

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

Report to:	Planning and Regulation Committee
Date:	30 July 2018
Subject:	County Matter Application - 18/0757/CCC

Summary:

Planning permission is sought by GBM Waste Management (Agent: Steven Dunn Architects Limited) to erect a 450,000 litre capacity water tank, fuel tanks and brick building to house a pressure washer at Mushroom Farm, 10 Boundary Lane, South Hykeham, Lincoln LN6 9NQ. The application is in part retrospective insofar as the proposed structures are under construction.

The main issue to consider is whether the proposed development is appropriate in relation to the site and surroundings.

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.

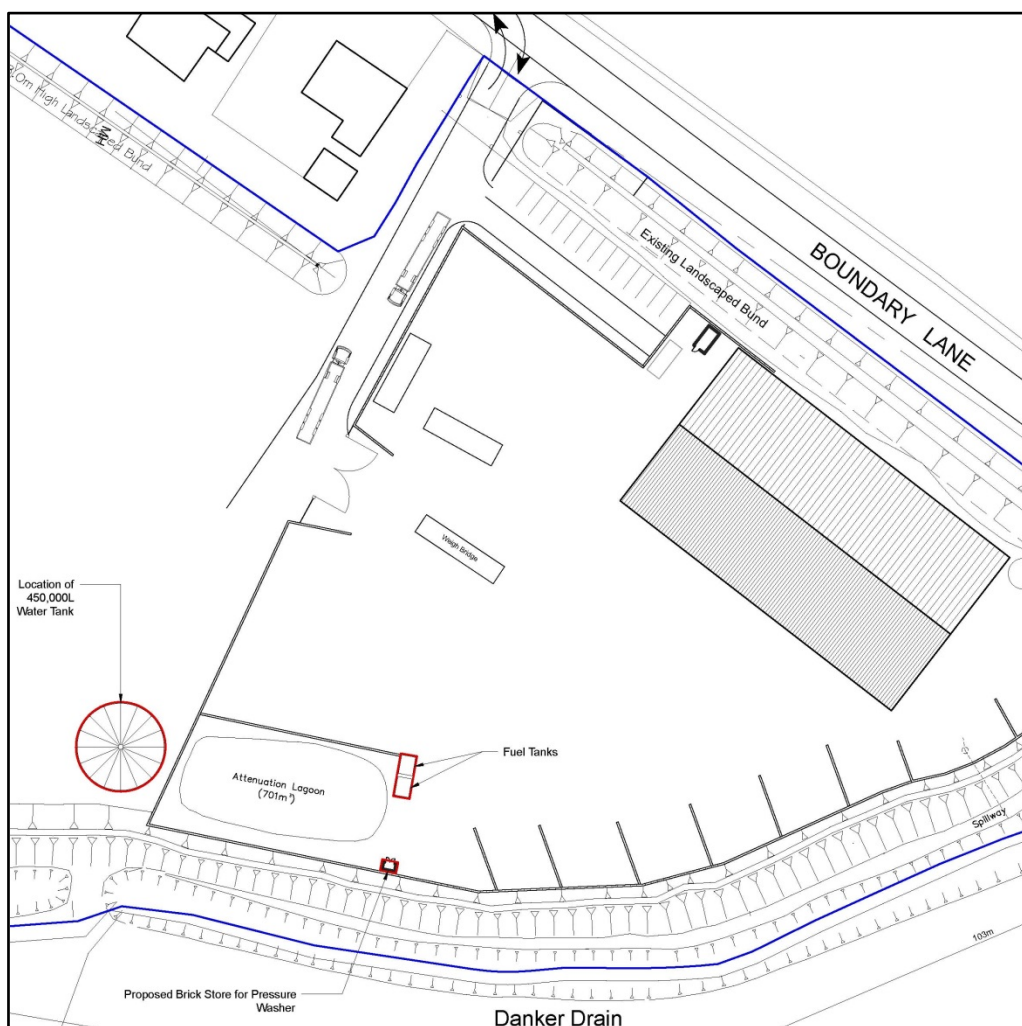
Background

1. The site has a long history of being used to carry out waste management operations with permissions dating back to 1993 (when the site was known and operated as Woods Skip Hire).
2. More recently planning permission was granted (ref: N75/0353/15 dated 30 July 2015) which allowed for the construction of a new building along with associated changes to the site's layout. This planning permission significantly reduced the overall size of the original site. Planning permission (ref: N75/0625/17 dated 3 July 2017) varied the conditions attached to the 2015 permission to permit a revised site layout and to allow the site to receive additional waste streams. A further planning permission (ref: 17/1809/CCC dated 5 February 2018) varied a condition attached to the 2017 permission to allow the installation of external lighting. The most recent planning permission was granted 23 April 2018 (ref: 18/0324/CCC) to retain new office and welfare facilities, weighbridge and brick built housing for electricity meters. The proposed water tank subject of this application

lies on land that sits outside the boundary of the waste transfer site. This land no longer benefits from an extant planning permission although previously it did form part of the Woods Skip Hire operations. The two sites are now owned by GBM Waste Management and are known collectively as Mushroom Farm. The construction of the new buildings and changes to the site authorised by the latest planning permissions are now well advanced.

