

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

Report to:	Planning and Regulation Committee
Date:	3 July 2017
Subject:	County Matter Application - N75/0625/17

Summary:

Planning permission is sought by GBM Waste Management Limited (Agent: Steven Dunn Architects Limited) to vary conditions 1, 4, 7, 11 and 12 of planning permission N/75/0353/15 which relates to the existing waste management facility known as Mushroom Farm on Boundary Lane, South Hykeham. The proposed variations to the conditions are sought in order to enable the site to accept two specific types of hazardous waste, to increase the daily number of vehicle movements and to amend elements of the sites approved layout including increasing the stockpile heights for externally stored materials.

The key considerations in this case are whether the introduction of new waste streams and proposed amendments to the site, including increased vehicle movements, would result in harm to the amenity of the local community or environment and have an unacceptable impact on the highway network and highway safety.

Having taken into account the nature of the changes proposed and the details submitted in support of this application, the proposed changes to the site and revised waste streams 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 revised 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 and therefore the proposed modifications are considered acceptable. The proposed revised 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 and the Central Lincolnshire Local Plan.

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 Mushroom Farm 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). Over the years further planning permissions have been granted which have allowed the redevelopment and modernisation of the site including the construction of new buildings and changes to the site operations and layout. Those permissions include Ref: N75/0892/13 (granted in 2013) which covered the whole of the former Woods Skip Hire site and allowed for the construction of two sheds along with changes to the site infrastructure and layout. More recently a further planning permission was granted Ref: N75/0353/15 (granted 30 July 2015) which also allowed for the construction of a new building along with associated changes to the site's layout although this permission focused those operations and uses to the eastern half of the site only. The land to the west of this area (which once formed part of the original Woods Skip Hire site and was subject of permission N75/0892/13) has subsequently been granted planning permission by North Kesteven District Council (Ref: 15/0133/FUL) for the erection of three industrial buildings for uses falling with Use Classes B1 (Business) and B8 (Storage and distribution).
2. The applicant is seeking to vary conditions attached to the planning permission covering the waste management operations (i.e. N75/0353/15) so as to enable the site to accept two specific types of hazardous waste, to increase the daily number of vehicle movements and to amend elements of the site's approved layout, including increasing the stockpile heights for externally stored materials. This would require amendments to be made to the following conditions:

Condition 1

This permission related to the site edged red on Drawing No. 2296-A2-05d (received 2 March 2015) for the construction of a building for the purposes of waste recycling in association with the current use of the site as a waste transfer station and the development works as detailed within the approved documents and drawings set out below unless modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions. The approved documents and drawings are as follows:

- *Planning Application Form (received 17 March 2015);*
- *Design and Access Statement and Supporting Statement (23 February 2015);*
- *Drawing No 2296-A2-06g – 'Proposed Site Location/Block Plan (received 21 July 2015);*
- *Drawing No. 2296-A2-07a - 'General Arrangement Drawing' (received 23 February 2015);*

- *Flood Risk Assessment 'Proposed Materials Recycling Facility, Boundary Lane, South Hykeham, LINCOLN LN6 8JU' (received 2 March 2015);*
- *E-mail 'Further Details' (received 6 May 2015); and*
- *E-mail PL/0034/15 – Mushroom Farm (received 27 May 2015).*

Reason

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

Condition 4

No wastes or materials shall be stored or stockpiled externally other than upon the impermeable yard/area as defined on Drawing No. 2296-A2-06g and the height of such stockpiles or stores shall be no greater than 3 metres above the finished surface level of that part of the site upon which they are stored.

Reason

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

Condition 7

The total number of vehicle movements associated with the importation and exportation of wastes and materials shall not exceed 52 movements (26 in and 26 out) per day Monday to Saturday. All vehicles carrying wastes shall not leave the site unless its wheels and underside chassis are clean so as to prevent materials, including mud and debris, being deposited on the public highway.

Reason

For the avoidance of doubt and to ensure impacts on highway capacity and safety have been fully considered.

Condition11

Notwithstanding details of firefighting water provision shown on Drawing No. 2296- A2-06g the site shall not come into use until further details of the above ground vessel to include capacity and design have been submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented in full and maintained for the duration of the development.

Reason

To ensure an adequate supply of firefighting water.

Condition 12

A total of no more than 49,500 tonnes of material shall be brought to the site as shown within the red line boundary on Drawing No. 2296-A2-06g 'Proposed Site Location/Block Plan' (received 20 July 2015) per calendar year, for the purposes of the development hereby permitted. The operator shall maintain records of their quarterly waste imports to the site which shall be retained for at least two years and be made available to the Waste Planning Authority within 28 days of request.

