



County Offices
Newland
Lincoln
LN1 1YL

25 October 2019

Planning and Regulation Committee

A meeting of the Planning and Regulation Committee will be held on **Monday, 4 November 2019 at 10.30 am in Council Chamber, County Offices, Newland, Lincoln LN1 1YL** for the transaction of business set out on the attached Agenda.

Yours sincerely

A handwritten signature in cursive script that reads 'Debbie Barnes'.

Debbie Barnes OBE
Head of Paid Service

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

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

**PLANNING AND REGULATION COMMITTEE AGENDA
MONDAY, 4 NOVEMBER 2019**

Item	Title	Pages
1.	Apologies/replacement members	
2.	Declarations of Members' Interests	
3.	Minutes of the previous meeting of the Planning and Regulation Committee held on 7 October 2019	5 - 12
4.	Traffic Regulation Orders	
4.1	Lincoln, Proposed Residents Parking Scheme extensions at Burton Road, Chestnut Street, James Street and Union Road and new Residents Parking Scheme Zone 4G at Church Lane and Northgate	13 - 28
5.	County Matter Applications	
5.1	For the construction of a covered digestate storage lagoon, perimeter bunding and fencing and concrete apron for the storage of silage at Woodbecks Farm, Edlington Road, Edlington - Beeswax Dyson Farming Ltd (Agent: GP Planning Ltd) - S/049/01560/19	29 - 52
6.	County Council Applications	
6.1	To construct a Special Educational Needs and Disability (SEND) school with associated external spaces works, parking and new vehicular and pedestrian access off Kitwood Road at Land off Kitwood Road, Boston - B/19/0381	53 - 84

Democratic Services Officer Contact Details

Name: **Rachel Wilson**

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E Mail Address rachel.wilson@lincolnshire.gov.uk

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

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

Contact details set out above.

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**PLANNING AND REGULATION
COMMITTEE
7 OCTOBER 2019**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

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

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Jeanne Gibson (Programme Leader: Minor Works and Traffic), Neil McBride (Head of Planning), Marc Willis (Applications Team Leader) and Mandy Withington (Solicitor)

22 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors H Spratt and M J Storer.

23 DECLARATIONS OF MEMBERS' INTERESTS

Councillor R P H Reid requested that a note should be made in the minutes that he was the local Member, lived in Austerby and that he would participate in the debate but would not vote on this matter (minute 27).

The Chairman stated that all members had been lobbied in connection with this matter and that he had received an email from someone at 10.45pm on 6 October 2019 on the same matter (minute 27).

**24 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND
REGULATION COMMITTEE HELD ON 2 SEPTEMBER 2019**

RESOLVED

That the minutes of the previous meeting held on 2 September 2019 be approved as a correct record and signed by the Chairman.

25 TRAFFIC ITEMS

26 POTTERHANWORTH, MAIN ROAD

The Committee received a report in connection with objections received to proposals to introduce mandatory school keep clear markings in place of the current advisory ones outside of the primary school located at the junction of Barff Road with Main Road, B1202, Potterhanworth. Following discussions between officers and

representatives of the school in April 2019 the proposals had been amended to allow the unrestricted parking to remain in front of the school as detailed in Appendix B of the report which would help parents to drop their children off.

Officers stated that the local Member supported the recommendations.

The report detailed the objections received and the comments of officers on the objections.

Comments by members included:-

- Whether the Council had sufficient resources to ensure enforcement of the Orders. Officers stated that the police did not have the sufficient resources to deal with parking enforcement and that the Council had the necessary resources to deal with this matter through its Civil Parking Enforcement team. Officers stated that the proposals would address the bends on the roads in the vicinity of the school and added that a lot of the Main Street was left unrestricted.
- The consultations carried out had been thorough.

On a motion by Councillor T R Ashton, seconded by Councillor P A Skinner, it was -

RESOLVED (unanimous)

That the objections be overruled and that the making of a Traffic Regulation Order including the minor modification as detailed in Appendix B of the report be approved.

27 SOUTH ROAD, BOURNE (A15) - PROPOSED WAITING RESTRICTIONS

The Committee received a report in connection with objections received to the introduction of proposed waiting restrictions on South Road, Bourne. Officers stated that consultation with local bus companies indicated that the originally proposed times of operation for the Bus Stop Clearways should be extended to 6am-9am daily and this amendment had been agreed with the revised proposal shown in Appendix B of the report.

The report detailed the existing conditions, the objections received and the comments of officers on the objections.

Comments by members included:-

- The proposals were welcomed by both the local member and the neighbouring local member as the problems had existed for some time.
- A large number of buses visited the school and buses and pupils' safety were important.
- The proposals would improve the flow of traffic and restrict overtaking which would help road safety.

- A recent accident had led to a pupil breaking his legs.
- Some properties in this area did not have off-street parking.
- It was noted that many properties in the county that did not have off-street parking, e.g. the West End of Lincoln.

