded to the application.
- Disappointment was expressed at the lack of a response from the Fire and Rescue service. Officers confirmed that a water tank formed part of the proposal and water was available in the event of a fire.

On a motion by Councillor N H Pepper, seconded by Councillor D Brailsford, it was –
RESOLVED (unanimous)

That the application be granted subject to the conditions detailed in the report.

The meeting closed at 11.08 am

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

Report to:	Planning and Regulation Committee
Date:	1 October 2018
Subject:	County Matter Application - 18/1096/CCC

Summary:

Planning permission is sought by GBM Waste Management (Agent: Steven Dunn Architects Limited) for the erection of a general purpose building for the storage and maintenance of plant and equipment and use of land for the external storage of skips, plant and equipment as an extension to the adjacent Materials Recycling Facility (MRF). The application also proposes the installation of bays for the storage, sale and distribution of recycled and imported aggregate at Mushroom Farm, Boundary Lane, South Hykeham, Lincoln, LN6 9NQ.

The key considerations in this case are whether the extension of the existing MRF, to provide ancillary uses for skip storage and maintenance of plant and machinery, and the use of the site for the resale of aggregate would result in harm to the amenity of the local community or have an unacceptable impact on the highway network and highway safety.

Having taken into account the nature of the proposal and the details submitted in support of this application, the proposed use of the site, erection of a building and introduction of the resale of aggregates would not give rise to any new significant environmental or amenity impacts over and above those which have already been deemed acceptable or which could not be reasonably controlled through the imposition of appropriate planning conditions. The proposed increase in vehicle movements would also not have an adverse impact upon the function or safety of the local highway network as this has capacity to accommodate the increased traffic. The proposed development can therefore be supported and would still accord with the objectives and principles of the cited policies of the National Planning Policy Framework, Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies, the Central Lincolnshire Local Plan and the emerging Hykeham Neighbourhood Plan 2016-2036.

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

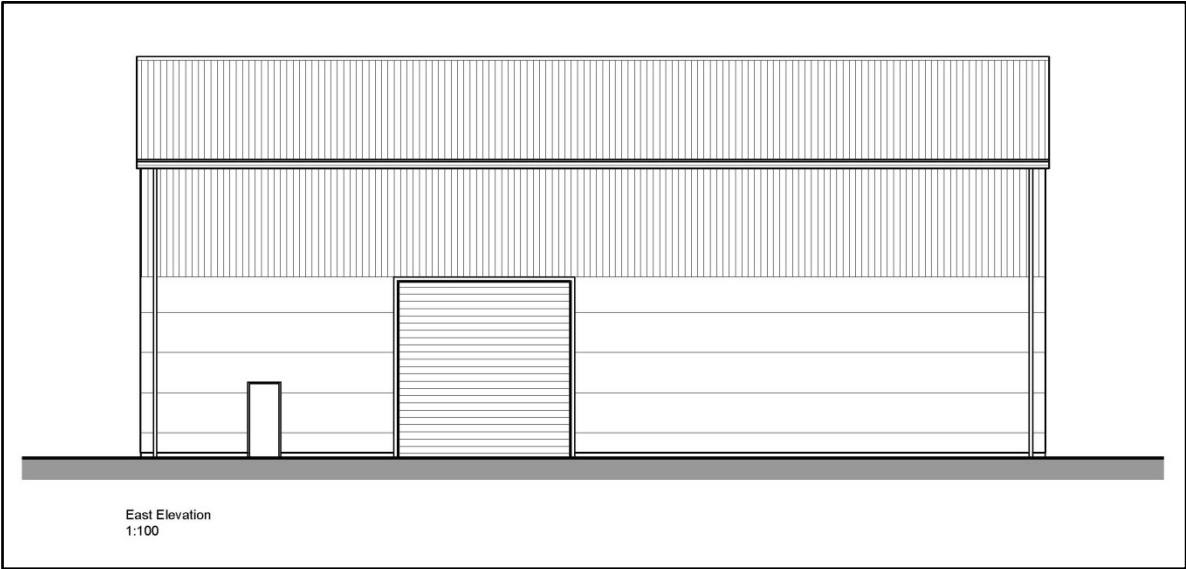
1. The application site has a long history of being used to carry out waste management operations with permissions dating back to as early as 1993 (when the site was known and operated as Woods Skip Hire). The area that is the subject of this planning application has therefore previously been used for carrying out waste management operations however, was later separated from the adjacent waste management site by virtue of planning permission (Ref: N75/0353/15 dated 30 June 2015). This permission reduced the overall footprint of the permitted MRF to the area of land that adjoins the site.
2. A planning permission was granted on 26 May 2015 by North Kesteven District Council (Ref: 15/0133/FUL) for light industrial units on the application site however, this planning permission was not implemented. Since then planning permission has been granted for a 450,000 litre capacity fire water tank which serves the adjacent MRF (granted planning permission ref: 18/0757/CCC dated 30 July 2018).

The Application

3. Planning permission is sought by GBM Waste Management Limited (Agent: Steven Dunn Architects Ltd) for the erection of a general purpose building for the storage and maintenance of plant and equipment and the external storage of skips, plant and equipment as an extension to the adjacent MRF. The application also proposes the installation of bays for the storage, sale and distribution of recycled and imported aggregate at Mushroom Farm, Boundary Lane, South Hykeham, Lincoln LN6 9NQ.
4. The purpose of the application is to provide additional storage space for the skip hire operations carried out by the operator of the adjacent MRF, together with the erection of a maintenance building to service both the skip hire fleet and the plant operating within the MRF. Part of the MRF operation produces recycled aggregate and it is proposed to transfer this product to the proposal site for re-sale, together with imported virgin aggregate. These aggregates would be segregated into storage bays to the south and west boundary of the site. The proposal site would operate to the same hours and days as the adjacent MRF which are as follows:
 - 07:00 and 18:00 hours Monday to Saturday (inclusive); and
 - No operations or activities shall be carried out on Sunday, Public or Bank Holidays.
5. The application is supported by a Transport Statement that provides a breakdown of the additional vehicle movements that would arise associated with the proposed re-sale of aggregates from the site. The skip storage operation is associated with the adjacent MRF and therefore all movements relating to these vehicles have already been assessed and deemed acceptable. Overall the proposed increase would be 25 vehicles, further

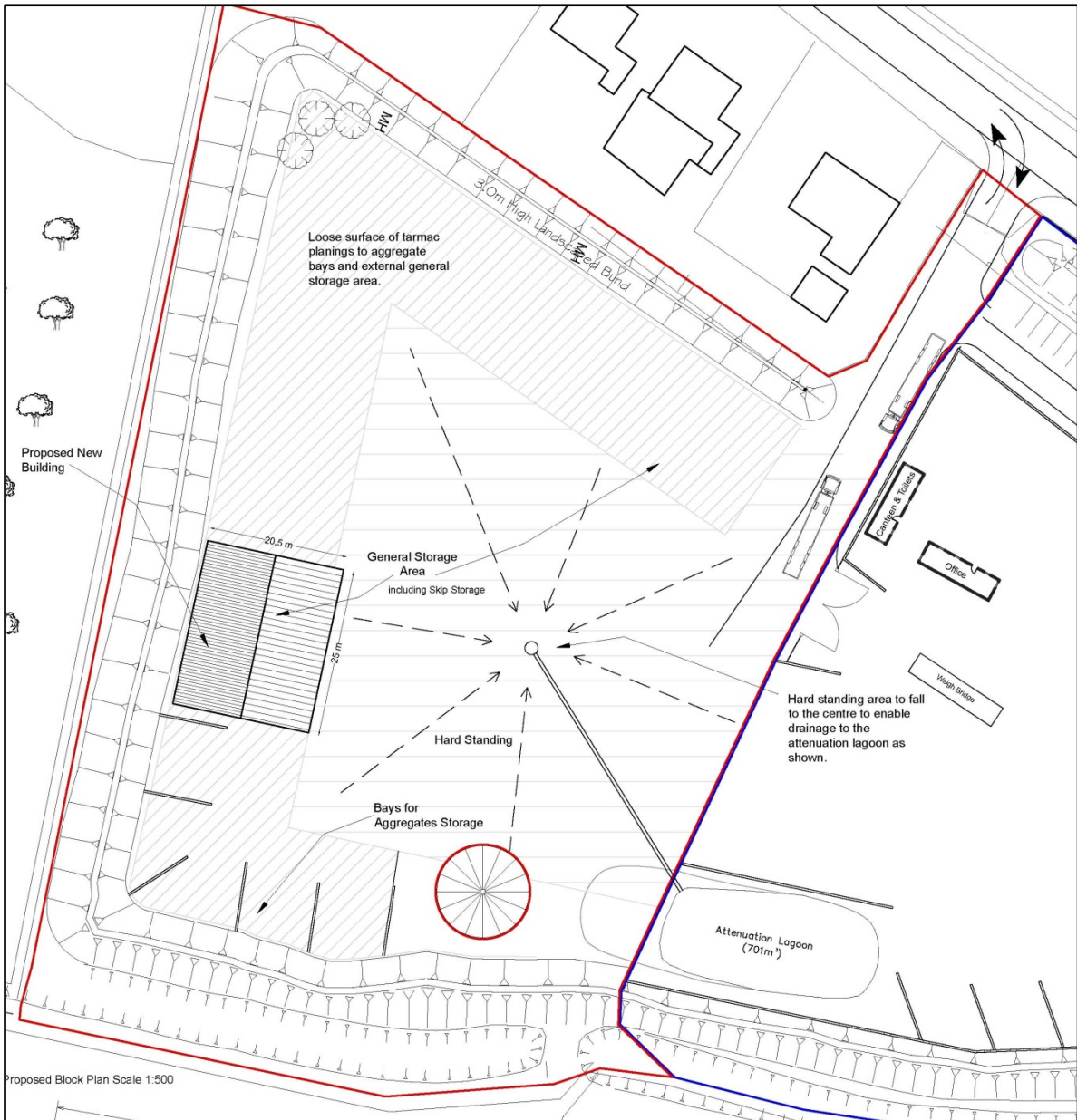
defined as 5 HGVs associated with the delivery of aggregate and 10 HGVs and 10 non-HGVs taking out aggregates. This would therefore equate to an additional 50 daily two-way movements Monday to Saturday.

- 6. The proposed general purpose building would be a steel framed building approx. 25.0 metres in length and 20.5 metres in width that would stand to 11.0 metres in height to the ridge. The walls would be constructed of concrete panels to a height of 8.0 metres with the external upper portion above 5.0 metres being clad in plastic coated profile steel (colour Olive Green: BS00A05 or RAL 7038) with a plastic coated profile steel roof over (colour Goosewing Grey: BS381C or RAL 6003). The building would have two pedestrian access doors to the north and south elevations and on the east elevation would be a further pedestrian door and a roller shutter door measuring 5.0 metres in height and 5.0 metres wide. The building would have guttering and down pipes feeding into the proposed surface water management regime which drains the site to the attenuation lagoon to the south east and provides firefighting water to be stored in the 450,000 litre tank already under construction (subject to planning permission ref: 18/0757/CCC).



Maintenance building – East Elevation

- 7. The maintenance building would be constructed adjacent to the western perimeter bund, approximately 80.0 metres south west of the nearest residential property. The site is accessed off Boundary Lane by a newly constructed concrete road that would service this site as well as the adjacent MRF. The proposal site is surrounded on three sides by an existing 3.0 metre high vegetated soil bund and the eastern boundary is defined by the concrete panel walls of the MRF. The Noise Assessment submitted with the application concluded that the proposed operations would not contribute to the noise impacts already experienced by the nearest sensitive receptors citing the substantial earth bund separating the extension area from the nearest dwellings.



Site layout

8. The accompanying Flood Risk Assessment identified that a small area of the proposal site lies within Flood Zone 2 with the remainder being in Flood Zone 1. The sequential test identified that overall the site was at low risk of flooding notwithstanding the proposal is considered to be a 'Less Vulnerable' use. Consideration was also given to the potential for impacts beyond the site and this concluded that the proposed development would be unlikely to contribute to flooding or flood risk elsewhere. However, the proposal includes a surface water management strategy which identifies that where the ground surface would be laid with permeable tarmac planings, namely the aggregate bays and external storage areas, these areas would drain through natural infiltration. All impermeable surface water run-off would be managed through a three-stage interceptor (with silt trap) and would discharge to the adjoining attenuation lagoon, as would the roof water via a separate drainage system. The attenuation lagoon would be extended into

the application site, giving an additional capacity of 445.0 cubic metres to provide a total volume of 1146.0 cubic metres. As already approved, any surplus waters from the lagoon would be discharged into the adjoining IDB drain at a greenfield rate of 5 litres/sec. As the site operatives would have access to the welfare facilities within the adjacent MRF no foul drainage is required or proposed for this site.

9. The application was supported by a Minerals Assessment identifying that the site lies within an area within an employment allocation and that there were no intentions to excavate any mineral reserves given the proximity of a Flood Zone and the requirement to build flood resilience into the maintenance building at the site.

