

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

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

**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.

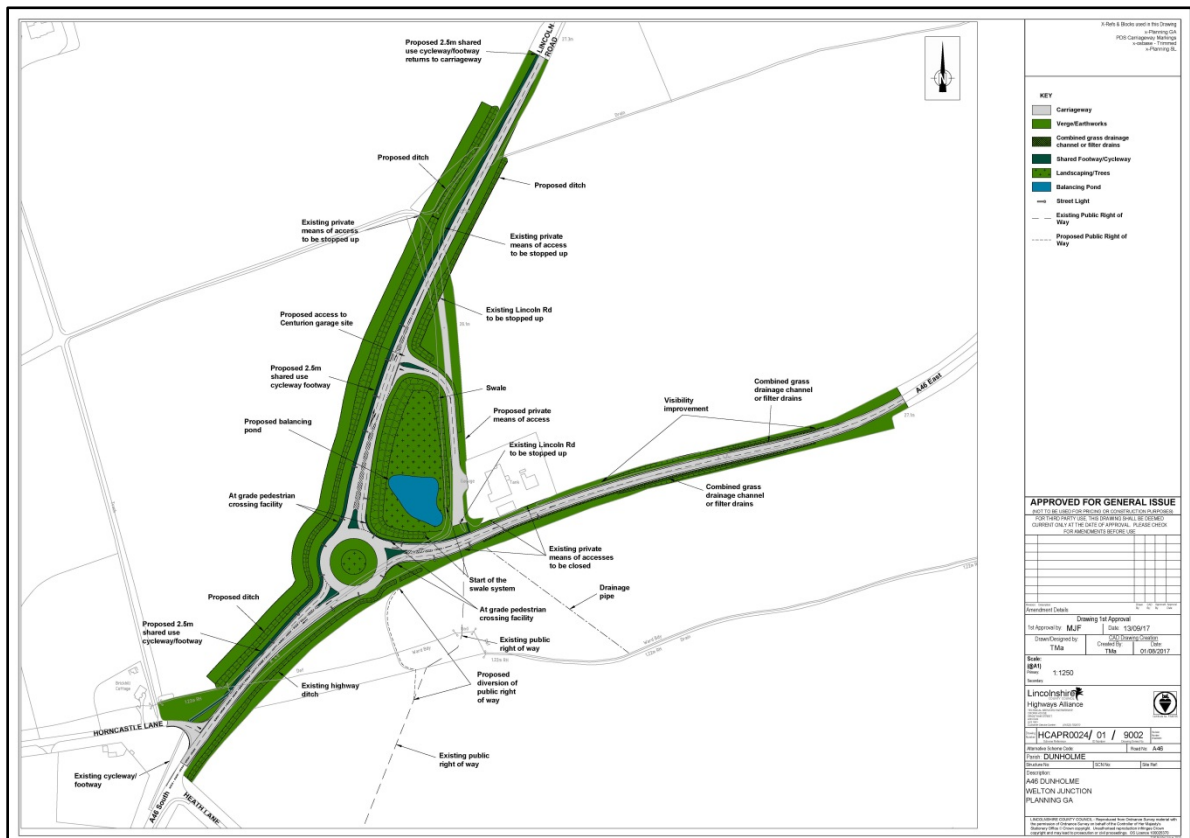
The Consented Scheme includes proposals to permanently stop up part of Lincoln Road along with the permanent closure of two existing accesses which provide direct access into/from the commercial site onto the A46. Under the Consented Scheme, following the closure of the access points onto the A46, access 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").