Reason

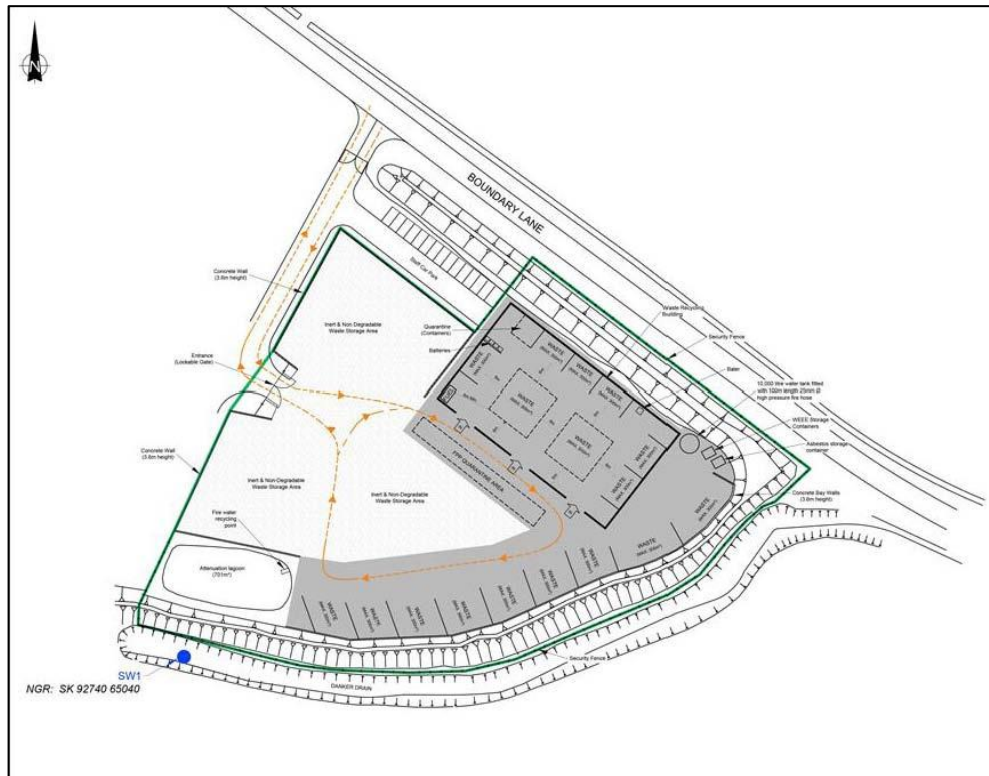
To define the permission and to ensure the development is implemented in all respects in accordance with the approved details.

The Application

3. Planning permission is sought by GBM Waste Management to amend Conditions 1, 4, 7, 11 and 12 of planning permission Ref: N75/0353/15 which relates to the existing waste management facility known as Mushroom Farm on Boundary Lane, South Hykeham.
4. The applicant is seeking to transfer their current waste management operations/activities from their existing site at Roe House, Boundary Lane Business Park to the Mushroom Farm site. In order to facilitate this relocation and ensure continuity of the applicant's business, planning conditions relating to the Mushroom Farm site would require amending. These include an amendment to Condition 1 (which cites the approved documents and details relating to the existing permitted operations) so as to not only reflect proposed changes to the site layout but also to allow the applicant to accept and accommodate two hazardous waste streams which were not originally proposed and therefore not approved under the terms of the existing planning permission. The hazardous waste streams identified by the applicant are Waste Electrical and Electronic Equipment (WEEE) (e.g. older fridges and freezers, fluorescent tubes, old TVs and computer monitors containing cathode ray tubes, etc.) as well as asbestos. The applicant states that only a limited volume of these wastes would be accepted at the site per day (i.e. a combined total of 10 tonnes) and in both cases the wastes would be stored in sealed containers or internally within the permitted waste transfer building. These wastes would also only be temporarily bulk stored within the site prior to their onward transportation to licensed facilities elsewhere for further processing and/or disposal. Therefore only a limited volume of wastes would be stored at any one time and they would not be processed or broken up on site. Table 1 identifies the existing approved waste streams together with the proposed hazardous waste.

6. These changes (Plan 2) would include:

- creation of a quarantine area;
- relocation of the attenuation lagoon and firefighting water storage tank;
- an area for the isolation of the proposed hazardous wastes bulk containers;
- creation of bays to contain the segregated inert waste; and
- inert waste stockpile heights from 3m to 3.6m.



Plan 2

7. Due to the proposed acceptance of WEEE and asbestos wastes, the applicant is also seeking to amend Condition 7 which limits vehicle movements to the site to 52 vehicle movements per day (26 in and 26 out). The applicant is seeking to increase this figure to 150 vehicle movements per day (75 in and 75 out) as typically small vehicles are associated with the transportation of WEEE and asbestos wastes and so this increased number of vehicle movements would give greater flexibility and allow these to be accommodated within the limits of the consent.

8. The applicant states that both of the hazardous waste streams would be handled in line with the requirements of an Environmental Permit (currently under consideration by the Environment Agency) which again would not cover the processing or treatment of either of these wastes at the site. Instead, and as indicated previously, both waste streams would therefore simply be temporarily bulked up ready for onward transportation to sites where they can be finally disposed of or dismantled at appropriately licenced facilities.