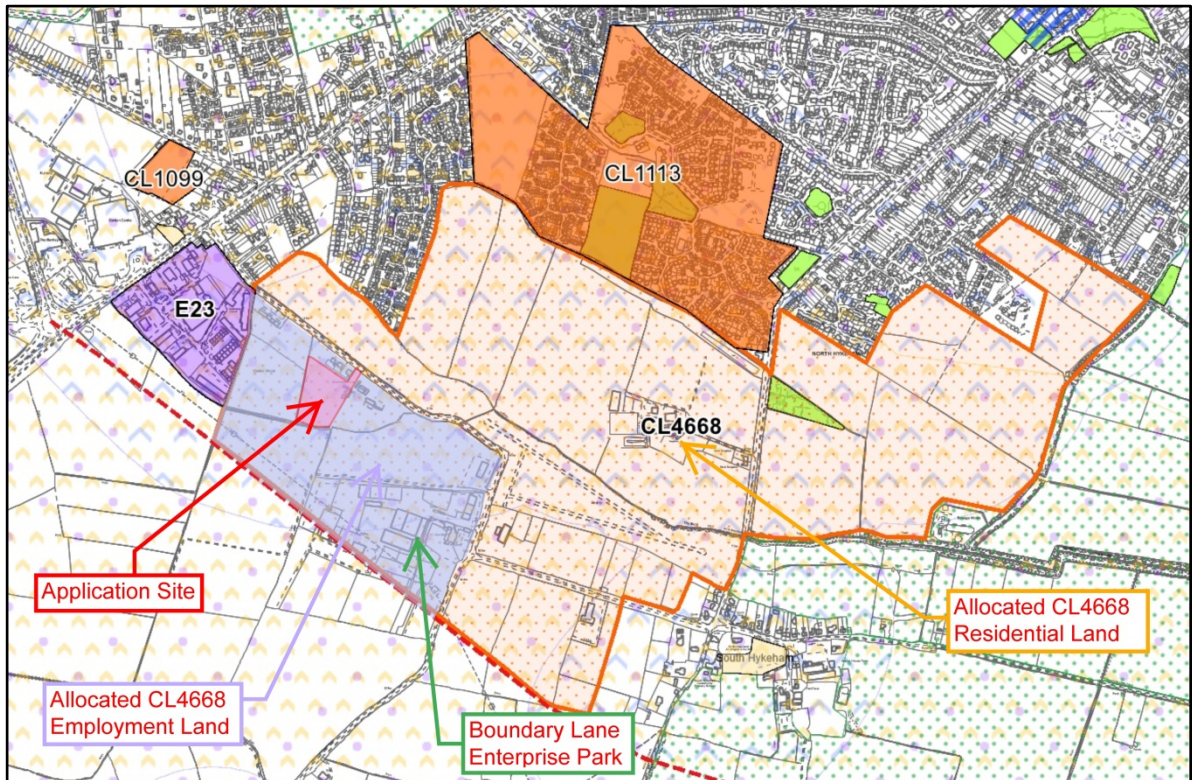
Site and Surroundings

10. The site covering an area of 1.41 hectares, is located to the south of Boundary Lane, the entrance is 500 metres south east of the A1434 Newark Road at South Hykeham and in total less than 1km from the A46. To the south of the site lies predominantly open agricultural land. To the north of Boundary Lane is a large area of open pasture, separating the site from the densely residential areas of North Hykeham the nearest housing estate being approximately 100m distant. There are three residential bungalows immediately to the west of the site entrance, the nearest of which shares access onto Boundary Lane.



Entrance off Boundary Lane

11. Further to the west, beyond the bungalows, are a group of small industrial units and an area of waste ground, this area is adjacent to Danker Wood that is covered by a Tree Preservation Order, which is approximately 15m to the west of the application site. The areas to the north and south of Boundary Lane have been allocated as part of the Central Lincolnshire Local Plan (2017) Sustainable Urban Extension (SUE) South West Quadrant – land at Grange Farm, Hykeham, the area to the north being allocated for residential and the area to the south as mixed use employment land expanding the Boundary Lane Enterprise Park.



South West Quadrant – land at Grange Farm

12. The site is currently used to store planings being utilised to create the permeable surfaces within the adjacent MRF. In addition there are piles of segregated wastes, awaiting removal from site, to waste disposal or waste processing sites. These wastes are arising from the site preparation works and the erection of the firewater storage tank granted planning permission, Ref: 18/0757/CCC, 30 July 2018. The proposal site is bounded on three sides by a substantial 3.0 metre high vegetated soil bund. The eastern boundary is defined by the existing MRF. The southern boundary bund follows the route of the Internal Drainage Board maintained South Hykeham Catchwater/Danker Drain. The external bank of the southern bund is heavily vegetated with native species of shrubs and trees. The site is generally at a height of approximately 3.0 metres above that of the surrounding land and Boundary Lane.



View within site looking east towards the adjacent MRF

Main Planning Considerations

National Guidance

13. National Planning Policy Framework (NPPF) (24 July 2018) – the main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 4 advises that the Framework should be read in conjunction with the Government's planning policy for waste.

The presumption in favour of sustainable development

Paragraph 11 states that for decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Pre-application engagement and front-loading

Paragraph 43 states that the right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment).

Determining applications

Paragraph 47 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 48 – 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); 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 this Framework, the greater the weight that may be given).

Planning conditions and obligations

Paragraph 54 directs that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.

Paragraph 55 advises that planning conditions should be kept to a minimum.

Building a strong, competitive economy

Paragraph 80 states that planning 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.

Paragraph 82 states that planning decisions should recognise and address the specific locational requirements of different sectors.

Achieving well-designed places

Paragraph 124 states that good design is a key aspect of sustainable development;

Paragraph 127 promotes decisions to ensure that developments:

- a) will function well and add to the overall quality of the area; and
- b) are sympathetic to local character and history, including the surrounding built environment and landscape setting;

Planning and flood risk

Paragraph 155 states that inappropriate development in areas at risk of flooding however, where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 163 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk,
- b) the development is appropriately flood resistant and resilient; and
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate.

Ground conditions and pollution

Paragraph 178 requires that planning decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions.

Paragraph 180 states planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Paragraph 181 states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management.

Paragraph 182 states planning decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted.

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

Annex 1: Implementation

Paragraph 212 - the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.

Paragraph 213 - states that 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). This is of relevance to the Lincolnshire Mineral and Waste Local Plan Core Strategy 2016 and Central Lincolnshire Local Plan 2017.

Local Plan Context

14. Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) - the key policies of relevance in this case are as follows (summarised):

Policy M11 (Safeguarding Mineral Resources) identifies the Minerals Safeguarding Areas and that applications for non-minerals development must be accompanied by a Minerals Assessment. However, there is criteria identified that allows planning permission to be granted in this instance the proposed development is within, or forms part of, an allocation in the Development Plan (CLLP 2017).

Policy W3 (Spatial Strategy for New Waste Facilities) identifies that there is a preference for sites in and around main urban areas but also states that proposals for new waste facilities outside the urban areas will be permitted for specified types of facility.

Policy W4 (Locational Criteria for New Waste Facilities in and around main urban area) states that new waste facilities, including extensions to existing waste facilities will be permitted provided they would be located on:

- previously developed and/or contaminated land; or
- existing or planned industrial/employment land and buildings;

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

Policy W8 (Safeguarding Waste Management Sites) seeks to safeguard existing and allocated waste management facilities from the encroachment of incompatible development.

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 waste management developments should address the following:

- identify locations which reduce distances travelled by HGVs in the treatment of waste, unless other environmental/sustainability considerations override this aim;
- implement the Waste Hierarchy and reduce waste to landfill;
- identify locations suitable for renewable energy generation;
- encourage carbon reduction measures to be implemented.

Policy DM3 (Quality of Life and Amenity) states that planning permission will be granted, provided that it does not generate unacceptable adverse impacts arising from, Noise, Dust, Vibration, Odour, Litter, Emissions, Illumination, Visual intrusion, Run off to protected waters or Traffic to occupants of nearby dwellings and other sensitive receptors.

Development should be well designed and contribute positively to the character and quality of the area in which it is to be located.

Policy DM6 (Impact on Landscape) states that due regard should be given to the likely impact of the proposed development on landscape, including landscape character, features and views. Development that would result in residual, adverse impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme.

Policy DM9 (Local Sites of Biodiversity Conservation Value) requires that waste development to demonstrate that the proposal would not have any significant adverse impact on the site.

Policy DM14 (Transport by Road) states that planning permission will be granted for waste development involving transport by road where:

- the highway network is of, or will be made up to, an appropriate standard for use by traffic generated by the development; and
- arrangements for site access and the traffic generated by the development would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity or the environment

Policy DM15 (Flooding and Flood Risk) requires proposals for waste development to demonstrate that it would not increase the risk of flooding on site or the surrounding area and take into account all potential sources of flooding and increased risks from climate change induced flooding.

Minerals and waste development proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations. Development that is likely to create a material increase in the risk of off-site flooding will not be permitted.

Policy DM16 (Water Resources) states that planning permission will be granted for developments where they would not have an unacceptable impact on surface or groundwater and due regard is given to water conservation and efficiency.

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

15. Lincolnshire Minerals and Waste Local Plan: Site Locations (LMWLP-SL) (2017) that sets out the preferred sites and areas for future waste development.

The proposal site is not promoted as a preferred site however, although the site may not be allocated this does not necessarily mean that the proposal is unacceptable. Instead the proposal needs to be considered in terms of it compliance with the locational criteria and policies as contained in the CSDMP.

16. Central Lincolnshire Local Plan (2017) - the key policies of relevance in this case are as follows (summarised):

Policy LP1 (Presumption in Favour of Sustainable Development) states that planning permission will be granted unless material considerations indicate otherwise;

Policy LP2 (Spatial Strategy and Settlement Hierarchy) defines the Lincoln Urban Area which extends to include South Hykeham;

Policy LP3 (Level and Distribution of Growth) identifies that:

- a. Lincoln Strategy Area employment land will be delivered by way of:
 - ii. Sustainable urban extensions to Lincoln including Lincoln SW Quadrant SUE;

Policy LP5 (Delivering Prosperity and Jobs) identifies the extent of CL4668 Lincoln SW Quadrant SUE 5ha;

Policy LP13 (Accessibility and Transport) states that any development that has severe transport implication will not be granted planning permission;

Policy LP14 (Managing Water Resources and Flood Risk) requires that all development proposals will be considered against the NPPF and the likely impact on surface and ground water should consider the requirements of the Water Framework Directive;

Policy LP26 (Residential Amenity) states that consideration should be given to impact upon the amenity of neighbouring residents by virtue of noise and vehicles movements;

Policy LP28 (Sustainable Urban Extensions) categorises the land use relating to SUE in this instance:

- d. provision of a wide range of local employment opportunities and offer a range of jobs in different sectors of the economy;

Policy LP30 (Lincoln Sustainable Urban Extensions) identifies the relevant SUE relating to Lincoln area namely South West Quadrant SUW (SWQ) – Land at Grange Farm, Hykeham – Approximately 5ha of land for employment (B Use Classes) expanding the Boundary Lane Enterprise Park linking with Roman Way.

17. Hykeham Neighbourhood Plan 2016-2036 has just passed through the Referendum Stage and will be presented, for adoption, to the North Kesteven District Council on 27 September 2018. For the plan to be capable of adoption it should be consistent with the aims and objectives of the NPPF and not compromise or conflict with policies within the CLLP.

Policy HNP3 (Employment) states that development which enables the creation of new jobs and helps existing businesses to remain in the area will be supported where:

- it can be demonstrated that the residual cumulative impacts of the development on the road network are not severe;
- where possible its scale respects that of the surrounding properties and land uses.

Policy HNP4 (Renewables) states that development proposals are encouraged to make use of renewable technologies to reduce their impact on the environment wherever possible. Schemes which comply with policy in the Development Plan and include or enable the following will be supported:

- Rainwater harvesting.

Results of Consultation and Publicity

18. (a) Local County Council Member - Councillor S Roe as a member of the Planning and Regulation Committee reserves his position until the meeting.
- (b) Hykeham Planning Committee (North Hykeham Town and South Hykeham Parish Councils) – The Hykeham Planning Committee wish to repeat their strong objections to the ever-increasing “creeping development” and additional proposed activities on this site. Furthermore they wish to remind Officers of the original planning application where restrictions were stipulated on vehicle journeys on Boundary Lane and that every subsequent application will therefore result in extra traffic along Boundary Lane which is already heavily congested.

With regard to the proposal to install bays for the storage, sale and distribution of recycled and imported aggregate, the Council would strongly suggest that the owners are strictly controlled in this matter and that, prior to first usage, the owners stipulate the exact nature of any production and processing of any imported aggregate and that such activity is restricted and adequate suppression measures are implemented in view of noise and dust that would arise.