The Application

3. Planning permission is sought by GBM Waste Management Limited (Agent: Steven Dunn Architects Ltd) to erect a 450,000 litre capacity water tank, a fuel tank and brick building to house a pressure washer. The water tank and brick building are currently under construction.



Plan 1 – Location of proposed water tank, fuel tanks and pressure washer housing

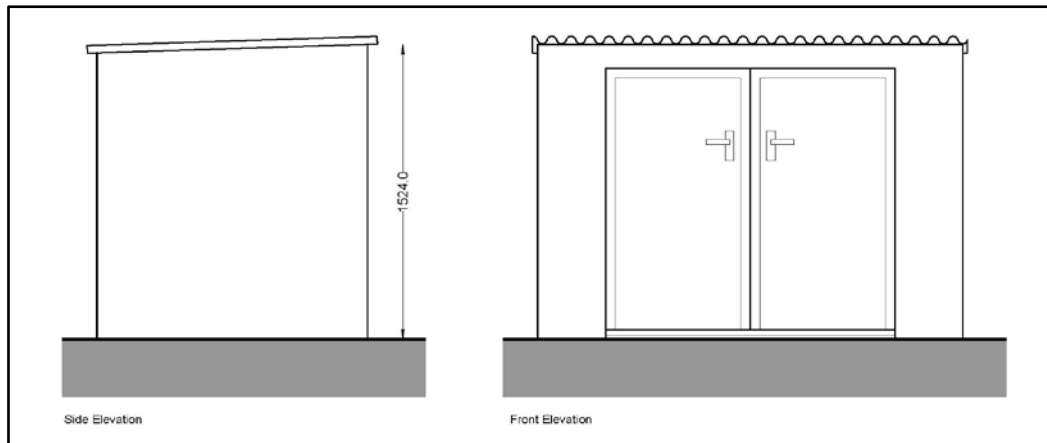
4. The water tank is sited outside of the boundary of the waste management site and located on an area of land adjacent to the southern bund of the former Wood Skip Hire site. The tank would be, when construction is complete, built of galvanised steel and incorporate a liner and have an

overall diameter of 13.72 metres and a domed woven polypropylene anti-algae roof over to a height of approximately 3.0 metres. The tank would have a capacity to hold 450,000 litres of water which would be stored and retained for use in the event of a fire.



Photograph 1 – 450,000 litre water tank

5. Condition 13 of planning permission N75/1809/17 requires details of an above ground vessel that is to be used to hold water for fire-fighting proposes to be submitted and approved in writing by the Waste Planning Authority. The tank proposed as part of this application has a larger capacity than that which was originally proposed to be installed within the waste management site and because of its size, and there being insufficient space available to accommodate it within the existing site, it is therefore now proposed to construct it on adjacent land. If granted, the tank subject of this application would therefore negate the need to provide a tank within the footprint of the waste management site and would act as an alternative arrangement that still meets the overall objective and purpose of the conditional requirement. If planning permission for this development is therefore granted, the applicant will need to apply to amend/remove Condition 13 of permission N75/1809/17 as this requirement would no longer be necessary.
6. The red brick store building is under construction and is located within the boundary of the existing a site adjacent to the southern concrete push walls and the attenuation lagoon. The building would be finished with a profile steel clad flat roof over. The store would be used to house a pressure washer and would be access by timber double doors in a timber frame to form a 1.5 metre opening. The height of the store would be approximately 1.5 metres and has a length of 2.2 metres and 1.4 metres wide.



Plan 2 – Brick built pressure washer store

7. The diesel oil storage tanks would be sited within the boundary of the existing site and adjacent to the northern wall of the lagoon enclosure and would be contained within a secondary bund wall as required by the Environment Agency Fire Prevention Plan. Each tank would have a holding capacity of 10,000 litres and would supply both fuel for the plant operating within the site and the fleet of skip vehicles.
8. Although the development is considered 'minor development', given the sites location being within Flood Zones 2 and 3 a sequential and exception test has been undertaken by the applicant that indicates that the development cannot be reasonably located elsewhere insofar as the proposed structures need to be in close proximity to the established facilities which these are intended to serve.
9. No part of this application seeks to increase the throughput of waste at the site.