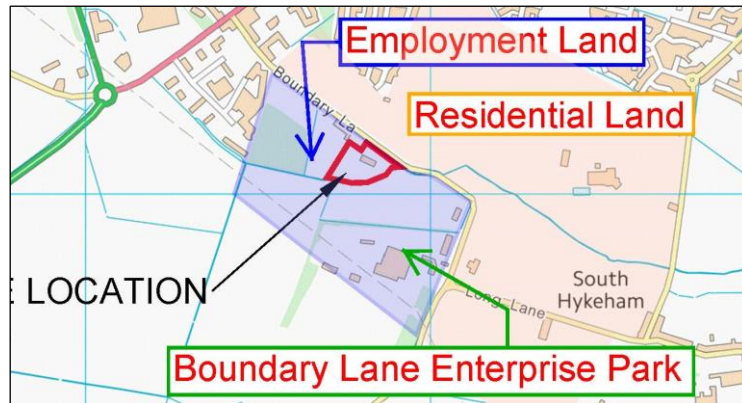
9. Finally, the applicant has confirmed that although the waste types proposed to be handled by the site may be widened there is no proposal to increase the total waste throughput per annum. This is currently approved at a level of 49,500 tonnes per annum of which 2% (approximately 3.0 tonnes daily) would be hazardous, should this application be approved. Additionally, the applicant is not seeking to increase the hours of operation and the permitted non-hazardous wastes would continue to be subject to sorting within the waste transfer building as currently approved by planning permission Ref: N/75/0353/15.

Site and Surroundings



Photo 1

10. The site is located to the south of Boundary Lane, the entrance (Photo 1) 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 and east 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 South Hykeham the nearest housing estate being approximately 100m distant. There are three residential bungalows immediately to the west of the site entrance separating the site from 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 100m to the west of the application site. The areas to the north and south of Boundary Lane have been allocated as part of the 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 (Plan 3).



Plan 3

11. The site being roughly triangular is bounded on two sides by a substantial bund standing to a minimum height of 3m. External to the northern bund and running along Boundary Lane is a mature planted hedge, standing to a height of 2.7m this hedge is interspersed with trees grown to heights in excess of 5m.
12. The southern boundary bund, running in a westerly direction from the road, follows the route of the Internal Drainage Board maintained South Hykeham Catchwater/Danker Drain, with a spillway defining the extent of the site. The external bank of the southern bund is heavily vegetated with native species of shrubs and trees.
13. The southern portion of the site is within Flood Zones 2 and 3. The western boundary of the site is demarked by the access road and an area of open ground covered by planning permission Reference N/75/0892/13 and having a 3.0 metre bund to south, west and north. This latter area is now subject to a planning permission (not yet implemented) granted by North Kesteven District Council Ref 15/0133/FUL for the 'Erection of 3 industrial buildings'.

Main Planning Considerations

National Guidance

14. National Planning Policy Framework (NPPF) (March 2012) 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):

Paragraph 14 – sustainable development in accordance with the development plan;

Paragraph 17 – seeks to secure a good standard of amenity for all existing and future occupants of land and buildings and reducing pollution;

Paragraph 103 – Flood Risk Assessment;

Paragraph 120 – new development should be appropriate for its location and not have adverse effects on the natural environment or general amenity;

Paragraph 122 – land use planning should focus on whether a development is an acceptable use of land and the impact of the proposed use, rather than the control of processes or emissions themselves where they are subject to approval under pollution control regimes;

Paragraph 123 – development should not give rise to significant adverse impacts on health and quality of life and mitigate and reduce to a minimum other adverse impacts such as noise;

Paragraphs 186 and 187 - decision-taking should be approached in a positive way to foster the delivery of sustainable development and where possible planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions in the area;

Paragraph 206 – use of planning conditions where necessary and relevant;

Paragraph 215– Due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. This is of relevance to the Lincolnshire County Council Core Strategy and Development Management Plan (2016) and Central Lincolnshire Local Plan (2017).

Local Plan Context

15. 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 W1 (Future requirements for New Waste Facilities) predicts the capacity gaps for waste arisings in the County;

Policy W3 (Spatial Strategy for New Waste Facilities) identifies that there is a preference for sites in and around main urban areas such as Lincoln;

Policy W4 (Locational Criteria for New Waste Facilities) defines new as including extensions to existing waste facilities;

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 minerals and waste management developments should address the following matters where applicable:

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

Policy DM3 (Quality of Life and Amenity) states that planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising;

Policy DM13 (Sustainable Transport Movements) states that proposal should seek to minimise road based transport;

Policy DM14 (Transport by Road) states that permission be granted for mineral and waste development where the highway network is of an appropriate standard for use by the traffic generated by the development and will not would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity or the environment;

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

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

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

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.