With regard to proposed sales and distribution, the Council would not wish this to be an 'open ended' approval and detailed descriptions and the implications thereof should be agreed before prior to usage. The exact extent and nature of proposed sale and other activities should be agreed (i.e. Is this to be a fairly busy aggregate sale business? Would the site be open to the public or trade only?) and a limit placed on the allowed journeys to and from the site which is sensitive to local residents and poorly situated.

Overall , in view of the further additional traffic proposed, the Council would request that LCC Highways Officers carry out a full examination of the technical structure and construction of Boundary Lane and report

back as to whether this road is suitable to the ever increasing traffic demands now being made upon it.

- (c) Environment Agency (EA) – has no objection to the application but wishes that an Informative relating to Environmental Permits and which reiterates that no skips containing waste should be placed at the site and that the storage of waste aggregates requires a permit from the Environment Agency. Notwithstanding the applicant is referred to the 'Production of Aggregates from Inert Waste Quality Protocol' that sets out end of waste criteria for the production and use of aggregates from inert waste.

General advice is also given regarding the storage of oils, fuels or chemicals which require containment within tanks or structures capable of holding 110% and the discharge of surface water.

- (d) Highways & Lead Flood Authority Officer (Lincolnshire County Council) – has given due regard to the appropriate local and national planning policy guidance and has concluded that the proposed development is acceptable and accordingly does not wish to object to this planning application.
- (e) The following bodies/persons were consulted on the application on 6 August 2018. No response or comments had been received within the statutory consultation period or by the time this report was prepared:

Environmental Health (North Kesteven District Council)
Lincolnshire Fire and Rescue
Public Health (Lincolnshire County Council)

19. The application has been publicised by two notices posted at the site and at the entrance of South Hykeham Village Hall and in the local press (Lincolnshire Echo on 16 August 2018). Letters of notification were also sent to 11 residents in the area. No representations have been received as a result of this publicity/notification.

District Council's Recommendations

20. North Kesteven District Council - has no objection to the proposed development subject to the imposition of planning conditions which reflect those which are already imposed and control the adjoining MRF. This includes:
- a condition which ensures the development proceeds in accordance with the submitted noise assessment including the retention of the existing noise bund (similar to condition 11 attached to permission 17/1809/CCC)
 - the hours of operation are the same as those cited by Condition 5 of permission 17/1809/CCC;

- the total number of vehicle movements to the site should be restricted like that imposed by Condition 9 of permission 17/1809/CCC as this would safeguard residential amenity.

The above conditions are required to ensure compliance with Policy LP26 'Design and Amenity' of the Central Lincolnshire Local Plan (adopted 2017).

Conclusions

21. The key issues to be considered in this case are:

- the need and justification for an extension to an existing waste management site for the erection of a maintenance building, storage of empty skips and storage of aggregates for re-sale; and
- an assessment of the environmental and amenity impacts associated with the development including flood risk and drainage; highways and traffic; impacts on the natural environment and amenity of local to noise and visual impacts given the developments proximity.

Need for the development

22. The NPPF advises that Waste Planning Authorities have a key role in delivering the new facilities that are essential for implementing sustainable waste management and protecting the environment and human health. The emphasis is on delivering sustainable development, driving waste up the waste hierarchy, seeing waste as a resource and disposal as the last option. The proposed development does not seek to increase the overall waste tonnage per annum being processed through the adjacent MRF but to provide on-site maintenance facilities for the skip lorry fleet and plant and machinery associated with the MRF as well as storage areas for empty skips, plant and machinery awaiting maintenance and storage bays which would receive recycled aggregate for re-sale and imported virgin aggregate for re-sale. The proposal, in part, promotes the re-use of waste and supports the operations of the adjacent MRF. Therefore, the proposal reflects the objectives of Policy DM1 of the CSDMP and Policy LP1 of the CLLP that promotes sustainable development.

Location

23. The application site is off Boundary Lane, South Hykeham that is defined by Policy LP2 of the CLLP as being within Lincoln Urban Area and promoted by Policy LP3 and LP5 as Lincoln Strategy Area employment land, to be delivered by way of the South West Quadrant Sustainable Urban extension development (SWQ SUE). This was further reinforced by specifying the areas subject of allocation CL4668 as being segregated into a housing allocation and 5 hectares of land being allocated to deliver prosperity and jobs. CLLP Policy LP28 categorises the land use relating to the SUE in this area as being for the provision of a wide range of local employment opportunities and Policy LP30 names the area to the south of Boundary

Lane as Land at Grange Farm, Hykeham – approximately 5 hectares for employment (B Use Classes) expanding the Boundary Lane Enterprise Park linking with Roman Way. The principle of employment use on this site would not therefore conflict with the delivery of the SWQ SUE. The emerging Hykeham Neighbourhood Plan Policy HNP3 also promotes development that helps existing businesses to remain in the area, where it can be demonstrated that the cumulative impacts of the development on the road network are not severe and the scale of the development respects that of the surrounding property and land uses.

Whilst it is acknowledged that the site is not allocated within the Site Locations Document of the Lincolnshire Minerals and Waste Local Plan, it is considered by your officer that the site does not compromise the safeguarding of mineral resources as set out in Policy M11 of the CSDMP and conforms to the locational requirements of Policies W3 and W4 of the CSDMP insofar as it is located within the Lincoln Urban Area and comprises of previously developed land with planned employment use. In addition the proposal represents an extension to an existing waste management facility providing space for ancillary operations associated with that facility thus ensuring that the existing facility is safeguarded from encroachment of incompatible development as stated within Policy W8 of the CSDMP.

Highway Network & Highway Safety

24. The proposed development would be an extension to the adjacent MRF and would access Boundary Lane through the existing site entrance. The extension area would provide space for storing empty skips associated with the operations of the adjacent MRF. A planning condition imposed on the MRF planning permission (ref: 17/1809/CCC), controlling that development, restricts vehicle movements to no more than 150 movements (75 in and 75 out) per day Monday to Saturday. The agent for the applicant has identified that there would be additional movements to the proposal site associated with the re-sale of aggregates. These have been broken down to 10 HGV movements associated with the delivery of imported materials (5 in and 5 out) and movements associated with customers which includes 20 HGVs (10 in and 10 out) and 20 non-HGVs (10 in and 10 out) giving an overall additional total of 50 vehicle movements per day Monday to Saturday.
25. North Kesteven District Council has requested that a condition be attached, restricting the number of vehicles so as to be consistent with the restrictions relating to the adjacent MRF. Hykeham Planning Committee however has requested that the Highways Authority carry out a full examination of the technical structure and construction of Boundary Lane before granting planning permission for this development. The Highways Officer has been consulted with regard to the request by Hykeham Planning Committee and confirmed that the additional traffic would not represent a significant increase and that the highway network is capable of accommodating this traffic. The Highways Officer's opinion is that the development would not pose a risk to highway function or safety and that the proposed increase in traffic is within the accepted daily variation. Given the response of the

Highways Officer I am satisfied that an assessment of the structure and construction of Boundary Lane as requested by the Hykeham Planning Committee is not necessary or justified in this case.

26. Consequently, having taken into consideration the information provided and the comments received from the Highways Officer, the impact of additional traffic relating to the resale of aggregate would not be significant and the fabric of Boundary Lane is considered adequate to accommodate the increase in the number of vehicles from the Mushroom Farm complex. Subject to the imposition of a condition limiting the proposed vehicular movements, that would also encompass the existing permitted vehicular movements, the proposal would be consistent with the aims and objectives of the NPPF and Policies DM3 and DM14 of the CSDMP and does not conflict with nor compromise Policies LP13 and LP26 of the CLLP (2017) that seeks to minimise impacts on the highway network, residential amenity and the safety of road users.

General Amenity

27. Hykeham Planning Committee has expressed concerns that the application would seek to process aggregate at the site however, this is not proposed within the application and has not been assessed and so would not be permitted should planning permission be granted. Apart from vehicles dropping off and picking up empty skips and associated with the aggregate sales, the only other plant, proposed for use externally would be a loading shovel to transfer aggregate to and from the storage bays.
28. The noise assessment which supports the application has concluded that the proposed use of the site should not pose an unacceptable adverse effect on the amenity of local residents, subject to appropriate conditions which set noise levels and hours of work consistent with the use of the adjacent site. North Kesteven District Council has recommended that conditions be attached to any decision issued requiring a restriction to hours of operation, vehicle movements, retention of the perimeter bund and restriction on noise levels in keeping with those of the adjacent site. It is suggested that such conditions be imposed and that further to the mitigation measures outlined above, an additional condition be imposed which requires the applicant to keep the roller shutter door of the maintenance building closed at all times, other than to permit access and egress from the building. This would help to further minimise any increased noise emissions associated with activities carried out within that building.
29. In terms of visual impacts, the site is well screened from external views by virtue of distance from Boundary Lane and the 3.0 metre high perimeter bund when measured from the ground level within the site. As such only the upper extents and roof of the maintenance building would be visible to surrounding land users including the nearest residential properties Nos. 6, 8 and 10 Boundary Lane. The building itself would be set back from these properties and so would not be overly imposing given the separation distance and that the bund when viewed from the bungalows would be 5.0

metres in height. Aggregates would be stockpiled within bays and conditions could be imposed restricting the height of storage to 3.6 metres. Empty skip storage could also be restricted to a height not exceeding the perimeter bund. Finally, whilst the application has set hours of operation no mention has been made relating to proposed external lighting hence your planning officer recommends that a condition also be attached to ensure no external lighting is erected without consent first being sought and approved.

Natural Environment

30. The proposal site is located 15.0 metres to the east of Dankers Wood which is covered by a Tree Preservation Order and separated by the 3.0 metre high bund to the perimeter. The proposed operations at the site do not include the processing of wastes and would be predominantly for the storage of equipment ancillary to the MRF operations. It is therefore unlikely that there would be adverse effects in terms of impacts on the natural environment and as a consequence the use of the site would meet the aims and objectives of the NPPF and Policy DM9 of the CSDMP which seeks to protect and enhance sites of Local Biodiversity Conservation Value.
31. Overall it is therefore considered that subject to appropriate conditions being attached the proposed use of the site conforms to the aims and objectives of the NPPF and Policies DM3 and DM6 and does not conflict with nor compromise Policy LP26 of the CLLP that seeks to ensure that the amenity of residents is not adversely impacted by development.

Flood Risk and Water Management

32. The application was supported by a Flood Risk Assessment that identified that only a small area of the site lay within a Flood Risk Area and that the proposed building would be constructed to flood resilient standards. With regard to surface water drainage, the site would be partially surfaced with permeable materials that would allow for infiltration and where impermeable surfaces are proposed these would drain via an interceptor to the attenuation lagoon that would be extended from the MRF site to allow for the required increased holding capacity. The attenuation lagoon also provides for and maintains the level of firefighting water available for use within this site and the adjacent MRF. The Environment Agency have not objected to the application but requested that an informative be attached relating to surface water management and containment of oils, fuels and chemical. Your officer recommends that conditions be attached to ensure that containment of oils etc are within structures capable of holding 110% of the volume of tanks and that greenfield run-off rates are secured in respect of discharges to watercourses.
33. It is therefore considered that subject to appropriate conditions being attached the proposed use of the site conforms to the aims and objectives of the NPPF and Policies DM15 and DM16 of the CSDMP and would not conflict with nor comprise Policy LP14 of the CLLP and Policy HNP4 of the Hykeham Neighbourhood Plan which seeks development which manages

water resources and flood risk in line with the NPPF and makes use of renewable technologies including Rainwater harvesting.

Human Rights Implications

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

Final Conclusions

35. Overall I am satisfied that the potential impacts of the development would largely be mitigated, minimised and reduced through the implementation of the mitigation measures proposed within the application and or conditions recommended to be imposed should permission be granted. Having assessed the proposal against the relevant policies contained within the Lincolnshire Minerals and Waste Local Plan, Central Lincolnshire Local Plan and the emerging Hykeham Neighbourhood Plan the proposed development could therefore be appropriately carried out and managed without giving rise to any significant adverse environmental and amenity impacts and any impacts arising from this proposal are not so significant that planning permission should be refused.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall 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 plans

2. The development and operations hereby permitted shall be carried out in strict accordance with the following documents and plans except where modified by conditions attached to this notice or details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:

Documents

- Planning Application Form (date stamped received 08 February 2018);
- Planning Statement (date stamped received 29 June 2018);
- Flood Risk Assessment – 'For a general-purpose building & external storage of materials & equipment in connection with the applicants use of the adjacent site as a MRF, Boundary Lane, South Hykeham, Lincoln' (date stamped received 14 June 2018);
- Transport Statement PP-06723451 – Mushroom Farm, South Hykeham (date stamped received 29 June 2018);
- Report Reference: 12450.02v1 - Noise Impact Assessment (date stamped received 06 August 2018); and
- E-mail confirming building colours (date stamped received 29 August 2018).

Drawings

- Drawing No. 2296-A2-15h – 'Proposed Site Location/Block Plan' (date stamped received 26 June 2018); and
- Drawing No. 2296-A1-14b – 'Proposed New Building General Arrangement' (date stamped received 22 May 2018).

Reason: To ensure that the development is completed in accordance with the approved details.