Site and Surroundings

10. The site 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 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.

11. The water tank is separated from the waste management site by a steel frame concrete panel wall but would be connected to the surface water infrastructure by sub-surface pipework. The two other structures are adjacent to the surface water attenuation lagoon within the main waste management site. The access to the site off Boundary Lane has now been improved and enlarged with kerbs and tarmac surfaced visibility splays.



Photograph 2 – Entrance to Mushroom Farm off Boundary Lane

Main Planning Considerations

National Guidance

12. 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 17 – seeks to secure a good standard of amenity for all existing and future occupants of land and buildings and reducing pollution;

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;

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

13. 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 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 DM6 (Impact on Landscape and Townscape) states that due regard has been given to the likely impact of the proposed development on landscape and townscape.

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

Policy DM16 (Water Resources) states planning permission will be granted where there would not be an unacceptable impact on surface or ground water and due regard is given to water conservation and efficiency.

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

Policy LP14 (Managing Water Resources and Flood Risk) states that in respect of flood risk that there is no unacceptable increase risk of flooding and that water is available to support the development proposed and does not adversely affect surface and ground water quality.

Policy LP17 (Landscape, Townscape and Views) states that proposal must seek to protect and enhance the landscape and character of the area.

Policy LP26 (Design and Amenity) states that consideration should be given to the design of the development that must not unduly harm the amenity of neighbouring residents by virtue of material used, visual impact and appropriateness in relation to its setting;

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

15. (a) Local County Council Member - Councillor S Roe as a member of the Planning and Regulation Committee reserves his position until the meeting.
- (b) Environment Agency (EA) – have no objection to the application submitted but request that an Informative be attached regarding their permitting regime in respect of Fire Prevention Plan, Oil Tanks and discharges to surface water.
- (b) Highways & Lead Flood Authority (Lincolnshire County Council) – does not wish to restrict the grant of permission.
- (c) The following persons/bodies were consulted on 31 May 2018 but no comments/response had been received within the statutory consultation period or by the time this report was prepared:

Lincolnshire Fire and Rescue; and

Lincolnshire Public Health.

North Hykeham Town Council and South Hykeham Parish Council both requested an extension of time to respond to consultation and their comments are due to be received before the Planning & Regulation meeting. Any comments received will therefore be reported in an update before the application is debated.

16. The application was publicised by way of two site notices posted at the site and at South Hykeham Village Hall as well as in the local press (Lincolnshire Echo 7 June 2018). Notification letters were also sent to 79 properties in the area. Four representations had been received by the time this report was prepared which object to the application for the following reasons/grounds (summarised):
- Opposed to the development of the waste disposal site.
 - Objections on the grounds that the waste disposal site would have a detrimental impact on the environment.
 - Objection on the grounds of increased traffic on local country roads.
 - The site does not have an Environment Agency Permit to operate.
 - The waste disposal site is expanding beyond the scope of the initial proposal.
 - This application is not suitable in a residential area.
 - The site is putting lives at risk with heavier traffic.
 - The fuel tank is a danger especially being placed near to thousands of homes and many schools.
 - No consideration has been given to residents.

District Council's Observations

17. North Kesteven District Council - do not wish to make any observations in respect of the proposal.

Conclusions

18. This application is seeking part retrospective planning permission to continue to erect a 450,000 litres capacity water tank, fuel tanks and brick building to store a pressure washer at Mushroom Farm, Boundary Lane, South Hykeham, Lincoln LN6 9NQ.
19. The principle has been established for the operation of a waste management facility at Mushroom Farm, Boundary Lane, South Hykeham since 1993. A number of representations were objecting to the waste management site in this location however, this application is for the installation of ancillary structures at a site that benefits from an extant planning permission for waste management use. As a consequence such objections are not material when considering whether the water tank, fuel tanks and brick pressure washer building are appropriate development in this location.