Results of Consultation and Publicity

- 17. (a) Local County Council Member, Councillor S Roe – (summarised) has registered his opposition citing concerns over the proposed increase in commercial vehicle traffic on Newark Road, Boundary Lane and Beck Lane. More specifically concerns are expressed regarding the junctions of Newark Road/Boundary Lane and Boundary Lane/Beck Lane and also concerns about general highway safety on Boundary Lane and around South Hykeham School where often parents with children attending the school park on Beck Lane. Finally, there are also concerns regarding an increase in congestion on Newark Road and Mill Lane especially during peak commuting/rush hour.

- (b) South Hykeham Parish Council (summarised) – strongly object to this proposal with the key issues being the increase in vehicle movements on Boundary Lane and concerns of highway safety as well as noise impacts upon residents in the area. Further comments are made in relation to the changes to the waste types and concerns that the operations at the site could have a detrimental effect on the health and wellbeing of the local community. Finally, concerns are also expressed that the emergency services may not be able to tackle a major incident referring to the comments from the Fire Authority (relating to an earlier planning application) with regard to an inadequate supply of fire fighting water.
- (c) North Hykeham Town Council – (summarised) object strongly. Although the Council acknowledges that Boundary Lane is now classified as a commercial road in the Central Lincolnshire Local Plan the Council feels that the lane should be improved as should the junction with Newark Road. Concerns were expressed with regard to road safety and the introduction of hazardous waste to the site and the potential impacts on the health of residents and impacts on the wider environment through contamination of water courses and drains. Additional comments were received identifying recent accidents at the Boundary Lane/Newark Road junction.
- (d) Environment Agency (EA) – has no objection and confirmed that an Environmental Permit application has been submitted to them which is currently under consideration. The Environmental Permit would also consider a range of operational matters and place conditions and controls on the site including covering matters such as site management, emissions, records, reporting and notification regimes and fire-risk.

With regard to flood risk considerations, the EA has no objections if site is built in accordance with the details contained within the application.

- (e) Highways and Lead Local Flood Authority – has commented that the volume of traffic associated with this proposal (150 vehicles per day) is not considered significant. The adjoining highway network has adequate capacity to accommodate the increase in traffic. The principle of safe and suitable access to the site for all users has been established by the existing permission.

In terms of surface water issues, the surface water attenuation and discharge proposed in the submitted FRA is compliant with NPPF and consequently the Authority does not wish to object to this application.

- (f) Upper Witham Internal Drainage Board - confirmed the location of the site in relation to the IDB district and had no further comment.

18. The following persons/bodies were consulted on 2 May 2017 but no response had been received within the statutory consultation period or by the time this report was prepared:

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

19. The application has been publicised by notices posted at the site and in the local press (Lincolnshire Echo on 11 May 2017) and letters of notification were sent to five neighbouring residents. 87 representations have been received from local residents, together with a petition signed by 202 people, during the statutory consultation period the following being a summary of the issues identified:

- Boundary Lane is unsuitable for heavy industrial traffic;
- highway safety impacts on all road users;
- condition of the road surface, no kerbs, no footways and no street lighting;
- negative impacts on the landscape;
- health and quality of life impacts (noise, dust, bio-aerosols, odour, toxic waste, air/water pollution) on local residents and school children, including the proposed expansion of residential development to the north of Boundary Lane;
- negative impacts on wildlife and Dankers Wood;
- fire risk and the potential for major pollution incidents as a consequence of fire;
- cumulative effects of this proposal when considered with other proposals in the area.

District Council's Recommendations

20. North Kesteven District Council (NKDC) objects to the proposal and has stated that the key considerations are the impact of the proposal upon the planned South West Quadrant Sustainable Urban Extension development (SWQ SUE), highway network and amenity of surrounding occupiers.
21. NKDC has confirmed that the SWQ SUE has been allocated within the recently adopted CLLP and would provide, along with all other necessary infrastructure, approximately 2,000 dwellings and 5ha of mixed use employment expanding the Boundary Lane Enterprise Park within which the application site is located. The principle of employment use on this site would not therefore conflict with the delivery of the SWQ SUE, however, NKDC comment that it is unclear whether the nature of the use currently proposed, namely the storage and bulking of hazardous waste, could result in the need for a buffer zone around the site (including as a condition of any varied Environmental Permit) thereby subsequently impacting upon the unfettered planning of the SUE. Given this uncertainty NKDC state that unless such confirmation can be provided they have concerns that the approval of this application could result in a conflict with Policy LP28 which requires the SUE to be planned and implemented in a co-ordinated way.