Access and Highway

3. The total number of vehicle movements (excepting employees vehicles) accessing and egressing onto Boundary Lane through the site entrance identified on Drawing No. 2296-A2-15h – 'Proposed Site Location/Block Plan' (date stamped received 26 June 2018) shall not exceed 200 movements (100 in and 100 out) per day Monday to Saturday.

Reason: To ensure a safe access to the site and safeguarding the local amenity. For avoidance of doubt this condition applies to all operations at Mushroom Farm waste management complex using this entrance.

4. The surfacing of the access and internal yard areas shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times for the duration of the development so as to prevent such materials being deposited on the public highway. All vehicles shall not leave the site unless its wheels and the underside of their chassis are clean so as to prevent materials, including mud and debris, being deposited on the public highway. Any accidental deposition of mud, debris or other deleterious materials onto the public highway shall be removed immediately.

Reason(s): to prevent mud or other deleterious materials derived from the development being transferred onto the public highway in the interests of highway safety and safeguarding the local amenity and the environment.

Hours of Operations

5. All site operations and activities authorised or required in association with this development, including the access and egress of vehicular traffic, shall only be carried out between 07:00 and 18:00 hours Monday to Saturday (inclusive). No operations or activities shall be carried out on Sunday, Public or Bank Holidays.

Noise, Light and Visual Impacts

6. The rating level of noise emitted from any plant or equipment on site shall not exceed the background noise level by more than +5 dB(A) at any time. The noise levels shall be taken at the nearest noise sensitive premises. The measurements and assessment shall be made in accordance with BS4142:214 (or an equivalent successor standard or other noise measurement methodology).
7. Except for the purposes of access and egress of the building, the roller shutter door of the maintenance building shall remain closed during use.
8. The perimeter bund illustrated in Drawing No. 2296-A2-15h – 'Proposed Site Location/Block Plan' (date stamped received 26 June 2018) shall be retained and maintained for the duration of the development as recommended in Report Reference: 12450.02v1 - Noise Impact Assessment (date stamped received 06 August 2018).
9. No external lighting shall be fixed to the building or erected within the site unless details have first been submitted to and approved in writing by the Waste Planning Authority.
10. No aggregates shall be stored or stockpiled externally other than within the 'Bays for Aggregates Storage' as defined on Drawing No. 2296-A2-15h 'Proposed Site Location/Block Plan' (date stamped received 26 June 2018) and the height of such stockpiles shall be no greater than 3.6m above the finished surface level of that part of the site upon which they are stored.
11. No equipment or skips shall be stored other than in the area 'General Storage Area' as defined on Drawing No. 2296-A2-15h 'Proposed Site Location/Block Plan' (date stamped received 26 June 2018) and shall not exceed the height of the 3.0 metre high perimeter bund.

Reason(s): To ensure that the development does not have an adverse impact upon local amenity or the surrounding environment.

Surface Water Management

12. The details of the drainage system as identified in Drawing No. 2296-A2-15h (date stamped received 26 June 2018) shall be connected to the approved scheme subject to condition 12 of planning permission ref. 17/1809/CCC and be maintained for the duration of the development hereby approved.

Reason: To ensure that discharge to watercourses does not exceed the greenfield run-off rate.

Pollution Control

13. All oil, fuel and chemicals shall be retained within an enclosure sufficient to hold 110% of the capacity of containers and shall be removed from the site within 12 months of the cessation of the use of the site hereby approved.

Reason: To ensure that oil, fuels and chemicals are appropriately contained and on cessation of operations the containment facilities are removed from site.

Restrictions

14. No waste shall be stored within the site (including within skips) except for recycled aggregates which shall only be stored within the storage bays identified on Drawing No. 2296-A2-15h (date stamped received 26 June 2018).

Reason: For the avoidance of doubt.

Informatives

Attention is drawn to:

- (i) Environment Agency letter Ref: AN/2018/127850/01-L01 dated 06 September 2018 relating to environmental permits and surface water management.

Appendix

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

Background Papers

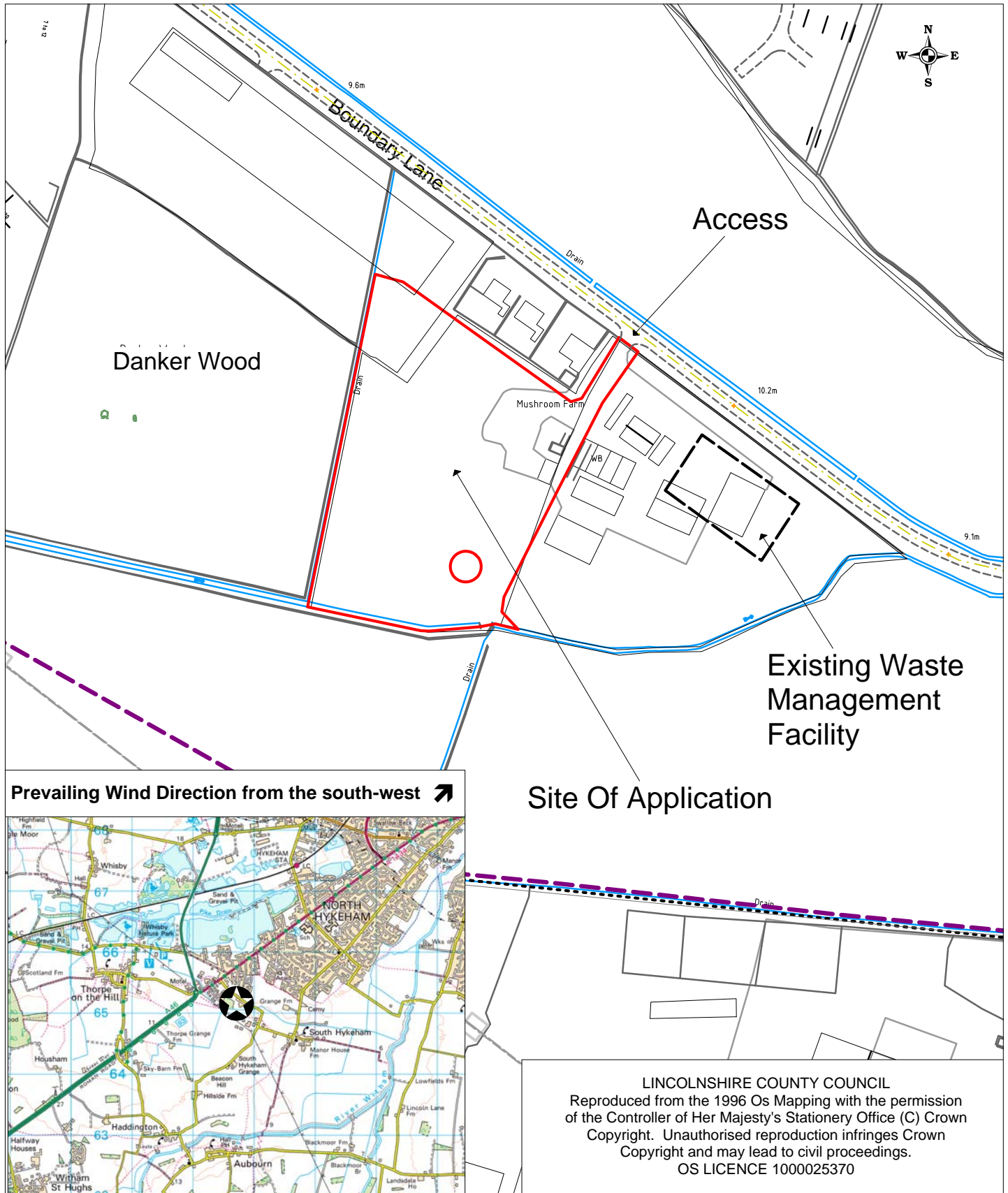
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File 18/1096/CCC	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2018)	The Government's website www.gov.uk
Local Plan	
Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Plan (2016) and Site Locations (2017)	Lincolnshire County Council website www.lincolnshire.gov.uk
Central Lincolnshire Local Plan (2017)	Central Lincolnshire Local Plan website www.n-kesteven.gov.uk/central-lincolnshire/local-plan
Hykeham Neighbourhood Plan 2016-2036	North Kesteven District Council website www.n-kesteven.gov.uk

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

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 1 OCTOBER 2018



Location:
 Mushroom Farm
 Boundary Lane
 South Hykeham

Application No: 18/1096/CCC
Scale: 1:2500

Description:

For the erection of General Purpose Building for storage and maintenance of plant and equipment, external storage of skips, plant and equipment as an extension to the adjacent MRF and the installation of bays for the storage, sale and distribution of recycled and imported aggregate

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

Report to:	Planning and Regulation Committee
Date:	1 October 2018
Subject:	County Council Development - S18/1490

Summary:

Planning permission is sought by Lincolnshire County Council (Agent: Kier Workplace Services) to vary condition 2(b) of planning permission number S35/0922/16 - To remove and replace the existing 2.5m high fencing with 3.6m high mesh paladin fencing in the same colours as the existing (green) at The Beacon Children's Centre, Sandon Close, Grantham, NG31 9AX.

This application has been made as a result of an inability to prevent toys, sports equipment and other objects being thrown into the gardens of the adjoining residential properties by children playing within the garden areas of the home.

Whilst no objections have been received from local residents it is Officer's opinion that a fence of the height and scale proposed would be inappropriate and contrary to the policies of the Development Plan. Although a fence of the same design and materials is considered acceptable at a lower height, a much taller fence would be overbearing and imposing on the residential properties which share its boundary and would also give an overly institutional appearance to the children's home

Officers therefore consider a fence of this size, scale and design to be inappropriate in such a residential setting and would have an adverse impact on the residential amenity of not only the existing occupiers but also future residents of the properties that adjoin the home.

Recommendation:

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

Background

1. Conditional planning permission was granted in June 2016 (ref: S35/0922/16) to demolish the existing Children's Centre/Home at Sandon Close, Grantham and construct a new single storey children's home along

with additional parking. The application was determined by Officers using delegated powers as no objections were received to the proposal.

2. In December 2016 a Non Material Amendment (NMA) application was made, and approved, to undertake a minor alteration in the pitch of a section of the roof of the building.
3. Pre-application advice was later sought regarding some further changes the applicant wished to undertake. The advice given was that whilst some of the proposed changes would be so minor they could be addressed through the submission of an NMA application, a proposed change to the height of the boundary fencing would have to be addressed through the submission of a Section 73 planning application. It was the officer's opinion that the proposed increase in the fence from the approved 2.5m height to 3.6m would materially change the appearance/impact of the fence on the surrounding properties. There was also a concern that the proposed increase in the weld mesh fencing would give the impression of a secure unit rather than a home for children and young people. Given these possible increased impacts the proposal would have to be addressed through the submission of a Section 73 planning application so as to enable the necessary publicity and consultations to be undertaken. The agent indicated that the impetus for the increase in height was from local residents complaining that objects were being thrown into their garden. The agent was informed that evidence/justification/mitigation should be submitted to support the application to increase the height of the fence.
4. In January 2018 planning permission was sought to vary condition 2 of planning permission S35/0922/16 to: increase the height of green weld mesh boundary fencing from 2.5m to 3.6m; replace proposed section of close board wooden acoustic fencing with close board wooden fencing (similar to existing); undertake internal remodeling requiring the replacement of two doors with two windows; relocation of bin storage area. No supporting evidence/justification/mitigation relating to the increase in the height of the fencing was submitted.