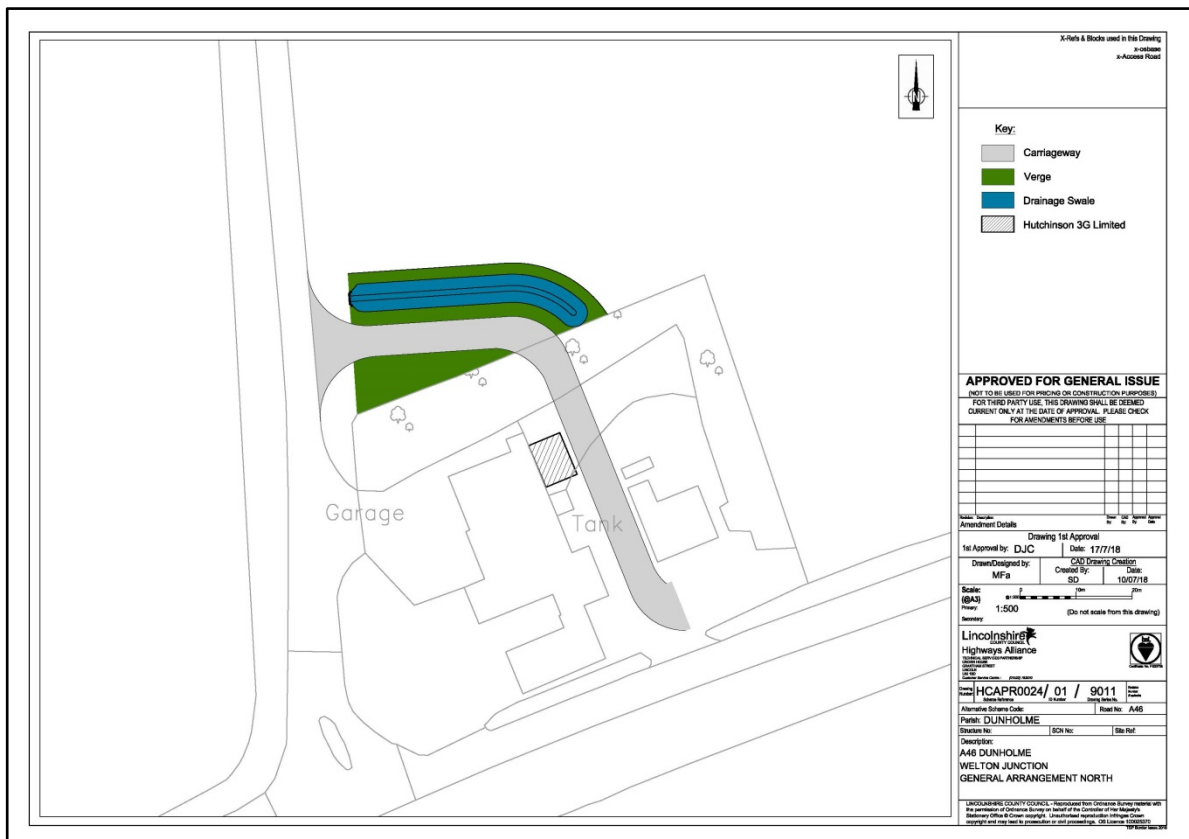


## General Arrangement Plan

- 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

- [illegible]

A photograph of a parking lot. In the foreground, there is a dark asphalt surface. To the left, a blue metal fence runs along the edge. In the middle ground, a silver car is parked on a paved area, and a dark car is parked further back. A grassy area separates the parking lot from a line of trees and bushes in the background. A utility pole is visible on the right side. The date "06/08/2018" is printed in orange in the bottom right corner.

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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 reasonably 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.