22. In terms of highways concerns, the proposal would result in a three-fold increase in the daily number of vehicle movements in to and out of the application site. NKDC considers this to be significant and likely to result in demonstrable harm to the surrounding area through increased demand on the highway network and argues that the use of smaller vehicles is not considered to mitigate this concern. It is also commented that whilst it is understood that the applicant currently operates out of a unit on the neighbouring Boundary Enterprise Park and that this would cease should this permission be granted, this could not be relied upon to mitigate any increase in traffic movements in the local area as the unit could be re-occupied.
23. Finally, in terms of residential amenity it is commented that the proposed increase in the amount and nature of the waste to be handled on this site is considered likely to impact upon the amenity of neighbouring residents by virtue of the noise and disturbance from increased vehicle movements. This would be contrary to the provisions of Policy LP26 of the CLLP.
24. Overall, and taking into account the above, the Council objects to the application and comments that further clarity should be given regarding the need or otherwise for a buffer zone around the site given the proposed handling of hazardous wastes at the site.

Conclusion

25. This application is made under Section 73A of the Town and Country Planning Act 1990 (as amended) which allows for applications for planning permission without complying with the conditions to which a previous permission was granted. It creates a new permission, with a varied wording of condition(s), which the applicant can implement or ignore and does not amend any existing planning permission.
26. The key considerations in this case are whether the proposal would have any impact upon the planned SWQ SUE development and whether the introduction of new waste streams and the increase in vehicle movements would result in harm to the amenity of the local community or environment and have an unacceptable impact on the highway network and highway safety.

Location and Existing and Planned Future Development

27. Mushroom Farm has a long history of being used for the transfer and storage of wastes and although the permissions affecting the site have been altered over the years the site is a well-established facility. Planning consent already exists allowing for the storage and handling of wastes within the site and the changes sought by this application would not fundamentally change the principal use or nature of the waste handling operations and activities.

28. In this case it is accepted that the CLLP has recently been adopted and as part of this plan has identified and allocated the site and land around it as part of the planned SWQ SUE. The residential element of the proposed SWQ SUE extends to the north of Boundary Lane whilst the proposal site itself, as acknowledged by NKDC's response, has existing industrial uses and forms part of the mixed use employment land that would expand the Boundary Lane Enterprise Park. Waste uses are considered to be suitable activities to be carried out within industrial/employment areas (as reflected in the Spatial Strategy of Policy W3 and locational criterion of Policy W4 of the CSDMP) and the continued use of this site would not therefore conflict with the planned industrial/employment uses identified for future development within immediate proximity to the site and so not pose a conflict or risk to the delivery of this project.
29. With regard the residential element of the SWQ SUE, whilst NKDC's comments about the potential impacts of this proposal upon the delivery of the housing element are noted, as far as Officers are aware no planning permission or masterplan has yet been approved relating to this aspect of the development. As there are currently no details on how any housing scheme would be configured or how close they may be to the Mushroom Farm site it is impossible to assess if the changes sought by this application would have an impact on future residents of that development. In any case, the Mushroom Farm site is an established waste management facility and therefore in accordance with Policy W8 of the CSDMP it should itself be afforded protection from encroachment by development which may be considered incompatible or which could unduly impede or impact upon the operations of the site. Given the current lack of detail about the future housing development, it would therefore be unreasonable to place restrictions or refuse this application on the grounds of potential impacts when these cannot be readily identified and assessed. For example, whilst it is understood that there would not be a need for any buffer zone to be created around the site as a consequence of it now proposing to handle small proportions of hazardous wastes, even if such a zone was required (and/or other buffer zones or stand-off distances between future residential properties and the site were considered necessary due to factors such as noise) then it would be for the developers of the SWQ SUE to take this into account when drawing up their plans in order to ensure that their development does not constrain or impede operations of the Mushroom Farm site.
30. Taking into account all of the above, whilst the comments about the potential impacts of this proposal on future and planned development are noted, this application does not change the fact that Mushroom Farm is an established and consented waste management facility. The proposed amendments to the conditions and elements of development sought by this application do not alter the principal use or nature of the site operations which have been deemed acceptable and suitable in this location. The continued and amended use would also still be compatible with the planned industrial/employment uses identified for the area and conditions and controls have been placed on the planning permission to ensure that the amenity of

existing residents living close to the site are not unduly impacted. Those same controls and conditions would continue to be in place and so would also be in place to ensure that the amenity of any future residents in the locality are also protected. Overall it is therefore concluded that this development would not compromise the objectives or planned delivery of the SWQ SUE and so do not conflict with Policies LP26 and LP28 of the CLLP that seeks to protect residential amenity whilst delivering a wide range of local employment opportunities, insofar as the existing site and uses falls within the 5ha of land identified for employment, expanding the Boundary Lane Enterprise Park and linking with Roman Way, as promoted by Policies LP2, LP3, LP5 and LP30 of the CLLP. Finally, the proposal has been considered in respect of Cumulative Impacts as required by the NPPF and Policy DM17 of the CSDMP which states that waste developments should 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 concurrently or successively.