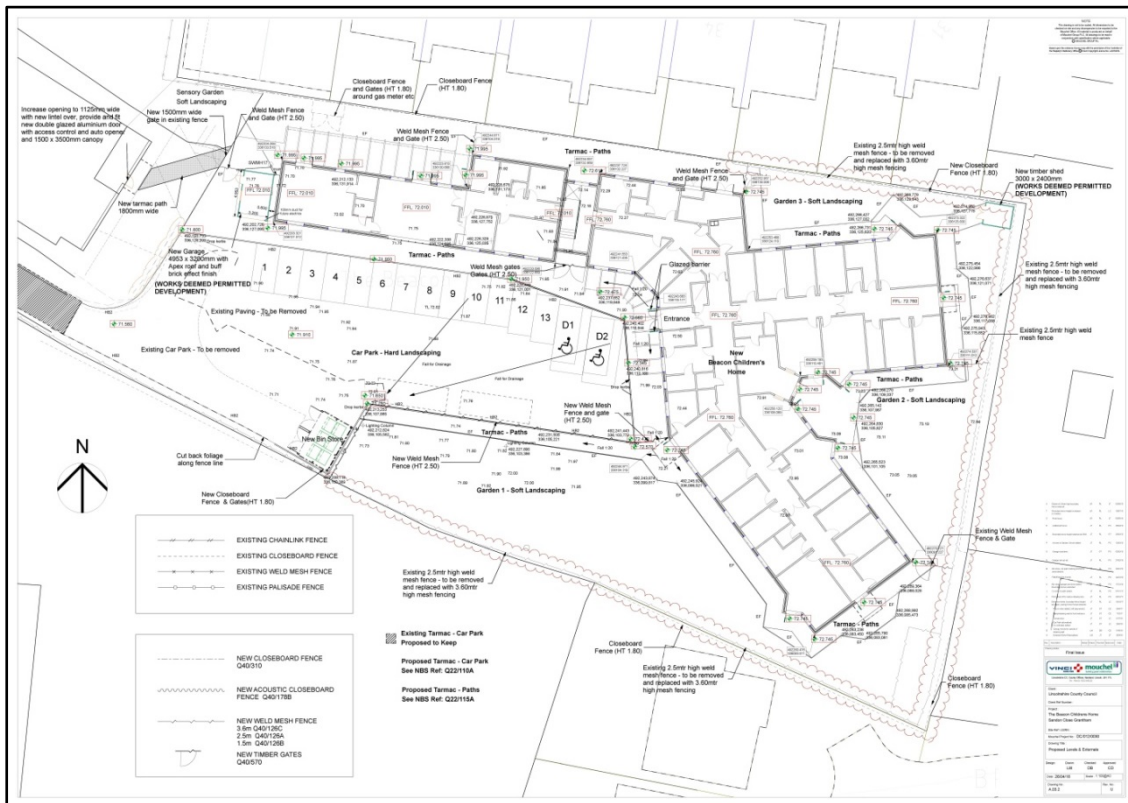


Mock-up of new fence line on southern boundary

5. Following discussions with the LPA the applicant withdrew the application opting to split the proposal into two parts and to submit two applications: an NMA covering the minor changes proposed to the original scheme; and a Section 73 application to seek permission to increase the height of the fence. During the period between the application being withdrawn and a new application being made, this gave the management of the home an opportunity to look at measures to address the issues of objects being thrown into the gardens of the adjoining residential properties by any other means e.g. changes in the management of the site through greater supervision of the children when in the garden areas. No alternative measures have however been deemed appropriate by the applicant and so they have submitted another application that seeks to increase in the height of the fence as previously proposed.

The Application

6. Planning permission is being sought to vary condition 2(b) of planning permission S35/0922/16. This would enable the removal of a substantial section of the 2.5m high weld mesh fencing which surrounds the site and replace it with a new 3.6m high weld mesh fencing in the same colour as the existing (green). The applicant states that the increase in the fence height is required following complaints from neighbouring residents regarding toys and other objects being thrown into their gardens over the existing fence. The higher fence would therefore act as a physical barrier preventing objects from being able to be thrown from the school site and therefore remove the nuisance this causes to neighbouring residents.



Location of Proposed Fencing

Site and Surroundings

7. The Beacon Children's Home adjoins the Sandon Special School which are located off Sandon Road, to the east of Grantham Town Centre, on land which gently rises up from the River Witham. The Grantham St Anne's Conservation Area is located to the west of the site, which includes the school playing field for the Kesteven and Grantham Girls' School, which is adjacent to the access to the Home and the School, abutting the Conservation Area. The Children's Home itself is set back some distance from the Conservation Area and can only be accessed through the Sandon Special School site via a long narrow driveway along the southern boundary.
8. The Children's Home is a recently constructed, purpose built facility which accommodates children and young people with physical and Multiple Profound Learning Difficulties (MPLD) and Severe Learning Difficulties (SLD) and includes a new therapy/learning block which would be a shared facility between the Beacon Children's Home and adjoining Sandon Special School, located to the west of the site (a mixed special school for children and young people – ages ranging from 2-19), it is also used by other schools and organisations.
9. The land and buildings of the Home are enclosed by a 2.5m metal weld mesh fencing (powder coated green) on the outside of this fence is a 1.8m high close board wooden fence. There are residential properties to the north, east and south of the home. Within and adjacent to the boundary fence there are three outside grassed gardens, to the north, south east and south of the building. To the north of the site is a small community of bungalows for elderly residents. The gardens of these properties abut the boundary fence of the home, whilst the properties themselves are 8m from the fencing. Three properties on this boundary will be directly impacted by this proposal. To the east there are the gardens of two properties; one property which fronts New Beacon Road has a substantial garden which is screened from the fencing and home beyond by mature shrubs and tree along the boundary. In the south east corner there is modern bungalow, again the garden abuts the close board wooden fencing of the home, the property itself is 10m from the boundary. To the south lies the closest property to the fence line, the nearest part of this bungalow is only 1.5m distant from the fence. Further along this southern boundary are the gardens of newly built two storey semi-detached properties.



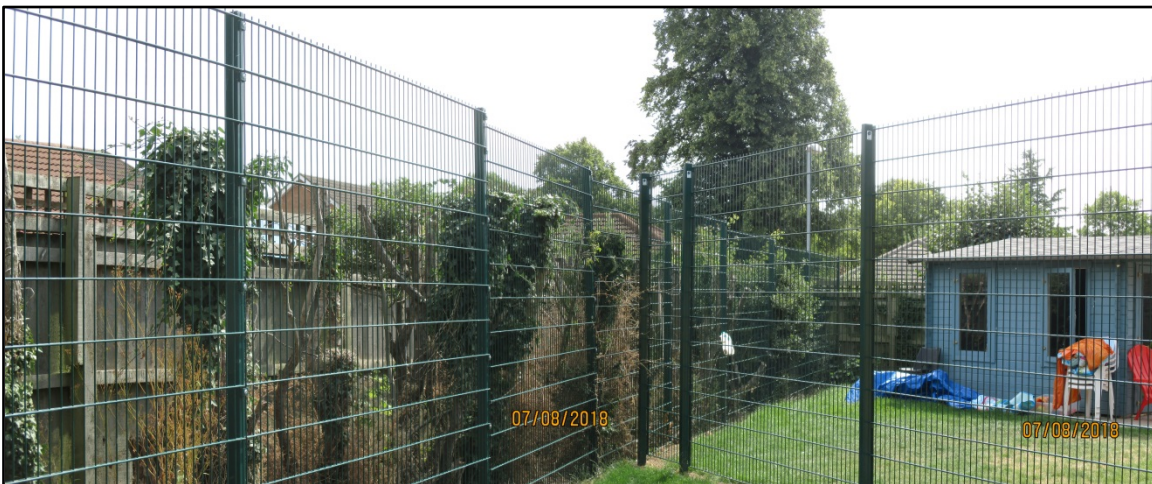
Northern Boundary - as Existing



Northern Boundary - Mock-up of Proposed



Eastern Boundary



Southeast Corner



Southeast Corner / Southern Boundary



Southern Boundary



Southern Boundary

Main Planning Considerations

National Guidance

10. National Planning Policy Framework (NPPF) (July 2018) is a material planning consideration in the determination of planning applications and advocates a presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows:

Paragraph 7 - Sustainable development

Paragraphs 38 - Positive and proactive decision making

Paragraphs 47 & 48 - Status of adopted and emerging Local Plans

Paragraph 54 & 55 - Use of planning conditions

Paragraph 124 & 127 - Requirement for good design

Local Plan Context

11. South Kesteven Core Strategy (2010) – the following policies are of relevance to the proposal:

Policy SP1 - Spatial Strategy

Policy EN1 - Protection and Enhancement of the Character of the District

12. South Kesteven Proposed Submissions Local Plan 2011-2036 – this plan is now at pre submission stage and as such any policies in the Plan carry limited weight in the determination of this application however, the following emerging Policies are of relevance:

Policy SP1 - Spatial Strategy

Policy DE1 - Promoting Good Quality Design

Results of Consultation and Publicity

13. (a) Local County Council Member, Councillor Stokes – has advised that they are in full support of this application and believe that it would be extremely beneficial to neighbouring residents.
14. The application has been advertised by three site notices and letters of notification of the application have been sent to 17 properties which share a boundary with the home. Ten of these properties are located along the section of fencing that would be increased from 2.5m to 3.6m. No correspondence/comments have been received as a result of this publicity.

District Council's Observations

15. South Kesteven District Council raised no objection to the proposal

Conclusions

16. As noted in the background to this report Officers have previously expressed concerns about the proposed increase in the height of the fence from 2.5m to the proposed 3.6m as this would significantly change the appearance/impacts of the fence on nearby properties. Officers felt that such a substantial fence would give the impression of a secure unit rather than children's home and the impact of increasing the fence by 1.1m could be detrimental to the residential amenity of local residents whose properties abut the site given the limited size of many of the gardens.
17. Despite the reservations and views expressed by Officers, the applicant still wishes to erect a taller fence around the site and has stated that the impetus for this is in response to complaints from local residents about objects being thrown into their gardens. The applicant maintains their view that a higher

fence around the site boundary would be the only means to address this problem and so has submitted the application despite the advice received during pre-application discussions.

18. This application has given an opportunity for residents of properties who abut the site and who would be directly impacted by the increase in the height of the fence to be consulted and have an opportunity to comment upon any change. As noted in the report 3 site notices were placed close to the site and 17 properties were individually notified although no representations either for or against the proposal had been received. Despite the notification/consultation exercise undertaken no representations have been received.
19. Whilst Officers accept that no negative representations or adverse comments have been received, any planning proposal must be considered against the policies of the NPPF and the Development Plan. Paragraph 124 of the NPPF, states that good design is a key aspect of sustainable development and therefore it is incumbent on decision takers to always seek to secure high quality design and a good standard of amenity. Paragraph 127 expands on this theme and highlights that decisions taken must have regard not just to short term impacts but to impacts over the lifetime of the development, ensuring a high standard of amenity for existing and future users. In this instance consideration has to be given to the impact on all existing and future occupants of the adjoining land and buildings. A core theme of the section of the NPPF that addresses design is that good design is indivisible from good planning and should contribute positively to making places better for people. Conversely poor design that fails to improve the character and quality of an area and the way it functions should not be supported.
20. Policy EN1 of the South Kesteven Core Strategy (July 2010) states all proposals must be assessed in relation to the layout and scale of buildings and designed spaces and visual intrusion. The emerging South Kesteven Local Plan (Proposed Submissions Local Plan) develops these issues with Policy DE1 stating that all development proposals should make a positive contribution, and not result in an adverse impact on to the character of the area nor on the amenity of neighbouring users. Proposals should be appropriate in terms of scale, density, massing, height and material, having regard to the context of the area.
21. Whilst no objections have been received from local residents and the Local County Councillor has set out his support for the proposal, it remains your Officer's opinion that a fence of the height and scale proposed would be inappropriate and contrary to the policies cited and which form the Development Plan. A fence of 3.6m high would be unprecedented for this type of facility and give an overly institutional appearance to the children's home. Although a fence of the same design and materials is considered

acceptable at a lower height, a much taller fence would be overbearing and imposing on the residential properties which share its boundary. Officers therefore consider a fence of this size, scale and design to be inappropriate in this a residential setting and would have an adverse impact on the residential amenity of not only the existing occupiers but also future residents of the properties that adjoin the home. The proposed development would therefore be contrary to the aims and policies of the NPPF and the Development Plan, resulting in officers being unable to support the application.

22. Consequently, despite the lack of negative comments or objections received from local residents and consultees, it is recommended that planning permission be refused
23. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

That planning permission be refused for the following reason:

A 3.6m high fence would be unprecedented for this type of facility and result in an overly institutional appearance to the children's home. A fence of this size, scale and design would be inappropriate in such a residential setting and would be overbearing and imposing on the residential properties which share its boundary and have a negative visual impact. The proposed development would therefore be contrary to Policy EN1 of the South Kesteven Core Strategy 2010 and DE1 of the emerging South Kesteven Proposed Submissions Local Plan 2011-2036