20. This application would not increase the volume of waste being processed through the site but instead principally relate to the erection of a water tank that would supply firefighting water which is consistent with the conditional requirements already imposed by Condition 13 of planning permission ref: N/75/0353/15. At that time a 100,000 litre tank was considered sufficient however, changes to the Environmental Permitting requirements of the Environment Agency has identified a need for a much greater volume of water to be available. Initially the application investigated installing a fire hydrant of the main water supply running along Boundary Lane. Unfortunately, their application to Anglian Water was unsuccessful and therefore the applicant has proposed the installation of the water tank as an alternative strategy.
21. A water tank with the capacity to supply water at the rate required by the EA Permit is therefore welcomed and due to its size it can no longer be accommodated within the footprint of the main site. The applicant owns the adjacent site at Mushroom Farm and given the proximity of the surface water attenuation lagoon, that would be used to fill the tank, the proposed location is considered ideal and would be well positioned to serve the site. The Environment Agency has not objected to the application but has requested that an Informative be attached to any decision issued relating to their Environmental Permitting regime.
23. In terms of flood risk and water management, this location is within Flood Zones 2 and 3 and so has a potential to raise flood risk elsewhere. However, the water tank has been designed to accord with the appropriate British Standard governing the design, fabrication and erection of structural steelwork and would be subject to the surface water management regime associated with the waste management site. In addition the water tank would be filled and levels maintained utilising the water collected in the surface water attenuation lagoon adjacent thus preserving and protecting water resources elsewhere. It is therefore considered that the proposal is in line with the NPPF and Policies DM15 and DM16 of the CSDMP and would not conflict with nor compromise Policy LP14 of the CLLP that seeks to manage water resources and not contribute to flood risk elsewhere.
24. In respect of the proposed fuel tanks, an objection has been received stating that this would be a danger to thousands of homes and many schools. Whilst these comments are noted, the proposed fuel tanks would be a split tank with two compartments and hold a maximum total of 20,000 litres of diesel which would be used to supply the company's fleet of HGV and mobile plant within the waste management site. When compared to that which would be stored at a normal filling station (90,000 litres) - such as the filling station which is located approximately 450 metres north west of Mushroom Farm at the junction of Boundary Lane and Newark Road and which is less than 10 metres from the nearest residential property - this is not considered a significant amount. The tanks themselves would be housed within a secondary walled enclosure to protect them from accidental damage and would be of an appropriate construction and specification given their intended use. The Environment Agency requested an informative be

attached to ensure that the management of the fuel tank would be included in the Fire Prevention Plan that forms part of the Environmental Permit. Appropriate measures would therefore be in place to minimise the risk of fire or pollution in the event of accidental damaged. In respect of the proposed brick building (which would house the pressure washer) this is a small structure and of an appropriate size and scale and so have a negligible impact on the appearance of the wider area or setting.

25. In terms of their location, the proposed construction materials and taking into account the existing boundary treatments, I am satisfied that the smaller structures would be wholly screened from external views. In respect of the water tank, only the dome would be visible when viewed from outside the site however, the visual impact of this on the land and townscape is not considered to be significant or out of keeping given that the site is identified as employment land in Policy LP30 of the CLLP (2017) namely 'Land at Grange Farm, Hykeham', and would be located close to the main waste management site. Consequently, the proposed structures would not have an adverse visual impact and be consistent with the aims and objectives of the NPPF, Policies DM3 and DM6 of the CSDMP or conflict with nor compromise Policies LP17 and LP26 of the CLLP that seeks appropriate design that would not have an unacceptable effect on the landscape and townscape.
26. 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 granted subject to the following conditions:-

1. The development hereby permitted shall be retained in accordance with the following documents and plans unless otherwise modified by the conditions attached to this planning permission. The approved documents and plans are as follows:
 - Planning Application Form (date stamped received 29 May 2018);
 - Supporting Statement to accompany a Planning Application (date stamped received 29 May 2018);
 - Further information Email date stamped received 6 July 2018;
 - Drawing No. 2296-A2-16a – 'Proposed Site Location and Block Plan';
 - Product Code: DWT-TK45/4 - 'Specification for 450,000 litres Galvanised Steel Water Tank' (date stamped received 16 April 2018); and
 - Drawing No. 2296-A3-17a – 'Proposed Brick Store for Pressure Washer General Arrangement Drawing' (date stamped received 29 May 2018)

Reason: To ensure that the development is retained in an acceptable manner and for avoidance of doubt as to the development that is permitted.

2. The fuel tanks hereby permitted shall be retained within an enclosure sufficient to hold 110% of the capacity of the tanks and only be used in association with the operations of the waste management facility and shall be removed from the site within 12 months of cessation of the waste management operations.

Reason: To ensure that the fuel tanks are appropriately contained and the use is wholly associated with the waste management facility and to ensure that, on cessation of waste peration, is removed from site.

Informatives

Attention is drawn to:

Environment Agency Letter Ref: AN/2018/127535/01-L01 dated 13 June 2018 relating to environmental permits.

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 PL/0047/18 18/0757/CCC	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 Lincolnshire Mineral and Waste Local Plan Core Strategy and Development Management Plan (2016)	Lincolnshire County Council website www.lincolnshire.gov.uk
Central Lincolnshire Local Plan (2017)	Central Lincolnshire Local Plan website www.n-kesteven.gov.uk/cental-lincolnshire/local-plan

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