Waste Hierarchy

31. The current permission and development essentially allows the importation, separation (within a building) and storage of inert waste for the purposes of bulking up into separate waste streams prior to onward transportation to permitted facilities for further processing or final disposal. The proposed introduction of hazardous wastes, namely Waste Electrical and Electronic Equipment (WEEE) and asbestos, would seek only to store these waste streams in an appropriately sealed container for the purpose of bulking up prior to onward transportation to licensed facilities for further processing and/or disposal. The bulking up of these wastes would not compromise the aims and objectives of Policy W1 of the CSDMP that identifies any capacity gaps for waste arising in Lincolnshire and reduces the need for multiple trips to facilities for further treatment and disposal thus meeting the aims and objectives of the NPPF and Policy DM13 of the CSDMP that seeks to minimise road based transportation. The proposed change would not undermine the waste planning strategy through prejudicing movement up the waste hierarchy by diverting recoverable materials that would otherwise be disposed of via landfill. Therefore this part of the revised operation of this facility would still facilitate recovery and thus there would be no change to the position of the existing site in terms of the waste hierarchy. On this basis the proposed changes are considered acceptable, subject to suitable controls to limit any additional pollution issues that might arise. The proposal meets the aims and objectives of the NPPF and Policies DM1 and DM2 of the CSDMP and does not conflict with nor compromise Policy LP1 of the CLLP that confirms that there is a presumption in favour of sustainable development.

Flood Risk and Water Management

32. The proposed changes to the site layout would result in the relocation of the approved attenuation lagoon, this lagoon would manage surface water run-off and would also have sufficient capacity to accommodate any fire water

run-off. The water from this attenuation lagoon would be re-circulated to maintain the approved supply of 10,000 litres of fire-fighting water and any excess, following settlement, would discharge to South Hykeham Catchwater/Danker Drain to approved greenfield run-off rates. The Highways and Lead Local Flood Authority together with the Environment Agency confirm that the changes to the location of the attenuation lagoon and discharge regime are acceptable and therefore compliant with the NPPF and meet the aims and objectives of Policy DM15 of the CSDMP. As a consequence the proposal would not conflict with nor compromise Policy LP14 that seeks to minimise Flood Risk and impacts on surface and ground water.

Highways

33. The proposed changes to all vehicle movements would increase the daily rate to 75 vehicle in and 75 vehicles out of the site Monday to Saturday. This represents a three-fold increase on the existing vehicle movements. NKDC has stated that they consider the increase in vehicle movements as likely to impact on the amenity of the neighbouring residents by virtue of noise and disturbance however, the Highways Officer considers that the increase in vehicle movements does not represent a significant increase in traffic and that the highway network relating to Boundary Lane and Newark Road has adequate capacity to accommodate the proposed increase. In addition the Highways Officer has confirmed that the principle of safe and suitable access to the site for all users has been established by the existing permission. In relation to the noise and disturbance as has already been noted Boundary Lane is identified as a commercial road and will therefore expect to carry high volumes of traffic. It is not considered that the additional traffic to be created would generate noise levels above background levels to a level that would conflict with Development Plan policies which seek to protect the amenity local residents could reasonably expect to enjoy. The proposal therefore conforms to 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

34. Asbestos and WEEE would be transported to the site in sealed loads for bulking up into larger sealed containers. The management of those wastes would also be subject to an Environmental Permit which is currently under consideration by the Environment Agency. The details relating to this Permit application were submitted with this application as supporting information and confirm that measures would be adopted to mitigate the impacts of odour, noise, dust and litter. The proposed changes to the site layout sought by this application would locate the hazardous wastes within sealed storage containers to the eastern part of the site. The proposed site layout would also allow clear segregation of inert (non-hazardous) waste streams and the efficient and safe circulation of vehicles within the site. As

discussed above, NKDC have questioned whether there is a need of a buffer zone to protect residential amenity however, the Environment Agency has confirmed that they have no objection to this application and have not indicated that there would be a need for such a buffer zone beyond the boundary of the application site. Officers are therefore satisfied that the conditions and controls already imposed on the planning permission (along with those which would form part of the Environmental Permit) would be sufficient to ensure that the amenity of residents living close to the site are not unduly impacted. The proposed development would therefore meet the aims and objectives of the NPPF and Policy DM3 of the CSDMP and would not conflict with nor compromise Policy LP26 of the CLLP that states that consideration should be given to impact on the amenity of neighbouring residents.