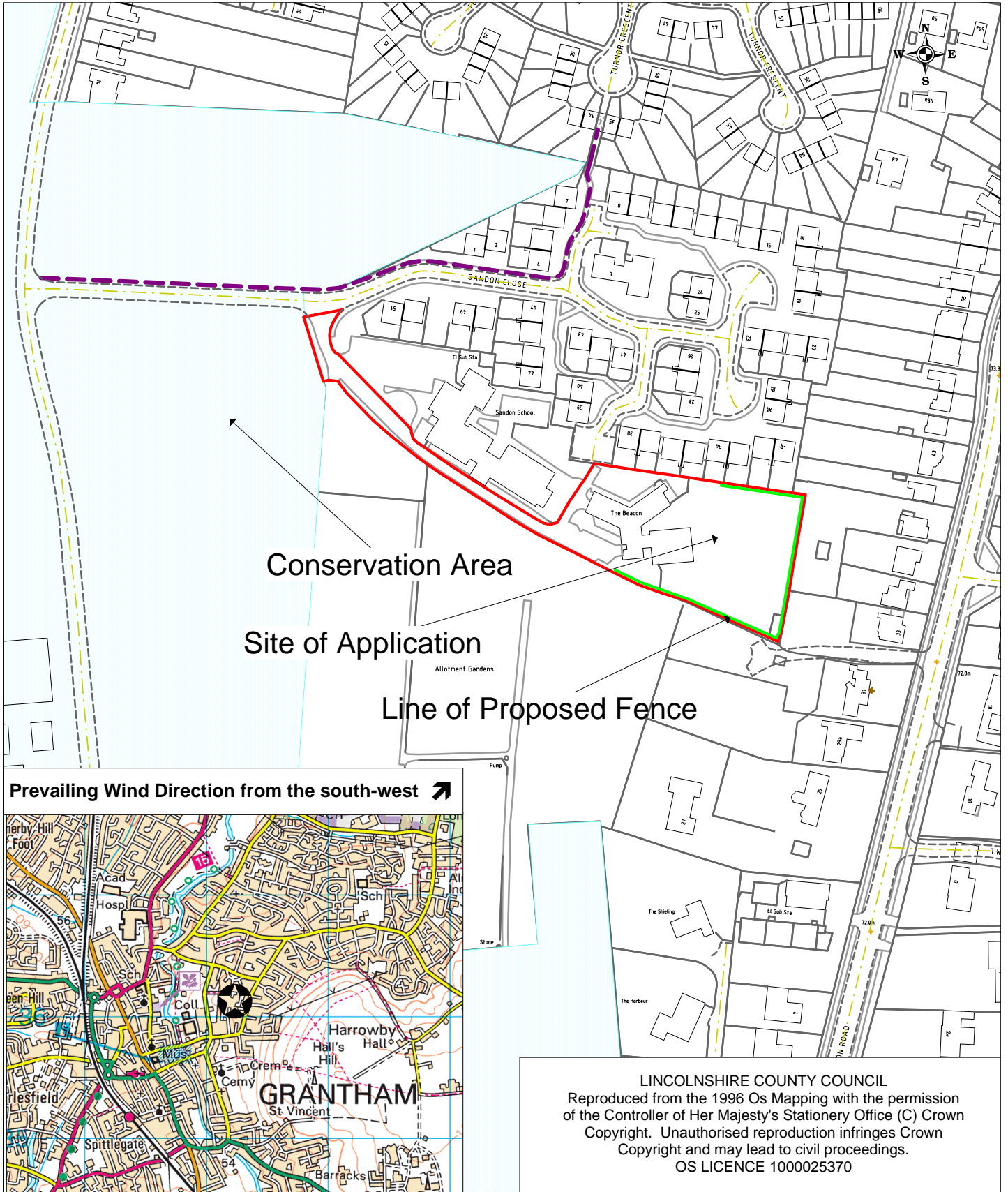
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

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 S18/1490	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012)	The Government's website www.gov.uk
Local Plan South Kesteven Core Strategy (2010) South Kesteven Proposed Submissions Local Plan 2011-2036	South kesteven District Council's website www.southkesteven.gov.uk

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



Location:

The Beacon Children's Centre
 Sandon Close
 Grantham

Application No: S18/1490

Scale: 1:2000

Description:

To vary condition 2(b) of planning permission number S35/0922/16 - To remove and replace the existing 2.5m high fencing with 3.6m high mesh palladin fencing in the same colours as the existing (green)

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

Report to:	Planning and Regulation Committee
Date:	1 October 2018
Subject:	County Council Development - 138194

Summary:

Planning permission is sought for the construction of a northern access and southern access into the commercial site at the junction of the A46 / Lincoln Road (Dunholme), Lincolnshire, LN2 3QB.

The two new access points are being proposed as an enhancement to the approved A46 / Lincoln Road improvement scheme ("the Consented Scheme") that was granted planning permission on 5 February 2018. The Consented Scheme allows for the construction of a new roundabout along with associated realignment and improvement works to the west of the existing A46 and Lincoln Road junction.

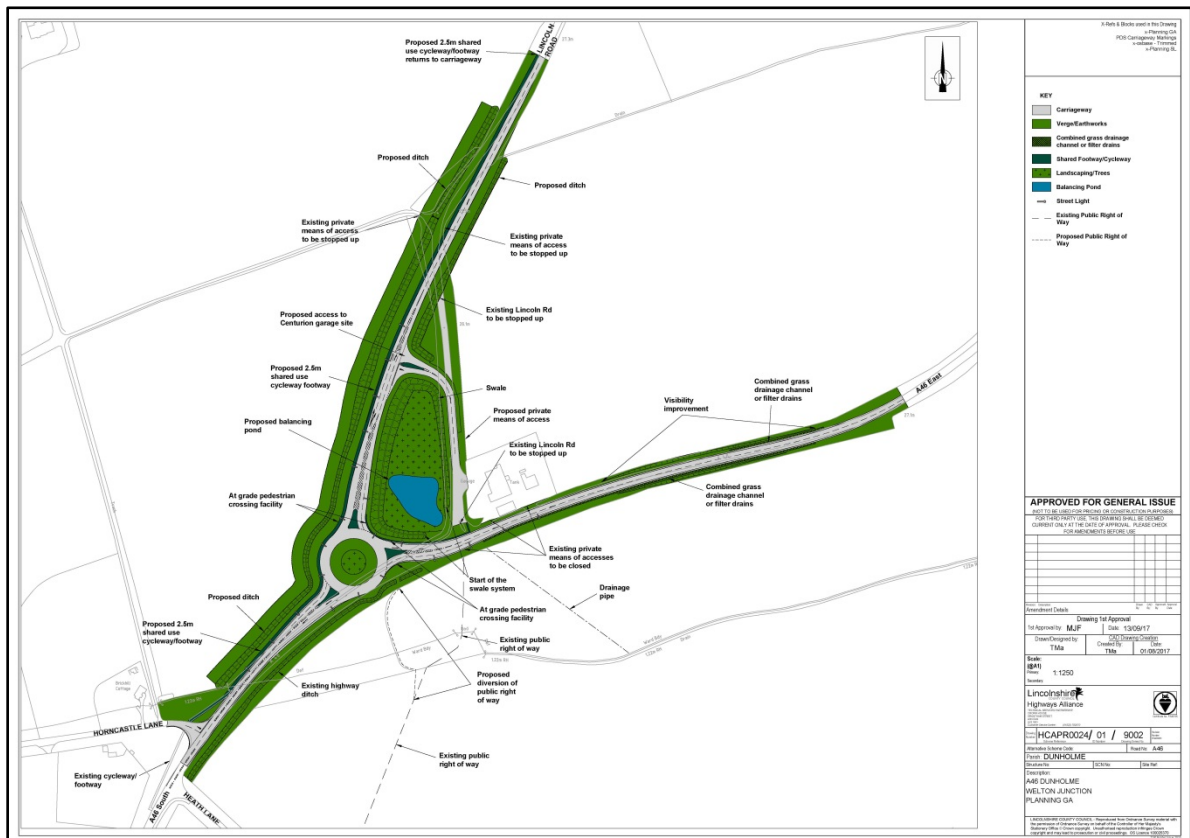
The Consented Scheme includes proposals to permanently stop up part of Lincoln Road along with the permanent closure of two existing accesses which provide direct access into/from the commercial site onto the A46. Under the Consented Scheme, following the closure of the access points onto the A46, access to the commercial site and businesses within it would be gained via a single access point onto the retained section of Lincoln Road. Whilst this arrangement has been deemed acceptable from a land-use planning perspective, following further investigations into the tenancy boundaries and existing access rights of tenants, the applicant is proposing to construct two new access points in order to provide alternative and separate means of access for each of the businesses operating from within the commercial site. The additional accesses seek to address concerns that the tenants of these businesses have raised with the County Council and would enhance the access arrangement proposed and approved as part of the Consented Scheme.

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

- On 5 February 2018 planning permission was granted for the construction of a 60m diameter roundabout along with associated realignment and improvement works to the existing A46 Dunholme/Welton junction including new landscaping, drainage and lighting proposals and the stopping up of part of Lincoln Road and diversion of a Public Right of Way at Dunholme, Lincoln ("the Consented Scheme").

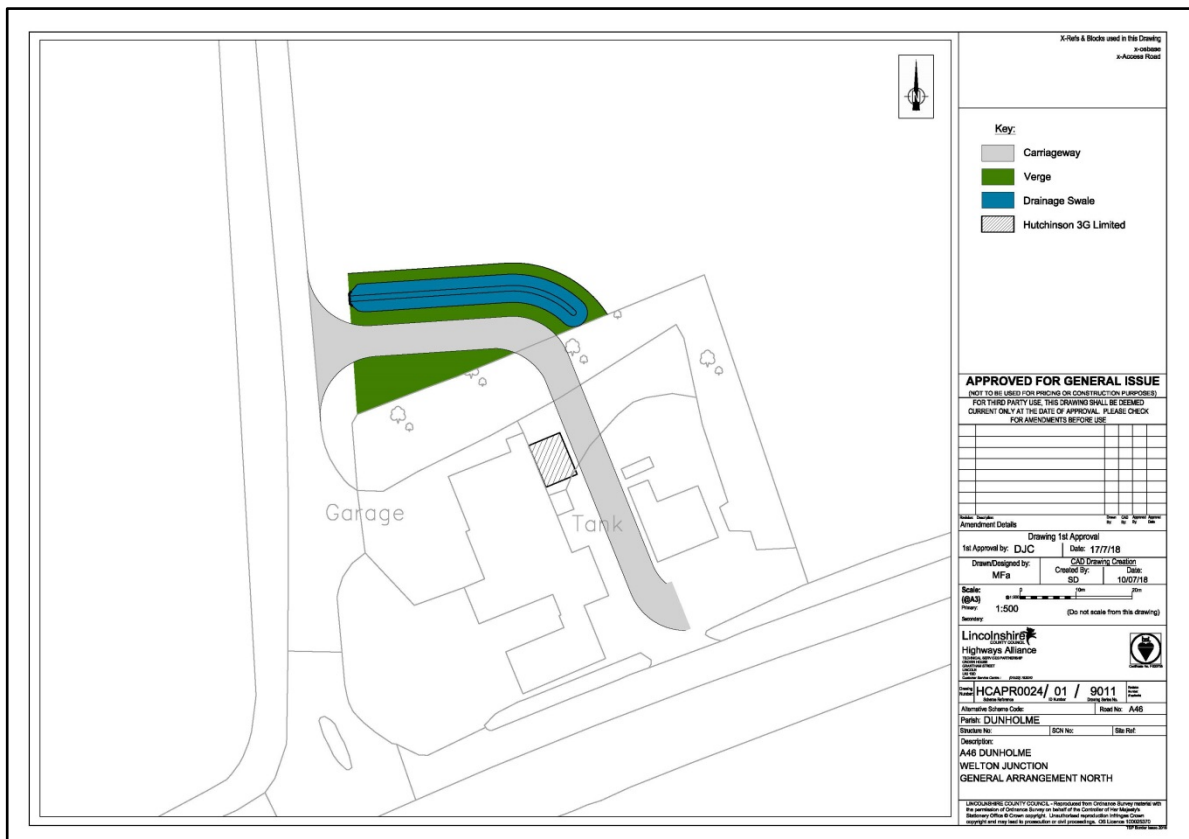


General Arrangement Plan

- The principal aim of the Consented Scheme is to address existing highway capacity and safety issues at the A46 / Lincoln Road junction as well as to provide additional capacity for new residential development that has been planning in the local area. The Consented Scheme includes proposals to permanently stop up part of Lincoln Road along with the permanent closure of two existing accesses which provide direct access from the commercial site onto the A46. Under the Consented Scheme, following the closure of the access points onto the A46, access to the commercial site and businesses within it would be gained via a single access point onto the retained section of Lincoln Road. Whilst this arrangement has been deemed acceptable from a land-use planning perspective, following further investigations into the tenancy boundaries and existing access rights of tenants, the applicant is now proposing to construct two new access points in order to provide alternative and separate means of access for each of the businesses operating from within the commercial site.

The Application

3. Planning permission is sought for the construction of a northern access and southern access into the commercial site at the junction of the A46 / Lincoln Road (Dunholme), Lincoln at Commercial Site, A46 / Lincoln Road Junction, Dunholme, Lincoln, Lincolnshire, LN2 3QB.
4. The proposed new northern access road would provide an alternative means of access serving Motor Wise which is one of the businesses operating from the eastern side of the commercial site. The northern access road would run parallel to the northern boundary of the commercial site and result in the loss of a small part of the adjoining arable field. The road would be approximately 5.5m wide and extend a total of 96m providing an access route and connection between the retained section of Lincoln Road and the forecourt used by Motor Wise which fronts the A46. The road would slightly curve and widen as it turns southwards within the commercial site in order to accommodate and allow for the turning of larger vehicles. The southern boundary of the access road would be marked by a 2.5m wide grass verge whilst a 5m drainage swale and 2m planting strip would form the northern boundary.