<b>RECOMMENDATIONS</b>
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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

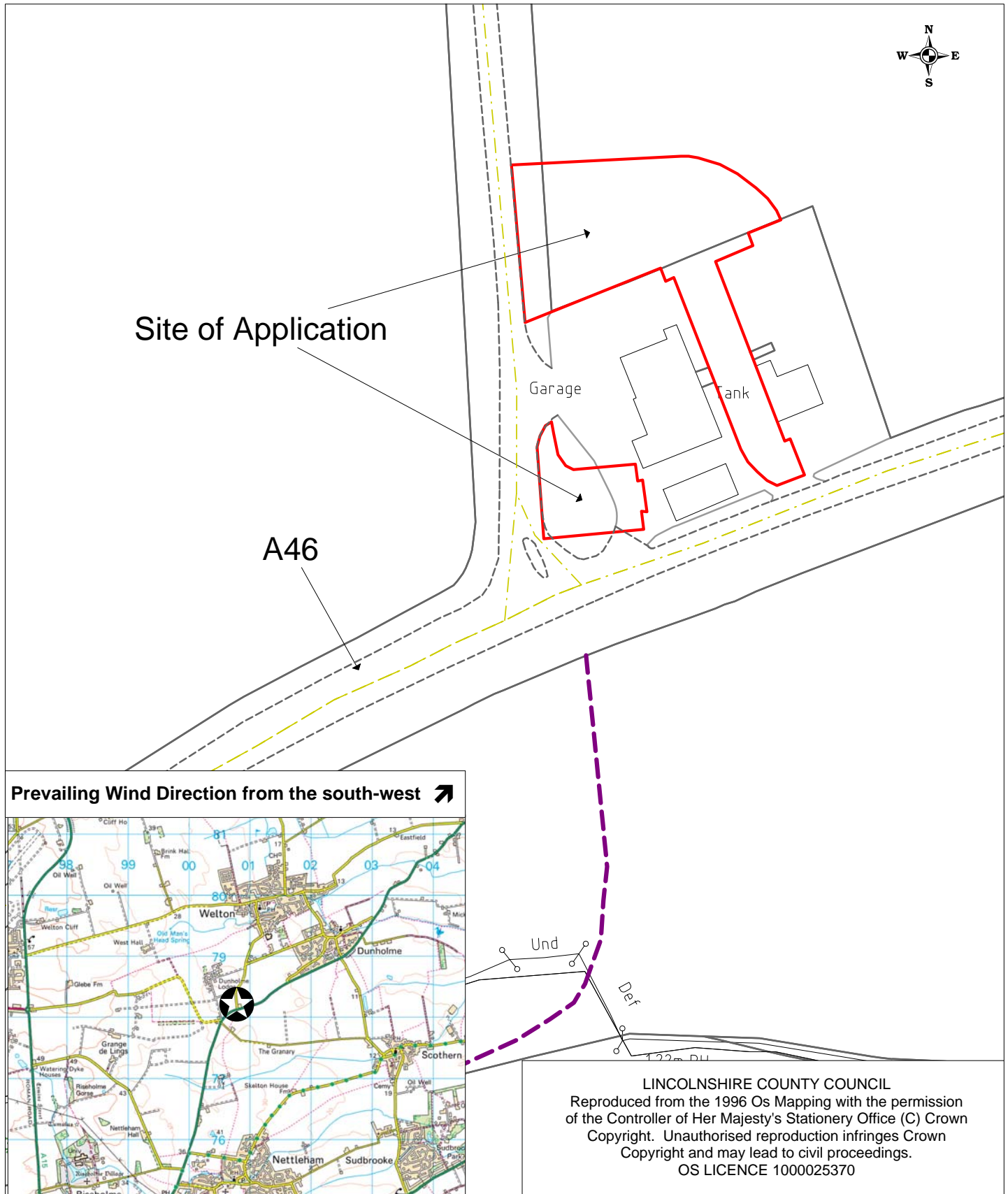
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

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 <a href="http://www.gov.uk">www.gov.uk</a>
Central Lincolnshire Local Plan (2017)	Central Lincolnshire Local Plan website <a href="http://www.n-kesteven.gov.uk/central-lincolnshire/local-plan">www.n-kesteven.gov.uk/central-lincolnshire/local-plan</a>

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## LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 1 OCTOBER 2018



**Location:**  
Commercial Site  
A46/Lincoln Road Junction  
Dunholme

**Application No:** 138194

**Scale:** 1:1250

**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