Human Rights Implications

35. 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

36. Having taken into account the nature of the change proposed and the supplementary information and details submitted in support of this application, the revised development would not exacerbate or give rise to any new significant environmental or amenity impacts over and above those which have already been deemed acceptable and which could be mitigated by the imposition of amended planning conditions. As a result the proposed modification is considered acceptable and can be supported and the revised development 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 and Central Lincolnshire Local Plan.
37. Finally, although Section 73 applications are commonly referred to as applications to “amend” or “vary” conditions they result in the grant of a new planning permission. Therefore, and for clarity and the avoidance of any doubt, it is recommended that the decision notice be issued with a comprehensive set of conditions which updates and (where relevant) recites the conditions which were originally included and which were attached to the previous planning permission.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission N75/0353/15 has been implemented and therefore commenced.
2. This permission related to the site edged red on Drawing No. 2296-A2- 05d (received 2 March 2015) for the construction of a building for the purposes of waste recycling in association with the current use of the site as a waste transfer station and the development works as detailed within the approved documents and drawings set out below unless modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions. The approved documents and drawings are as follows:

Documents

- Planning Application Form (date stamped received 17 March 2015) as amended by Section 73 Application Form (dated stamped received 10 April 2017)
- Design and Access Statement and Supporting Statement (date stamped received 23 February 2015)
- Flood Risk Assessment 'Proposed Materials Recycling Facility, Boundary Lane, South Hykeham, LINCOLN LN6 9NQ' (date stamp received 10 April 2017)
- E-mail 'Further Details' (received 6 May 2015)
- E-mail PL/0034/15 – Mushroom Farm (date stamped received 27 May 2015)
- E-mail PL/0158/16 – Supporting Statement (date stamped received 10 April 2017)
- Report GBM1013/MP (v1.1) – 'Management Plan' (date stamped received 10 April 2017)

Drawings

- Drawing No. GBM1031/05/03 Rev 1 'Plan 2 - Indicative Operational Layout' (date stamped received 10 April 2017)
 - Drawing No. GBM1013/05/04 Rev 1 'Indicative Drainage Layout' (date stamped received 10 April 2017)
3. Notwithstanding the details contained in Report GBM1013/MP (v1.1) – 'Management Plan' (date stamped received 10 April 2017), the waste types permitted at the site shall only be those as listed in 'Table 1: Maximum site storage capacities'.

4. The site shall not accept waste until written notification has been sent to the Waste Planning Authority of the date that the building and associated ancillary infrastructure hereby permitted, have been constructed and the Waste Planning Authority acknowledges receipt of that notification.
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.
6. No wastes or materials shall be stored or stockpiled externally other than upon the impermeable yard/area as defined on Drawing No. GBM1031/05/03 Rev 1 'Plan2 Indicative Operational Layout' (date stamped received 10 April 2017) and the height of such stockpiles or stores shall be no greater than 3.6m above the finished surface level of that part of the site upon which they are stored.
7. No external lighting shall be fixed to the building or erected within the site.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no building, structure, fixed plant or machinery shall be erected, extended or installed on the site.
9. The total number of vehicle movements associated with the importation and exportation of wastes and materials shall not exceed 150 movements (75 in and 75 out) per day Monday to Saturday. All vehicles carrying wastes shall not leave the site unless its wheels and underside chassis are clean so as to prevent materials, including mud and debris, being deposited on the public highway.
10. 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. Any accidental deposition of mud, debris or other deleterious materials onto the public highway shall be removed immediately.
11. The rating level of noise emitted from any plant or equipment on site shall not exceed the background level by more than +5dB(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 the BS4142:2014 (or an equivalent successor standard or other noise measurement methodology).
12. The details of the approved scheme shall be maintained for the duration of the development to ensure a Greenfield run-off rate as identified on page 17 of the Flood Risk Assessment 'Proposed Materials Recycling Facility,

Boundary Lane, South Hykeham, LINCOLN LN6 9NQ' (date stamped received 10 April 2017).

13. Notwithstanding details of firefighting water provision, shown on Drawing No. GBM1031/05/03 Rev 1 'Plan2 Indicative Operational Layout' (received 10 April 2017) the site shall not accept waste until further details of the above ground vessel to include capacity and design have been submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented in full and maintained for the duration of the development.
14. A total of no more than 49,500 tonnes of material shall be brought to the site as shown within the red line boundary on Drawing No. GBM1031/05/03 Rev 1 'Plan2 Indicative Operational Layout' (received 10 April 2017) per calendar year, for the purposes of the development hereby permitted. The operator shall maintain records of their quarterly waste imports to the site which shall be retained for at least two years and be made available to the Waste Planning Authority within 28 days of request.

Reasons:

1. To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).
- 2, 3, 4 & 14 To define the permission and to ensure the development is implemented in all respects in accordance with the approved details.
5. To define the hours of operation in the interests of limiting the effects of the development on local amenity.
- 6 - 8 To minimise the visual impacts of the development on nearby residents and the wider area.
- 9 & 10 For the avoidance of doubt and to ensure impacts on highway capacity and safety have been fully considered.
11. To minimise the potential nuisances and impacts of noise on nearby residents and the wider area.
12. To prevent the increased risk of flooding, both on and off site.
13. To ensure an adequate supply of firefighting water.