General Arrangement North

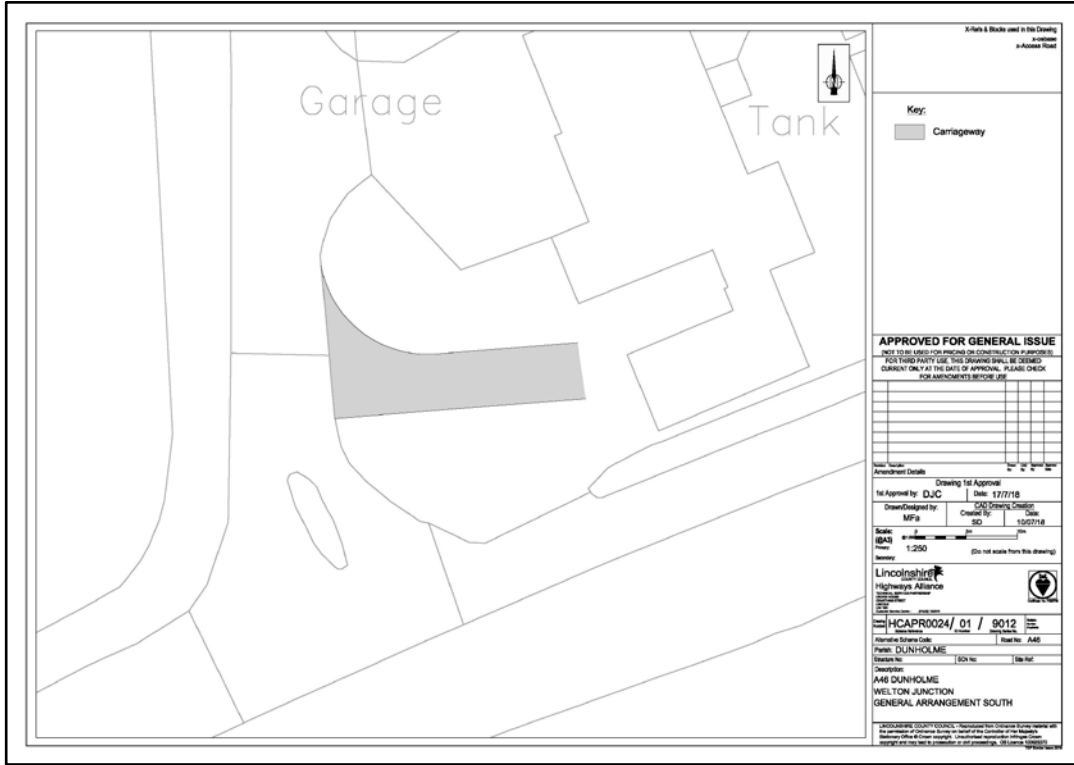


Location of proposed northern access



Route of northern access within site

5. The southern access road would be constructed to provide a dedicated and separate means of access to AMS Hand Car Wash which operates from the front of the commercial site. The proposed access would give access direct from the retained section of Lincoln Road and would be 5.5m wide and 24m in length.



General Arrangement South



Location of proposed southern access

6. No changes are proposed to the access arrangement that is proposed and approved under the Consented Scheme serving Centurion Garage. Centurion Garage occupies a plot on the western edge of the commercial site and access would be maintained via the existing access onto Lincoln Road.
7. The proposed north access road would result in the direct loss of a small area of arable farmland along with five trees and a hedgerow. Replacement planting is however proposed within the planting strip along the northern side of the proposed access road. The applicant has indicated that these would include native hedge and tree species.
8. A drainage swale would manage surface waters derived from the northern access road and have an outfall that connects with the drainage arrangements already approved as part of the wider Consented Scheme. The marginal increase in impermeable area created by the northern access road would be offset by the additional storage capacity created by the swale. The southern access road would be served by the existing positive drainage arrangements in this area which comprise of a gully and linear drainage which tie into the ditch on the southern side of the A46.
9. The applicant states that the new accesses would be constructed at the same time as the Consented Scheme which is expected to commence during the summer 2019. The Consented Scheme (including the accesses subject of this proposal) would take approximately 9-12 months to complete and it so would be operational by 2020. The two new accesses would be constructed to comply with the highway standards set out in the Development Road and Sustainable Drainage Specification (V4.2, May 2018) and once completed would remain within the ownership of the County Council until negotiations are undertaken to pass on their ownership and future maintenance to a third party.

Site and Surroundings

10. The commercial site is located 4.5 miles to the north east of Lincoln near to the villages of Welton and Dunholme. Apart from the land in use as public highway, the surrounding area is mainly in agricultural use. The commercial site is a former service station that is located to the east of the junction of the A46 with Lincoln Road and which now accommodates a number of small businesses including AMS Hand Car Wash, Motor Wise (a used car dealer) and Centurion Garage.



Commercial Site

11. Access to AMS Hand Car Wash and Motor Wise is currently gained direct from the A46 and access to the Centurion Garage is from Lincoln Road.



Existing Motorwise Access



Existing AMS Hand Car Wash Access

12. There is no other development within the vicinity of the junction. The closest residential properties are to the west of the application site at Horncastle Lane and Heath Lane. The property on Heath Lane is a Grade II listed building and comprises of a detached 18th century barn and stable on the site of Scothern Cliff Farmhouse. There is also a farm and outbuildings to the north of the application site, known as Dunholme Lodge.

Main Planning Considerations

National Guidance

13. National Planning Policy Framework (NPPF) (July 2018) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraphs 7 to 10 (Sustainable development) – states that there is a presumption in favour of sustainable development and that achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways. These three objectives are: economic; social and; environmental.

Paragraph 38 (Decision making) states that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraphs 39 to 41 (Pre-application engagement and front-loading) encourages parties to take advantage of the pre-application stage and to engage the local community, and where relevant, statutory and non-statutory consultees before submitting applications.

Paragraphs 47 & 48 (Determining applications) states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. It also advises on the weight that should be afforded to relevant policies in emerging plans depending upon the stage of their preparation.

Paragraphs 54 to 57 (Use of planning conditions and obligations) states that consideration should be given as to whether otherwise unacceptable development could be made acceptable through the use of conditions or obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the

development to be permitted. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and are also necessary, directly related to the development and fairly and reasonable related in scale and kind to the development.

Paragraphs 102 to 111 (Promoting sustainable transport) supports developments that promote and secure sustainable transport modes and also transport infrastructure. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account and the opportunities to avoid and mitigate adverse effects, and for net environmental gains should be sought. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraphs 163 to 165 (Planning and flood Risk) seeks to ensure that flood risk is not increased on or offsite as a result of development and that, where appropriate, applications are supported by site-specific flood risk assessments.

Paragraphs 170 to 175 (Biodiversity) states that decision should contribute to and enhance the natural and local environment and recognise the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. It is added that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains in biodiversity.

Paragraph 182 (Existing business) states that decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have significant adverse effect on new development in its vicinity then the applicant (or agent of change) should be required to provide suitable mitigation before the development has been completed.

Paragraph 192 (Heritage Assets) require that the impact of development on heritage assets (inc. non-designated assets) be taken into consideration, including any impacts on their setting.

Local Plan Context

14. Central Lincolnshire Local Plan (CLLP) (April 2017) – the following policies are of relevance to this planning application:

Policy LP1 (Presumption in favour of sustainable development) confirms that the plan will take a positive approach that reflects the presumption in favour

of sustainable development contained in the NPPF. It also states that planning applications that accord with the policies in the CLLP will be approved without delay, unless material considerations indicate otherwise.

Policy LP12 (Infrastructure to support growth) recognises that growth needs to be supported by necessary infrastructure be that roads to support and aid travel, new schools for education and health facilities to support good health. This policy sets out the overarching framework for delivering infrastructure to support growth and states that all development should be supported by, and have good access to, all necessary infrastructure.

Policy LP13 (Accessibility and transport) states that development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported. The policy lends support to proposals that would improve and manage the strategic and wider highway infrastructure to benefit local communities and also which would improve and enhance linkages or networks for cyclists and pedestrians.

Policy LP14 (Managing water resources and flood risk) requires all development proposals to demonstrate that there is no unacceptable increased risk of flooding to the development or to existing properties as a result of it and that any impacts on surface and ground water are appropriately considered and managed.

Policy LP17 (Landscape, townscape and views) seeks to protect and enhance the value of our landscapes and townscapes by ensuring that all development proposals take account of views in to, out of and within development areas and requires development to be designed to preserve or enhance key local views and vistas, and create new public views where possible.

Policy LP25 (Historic environment) seeks to protect, conserve and seek opportunities to enhance the historic environment and requires development proposals to demonstrate that their impact on heritage and non-designated heritage assets have been appropriately assessed and taken into consideration in the determination of proposals.

Policy LP26 (Design and amenity) states that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. They must also ensure that the amenity of persons affected by a development is not unduly harmed as a result of a development. A range of different criteria and issues are identified which, where applicable, should be taken into consideration when determining applications.

Results of Consultation and Publicity

15. Local County Council Member, Councillor Rawlins – has not provided any comments by the time this report was prepared. Any comments received will therefore be reported in the update.

Historic Environment (Lincolnshire County Council) – has commented that as noted in the supporting Heritage Assessment, the impact of the works on nearby listed buildings would be slight. It is added that in order to minimise any potential impact landscaping and tree planting should be used to screen the listed buildings from the development.

Dunholme Parish Council – were granted an extension of time to respond but their comments had not been received by the time this report was prepared. Any comments received will therefore be reported in the update.

Highway & Lead Local Flood Authority – has confirmed the development is acceptable and does not wish to object to this planning application.

16. The following bodies/persons were consulted on the application on 1 August 2018 but no comments or response had been received within the statutory consultation period or by the time this report was prepared.

Scothern Parish Council
Welton Parish Council

17. The application has also been publicised by way of notices posted at the site and letters of notification were also sent to the three businesses that occupy the commercial site. Four representations have been received and a summary of the comments and/or objections received are summarised below:

- There has been a lack of consultation or contact with the businesses operating from the site prior in relation to the Consented Scheme. The concerns raised by businesses operating from the site have been ignored and dismissed.
- The Consented Scheme would cause major disruption to the operations of the businesses during its construction and would detract potential customers and sales. The businesses would not be able to survive the disruption and site access issues caused by the building works would extinguish the existing small businesses.
- The whole commercial site is designed for access from the A46 and the businesses have invested heavily to create a 'shop front' experience for customers direct from the main road. This is why the businesses chose the property and have invested into its current layout. Access to the rear of the site would therefore not be acceptable as the businesses would need to totally redevelop the site which would take huge financial outlay and time that they just don't have.
- The proposed northern access would extend along the strip of land running centrally between Motor Wise and the AMS Hand Car. This land

is shared by both businesses and becomes very busy and blocked during peak times. AMS Hand Car Wash has expressed a wish to use the proposed northern access as an alternative exit route for their customers and so this could impact upon the business operations of Motor Wise and result in the road becoming very congested and unsafe due to the activities that take place.

- The Consented Scheme would remove direct access from the main road. With no guarantees of additional signage, customers would have to navigate a large roundabout, exit on a 'B' road and locate a turning some 100 meters from the roundabout and then access the site from the rear of the site. This is not a like for like alternative.
- Motor Wise's current lease with the landowner covers access to the south of the site (e.g. onto the A46) and does not extend to the northern boundary of the site where the new access is proposed. Therefore they would not have a legal right to use the proposed northern access and so would be deprived access to and from their site. The new access road should therefore be made a public highway for its full length and connect to the existing public highway.
- The three businesses operating from the site mutually support each other (e.g. cars being repaired, washed and sold on site). The loss of any one business or its significant diminution would therefore adversely affect all.
- Rather than the Consented Scheme speed cameras or speed limits could be imposed to address the wider highway safety problems. The current slip road from the A46 could also be extended to the site and exit maintained to/from the A46 for AMS Hand Car Wash. This has been dismissed for a reason that is not immediately understandable.
- Preference would be for a single access route to be used by all parties and this would need to be at least 7m wide.
- Any land lost would require reimbursement and specific accommodation works would be required (e.g. fencing/hedging) as the farmland is part of a Countryside Stewardship Agreement.
- The long-term maintenance of the access would need to be the responsibility of the Council and not the landowner.

District Council's Observations / Recommendations

18. West Lindsey District Council – confirmed they have no objection to make regarding this proposal and note that the proposal is needed to further enhance the proposed roundabout and highway improvement scheme already approved.

Conclusions

19. This application relates to a proposal to construct two new accesses into the commercial site at the junction of the A46 / Lincoln Road (Dunholme), Lincoln. The two new access points are proposed as an enhancement to the approved A46 / Lincoln Road improvement scheme ("the Consented Scheme") that was granted planning permission on 5 February 2018.

The Consented Scheme

20. The Consented Scheme allows for the construction of a new roundabout along with associated realignment and improvement works to the west of the existing A46 and Lincoln Road junction. As part of that development part of Lincoln Road would be permanently stopped up along with the permanent closure of two existing accesses which currently provide direct access into/from the commercial site onto the A46. The two new accesses proposed as part of this application would provide an alternative and separate means of access to that approved under the Consented Scheme and give access for each of the businesses operating from within the commercial site.