RESOLVED (12 for, 0 against and 1 abstention)

That the objections be overruled and that the Traffic Regulation Order be approved.

28 SHEPEAU STOW/HOLBEACH DROVE B1166 - PROPOSED 50MPH SPEED LIMIT

The Committee received a report in connection with objections received to the proposed new 50mph speed limit on the B1166 Drove Road between Shepeau Stow and Holbeach Drove but the proposed 30mph speed limits on the Dog Drove North and South as detailed on Appendix B of the report were supported locally. Officers stated that Holbeach Parish Council, not previously consulted, now supported the recommendations in the report.

The report detailed the existing conditions, objections received and the comments of officers on the objections.

Comments by the local member, who was a member of the Committee, included:-

- He lived relatively close to the area of the proposed speed reduction and knew it well.
- He was aware that the main objector had requested to speak at the meeting but had not been allowed because the public were not allowed to speak on traffic matters.
- The length of road to be covered by the proposed 50mph speed limit was about ½ mile in length and residents had for some time been angry about the present arrangements where a 60mph existed for a short length of the B1166 between the two 40mph speed limits either side of it. The public wanted a 40mph speed limit on the B1166 at this location.
- The Mean Speed reported was nearly a year old and since that time a large distribution centre had been built in the vicinity and there were regular deliveries by large HGVs who had no option but to use the B1166. Agricultural vehicles also used the road and all this traffic would have brought the Mean Speed down since the data was collected in January.
- There were no footpaths between Whaplode Drove and the location of the nearby school in Shepeau Stow and there was a deep ditch on one side of the B1166.
- The B1166 was not densely populated but highways were proposing to reduce the 60mph speed limit to a 30mph speed limit on Dog Drove South. Residents were confused that highways were proposing to introduce this limit on a road where there had been no accidents but that the road they had concerns about it was proposed to introduce a 50mph speed limit.

**PLANNING AND REGULATION COMMITTEE
7 OCTOBER 2019**

- There was little chance of any enforcement of the speed limit and the only option was to use Speed Watch volunteers but they could only operate in 30mph or 40mph areas.
- The accident figures shown were only for the last five years. He stated that having previously worked in the Fire Service at Crowland, he had recalled attending numerous serious accidents along the B1166 mainly at both crossroads.
- Horse riders used the B1166 to get to quieter roads because there stables were located off this stretch of road.
- It was noted that the objectors had requested various speed reduction devices but none of these could be provided. If a 40mph speed limit was introduced there would not be any need to erect new signage as the current 40mph speed limit signs in both villages could be used.
- The local MP, who lived locally, supported the objectors.
- While noting that the officers were required to follow by the Speed Limit Policy it was in the remit of the Committee to make a decision on what, in his opinion, was a special case.
- He moved that an exception should be made to the Speed Limit Policy and that the speed limit should be reduced from 60mph to 40mph instead of the 50mph on the B1166 in the interests of road safety.

Officers stated that over the past five years there had been three injury accidents along the length of road under consideration and an accident rate of 36 had been calculated, which justified the introduction of a speed limit. Officers explained that the speed limit was set in accordance with the Mean Speed of traffic which had been measured at 49mph as shown in Appendix C of the report and this was in accordance with the Speed Limit Policy approved by the Council in 2015.

Comments by members included:-

- If the current 40mph speed limit was extended between Shepeau Stow and Holbeach Drove the Mean Speed would be reduced.
- There were few street lights on the B1166, there were cross roads and there was a deep ditch on one side of the road.
- The local member had made a positive case for the introduction of a 40mph speed limit and it should be considered a special case.
- If there was a 40mph speed limit along this stretch of road this would mean traffic would not have an opportunity to speed up when it left the villages of Shepeau Stow and Holbeach Drove.
- Was there a need to re-consult the Parish Councils if a 40mph speed limit was proposed? Officers stated that Parish Councils and other agencies would need to be consulted.
- A site visit was suggested but this did not receive support.
- Could consideration of the proposals be deferred until the outcome of consultations to introduce a 40mph speed limit were known? Officers stated that it could take some months before the outcome of consultations on a 40mph were known.

Following further discussion on the proposals which included support for the introduction of a 40mph, support for the officer recommendation, the need to work within the current Speed Limit Policy and the need for the Executive Councillor for Highways, Transport and IT to review the Policy due to the extra traffic on the roads, it was -

RESOLVED (9 votes for, 2 against and 0 against)

- (a) That the objections be overruled and that the Traffic Regulation Order be approved for public advertisement as detailed in Appendix B of the report.
- (b) That, on implementation, the Order be monitored by officers, the local member and Parish Councils and reviewed in the future.
- (c) That the Executive Councillor for Highways, Transport and IT be requested to review the Speed Limit Policy due to of the increase in traffic in recent years.