Informatives

Attention is drawn to:

- (i) Upper Witham Internal Drainage Board:
'Under the terms of the Land Drainage Act 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 6m of the top of the bank of any watercourse. There is an earth bank within the 6m, this has been consented by the Board. Any additional works within this distance will required an additional consent. The Board will not accept any liability for the stability of the banks of South Hykeham Catchwater. Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board. Guidance notes and an application form are attached for the use of the agent.'
- (ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by seeking amendments to the application in order to ensure that the development is capable of being supported and accords with the objectives and policies of the Development Plan. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development and is consistent with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework.

Appendix

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

Background Papers

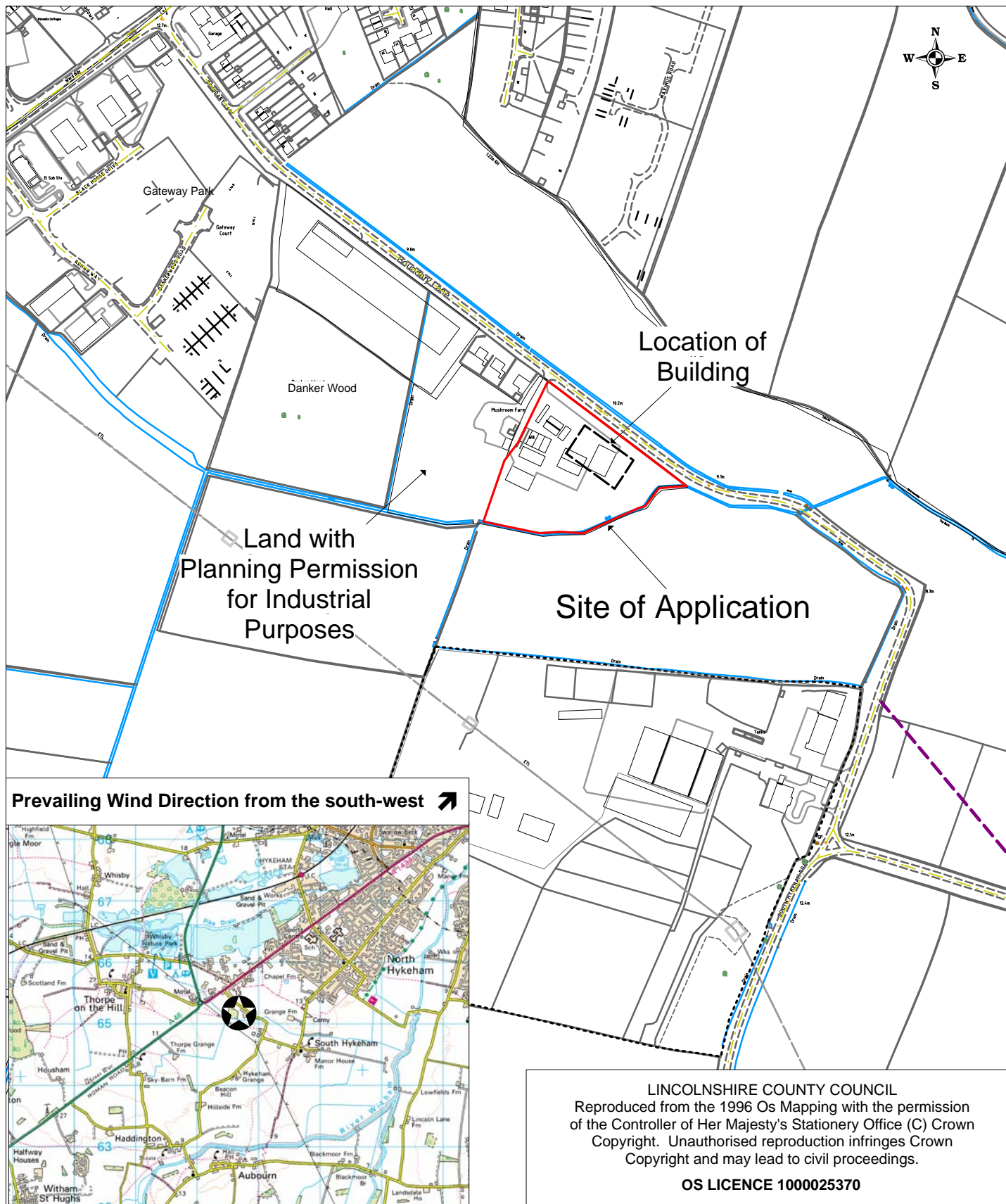
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application Files: N75/0625/17; N75/0353/15 and N75/0892/13	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
Planning Application: 15/0133/FUL	North Kesteven District Council website www.n-kesteven.gov.uk
National Planning Policy Framework (2012)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Plan (CSDMP) (2016)	Lincolnshire County Council website www.lincolnshire.gov.uk
Central Lincolnshire Local Plan (2017)	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 3 JULY 2017

**Location:**

Mushroom Farm
 Boundary Lane
 South Hykeham

Application No: N75/0625/17

Scale: 1:2500

Description:

To vary conditions 1, 4, 7, 11 and 12 of planning
 permission N75/0353/15

This page is intentionally left blank