21. As stated above, the Consented Scheme already has planning permission and it is intended that works on this project will commence next year - subject to any other agreements and necessary legal orders being secured (e.g. land purchase agreements and Side Road Orders, etc). Despite this representations have been received from the businesses operating from the commercial site which raise objections and comments which repeat concerns about aspects of that project. These include concerns regarding the proposed closure of the existing accesses onto the A46 and the potential impacts this would have on their business operations. The representations also repeat suggestions about alternatives to the Consented Scheme such as the use of speed cameras, reducing speed limits and suggest extending the slip road off the A46 as an alternative to the closure of the existing accesses. Although these representations are noted, the alternatives and impacts of the Consented Scheme, including those arising during the construction phase and potential impacts arising from the closure of the existing means of access, have already previously been considered, assessed and the Consented Scheme ultimately deemed acceptable. Whilst the Consented Scheme would have some short-term negative impacts upon individual and private interests, overall these were considered to be outweighed by the wider public benefits that the scheme offers in terms of improved traffic flow, reduced congestion and a safer junction design which would help to reduce traffic accident rates. As planning permission for the Consented Scheme already exists it is not therefore necessary to reconsider or re-evaluate the merits of that development and so the objections received in this respect are not pertinent or material in terms of determining the acceptability or otherwise of the two accesses proposed by this application. As such they should be afforded little to no weight in the determination of this application.

This Application

22. In respect of the accesses subject of this application, their construction would result in the loss of a small area of agricultural land along with areas of grassland, five trees and a section of hedgerow. The agricultural land lost is relatively small and lies on the edge of a field and so its loss would not impede the continued agricultural use of the remainder of that field. Whilst the loss of the trees and hedgerow is regrettable, replacement planting is

proposed as part of the development and these would compensate for those lost. In time these would help to soften the visual impacts of the development and would also complement the landscaping that is proposed as part of the wider Consented Scheme. Together these would minimise any adverse impacts on the setting and views from nearby Listed Buildings and I am satisfied that the development would not have an unacceptable adverse impact on these heritage assets or visual amenity. The proposed landscaping would not only help to soften and mitigate the visual impacts of the scheme but also support wildlife and improve biodiversity interest and so accord with the objectives of the NPPF and CLLP Policies LP17, LP25 and LP26.

23. In respect of drainage, the development has been designed to include measures to ensure that surface waters from the access roads are appropriately managed and so would not give rise to increased risk of uncontrolled surface water run-off and consequential flooding either on or off-site. I am satisfied that the development would therefore accord with the policies in relation to flood risk and drainage as contained within the NPPF and CLLP Policy LP14.
24. Finally, representations have been received which claim that there has been a lack of consultation or contact with the businesses operating from the commercial site about the Consented Scheme and that concerns raised by businesses operating from the site have been ignored and dismissed. In response to these claims it should be noted that the County Council (as promoter and developer of the development) did begin promoting the Consented Scheme back in 2017 and held a public meeting in Welton. Presentations were also given to both Dunholme and Welton Parish Councils. Whilst the affected landowners have been informed throughout the process so far, initially the County Council were prevented from contacting the tenants of the site directly. Once legal orders were served requiring the landowner to provide information on the tenants contact was able to be made and the plans discussed.
25. In its statutory planning role, the County Council publicised and consulted on the application for the Consented Scheme when this was submitted and this included writing to the landowners and neighbours identified from Geographical Information System (GIS). Regrettably, one of the businesses on the commercial site was not sent an individual neighbour notification letter due to their address not being registered as a separate business or address. Notwithstanding this the application was also publicised by way of notices posted at the site including outside the property of the particular business and this would have been clearly visible. Furthermore, during the planning process the owner of this business also wrote to the County Council (in its role as the promoter and developer of the Scheme) raising specific concerns about the project and these concerns were also referenced and included in the report that was considered by the Planning & Regulation Committee at its meeting on 5 February 2018. In light of this I am satisfied that the County Council has notified, engaged and considered the views of affected landowners and tenants and complied with their

statutory duties in that regard. Any views and concerns about the impacts of the development were therefore known and taken into consideration at the appropriate time.

26. In respect of this current application, the three businesses operating from the site have been notified and their representations and views are summarised in this report. I have considered those views (where they are relevant and material to the consideration of this proposal) and I am satisfied that whilst the Consented Scheme remains acceptable from a land-use planning perspective, the additional and alternative access arrangements proposed by this application would, in my view, enhance the Consented Scheme and secure benefits that outweigh any impacts arising from their construction. As a result, the development would further support the objectives and principles promoted by the NPPF and CLLP Policies LP1, LP12 and LP13.

Final Conclusions

27. Having assessed the application and having given due regard to the comments and views received as a result of consultation on this application, I am satisfied that the new accesses would enhance and improve the already acceptable Consented Scheme. The new accesses would ensure that safe and suitable alternative means of access exist for each of the businesses operating from the site and, in conjunction with the wider Consented Scheme, deliver a project that would help to improve the safety and function of the highway network around the current A46/Lincoln Road junction and by improve traffic flow, reduce congestion and help to reduce traffic accident rates and known highway safety issues.
28. Subject to the implementation of the mitigation measures identified within the application and suitable planning conditions, I am therefore satisfied that the development could be undertaken in a manner where the level of impact would be acceptable and would not significantly conflict with the wider objectives or development control policies contained within the Development Plan.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

Commencement

1. The development hereby permitted shall be commenced within seven years of the date of this permission. Written notification of the date of commencement of development shall be sent to the County Planning Authority (CPA) within seven days of commencement.

Reason: The proposed development is associated with, and to be constructed in conjunction with, the consented highway improvement scheme approved by permission reference 137007 dated 5 February 2018.

A similar extended timeframe for commencement is therefore appropriate given its interrelationship with that scheme.

Approved Documents

2. The development hereby permitted shall only be carried out in accordance with the following documents and plans unless otherwise modified by the conditions attached to this planning permission or by details subsequently approved pursuant to those conditions. The approved plans and documents are as follows:

Documents & Drawings (date stamped received 18 & 24 July 2018)

Planning Application Form & Planning Statement
Drawing No. HCAPR0024/01/9010 – Location Plan
Drawing No. HCAPR0024/01/9011 – General Arrangement North
Drawing No. HCAPR0024/01/9012 – General Arrangement South
Drawing No. HCAPR0024/01/9013 – Arrangement Detail North
Drawing No. HCAPR0024/01/9014 – Arrangement Detail South
Drawing No. HCAPR0024/01/9015 – Cross Sections North
Drawing No. HCAPR0024/01/9016 – Cross Sections South
Drawing No. HCAPR0024/01/9018 – Overview of Consented Scheme and Proposed Scheme

Reason: To ensure that the development is carried out in accordance with the details as contained in the application.

Nature Conservation

3. No earthworks, site clearance or ground disturbance works shall take place between March and September, inclusive unless otherwise agreed in writing with the County Planning Authority. If these works cannot be undertaken outside this time, they should be evaluated and checked for breeding birds by an appropriately qualified ecologist and if appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.

Reason: To reflect the recommendations contained within the Ecological Assessment supporting the application.

Landscaping

4. In the first available planting season following the completion of the construction of the development hereby permitted, soft landscape planting shall be carried out within the development footprint in accordance with a scheme and details that have first been submitted to and approved in writing by the County Planning Authority. The soft landscape planting scheme shall contain details including the species, size, number, spacing and positions of any plants and trees and include details of the measures to be adopted for

their future maintenance and five year aftercare. Once implemented all soft landscaping shall be managed in accordance with the approved scheme.

Reason: To secure compensatory soft landscape planting to replace that which would be lost as a consequence of the development.

Informative(s):

Attention is drawn to:

Appendix

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

Background Papers

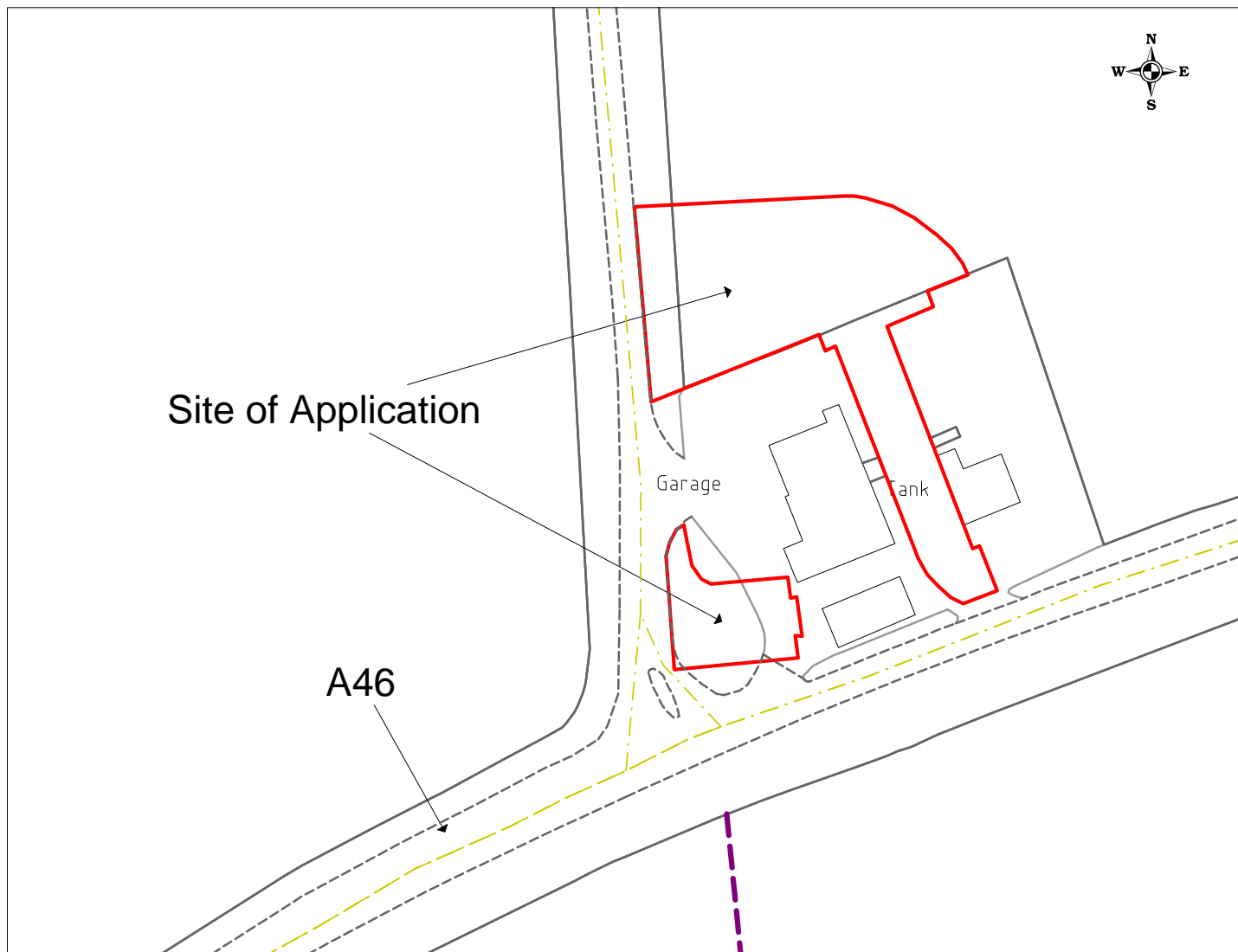
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File(s) 137007 138194	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012)	The Government's website www.gov.uk
Central Lincolnshire Local Plan (2017)	Central Lincolnshire Local Plan website www.n-kesteven.gov.uk/central-lincolnshire/local-plan

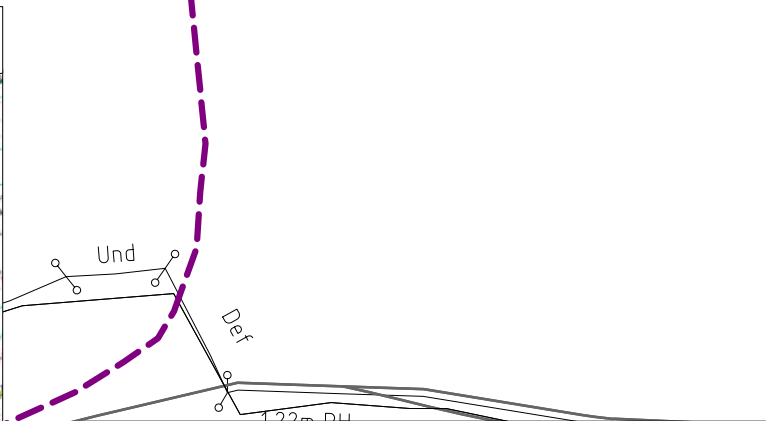
This report was written by Marc Willis, who can be contacted on 01522 782070 or dev_planningsupport@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 1 OCTOBER 2018



Prevailing Wind Direction from the south-west ↗



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<p>Location: Commercial Site A46/Lincoln Road Junction Dunholme</p> <p>Application No: 138194</p> <p>Scale: 1:1250</p>	<p>Description: For the construction of a northern access and southern access into the commercial site at the junction of the A46 / Lincoln Road (Dunholme), Lincoln</p> <p style="text-align: right;">Page 66</p>
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