29 COUNTY MATTER APPLICATIONS

30 EXTENSION TO WEST DEEPING QUARRY AT WEST DEEPING QUARRY, KING STREET, WEST DEEPING - HEATON PLANNING - S19/0486

As both this application and the application at minute 31 were connected to the same site, with the consent of the Committee, it was agreed to use the same power point presentation for both applications.

Since the publication of the report the plan reference cited in recommended conditions 3, 17, 18 and 19 had been amended and the Main Modifications proposed in the emerging South Kesteven Local Plan 2011-2036 as detailed in the update which had been circulated to the Committee and published on the Council's website.

It was agreed that Graeme King's (representing the applicant) comments would apply to this application and the application at minute 31:-

- The extension formed a phase of the overall scheme of working for the quarry. The approved Review of Old Minerals Permission (ROMP) area had an estimated extractive life of approximately 4 years. The extension block contained around 350,000 tonnes and would extend the life of the operations by an additional 18 months.
- The applications also sought permission to allow for the transport and delivery of small volumes of silt materials, arising from the mineral processing off King Street for integration and use in the site's restoration.
- Both submissions were accompanied by Environmental Impact Assessments which concluded that the proposed developments could be carried out without giving rise to any significant adverse environmental impact.
- Both applications did not propose to increase the current output levels or alteration of the existing hours of operation and the same processes would continue to take place.

- The modest extension would be easily integrated into the overall phasing of mineral extraction and would ensure that mineral was not needlessly sterilised. From an operational perspective it would be difficult to return to this small area and extract at a later date thus making the resource non-viable to work as an independent unit.
- As was the current practice, all mineral extracted would be conveyed to the processing plant off King Street. The existing S106 Agreement was unaffected and would continue to control HGV routing, archaeological investigation and long-term aftercare. Planning conditions were in place to mitigate potential environmental impacts. Additional requirements for restoration and aftercare had been secured as well as preserving features of ecological interest and the long-term management of the water environment.
- The Company was committed to minimising any potential local effects whilst making a positive contribution to the local economy. Upon acquisition of the site back in 2017 Breedon had immediately established a liaison committee to engage with the local community and to keeping everyone informed on operations taking place and intentions for the future. The Committee met twice a year and the general consensus was that it had proved to be really useful.
- The recommendations were supported and the Committee was requested to grant planning permission subject to appropriate conditions. The Company would continue to liaise and work with both the Council and the local community in maintaining mineral supplies from the quarry whilst properly controlling the operation of the site.

Questions by members to Graeme King, included:-

- The local press had published an article about HGV routing in the area. A garden centre was located near the King Street junction and the use of King Street by HGVs was inappropriate. Graeme King stated that HGV traffic from his quarry was required to turn right when exiting the quarry and they did not use King Street. Officers stated that a Section 106 Agreement was in place which meant that traffic from the applicant's site was required to turn right and head in a southerly direction. Officers thought the press article might have been referring to information provided from an Exhibition in connection with the proposed "Greatford application" for the extraction of sand and gravel.
- Was silt being transported out of the King Street entrance using the two exits? Graeme King stated that it was proposed to return a proportion of the residual materials from the processing plant (silt) at King Street and this would be incorporated into the restoration of agriculture. This involved up to 100 vehicles annually turning right at the cross roads and this was a modest movement of vehicles.
- Why was the area proposed for extraction not included in the original application? Graeme King explained that when assembling land deals it was sometimes not possible to secure the area because of ownership issues.

On a motion by Councillor D Brailsford, seconded by Councillor R P H Reid, it was –

RESOLVED (unanimous)

- (a) That planning permission be granted subject to the conditions detailed in the report, taking into account the revisions identified in the Update.
- (b) That this report (including appendices) forms part of the Council's Statement pursuant to Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 – which requires the Council to make available for public inspection at the District Council's offices specified information regarding the decision. Pursuant to Regulation 24(1)(c) the Council must make available for public inspection a statement which contains:-
 - the content of the decision and any conditions attached to it;
 - the main reasons and consideration on which the decision is based;
 - including, if relevant, information about the participation of the public;
 - a description, when necessary, of the main measures to avoid, reduce and if possible offset the major adverse effects of the development;
 - information recording the right to challenge the validity of the decision and the procedures for doing so.

31 APPLICATION FOR THE DETERMINATION OF NEW (UPDATED) CONDITIONS TO WHICH A MINING SITE IS TO BE SUBJECT (ENVIRONMENT ACT 1995: PERIODIC REVIEW) AT WEST DEEPING QUARRY, KING STREET, WEST DEEPING - HEATON PLANNING - S19/0497

Since the publication of the report the plan reference cited in recommended conditions 3, 17, 18 and 19 had been amended and Main Modifications had been proposed to the emerging South Kesteven Local Plan 2011-2036 as detailed in the update which had been circulated to the Committee and published on the Council's website.

On a motion by Councillor T R Ashton, seconded by Councillor P A Skinner, it was –

RESOLVED (unanimous)

- (a) That the amended schedule of conditions as detailed in Appendix B be approved, taking into account the revisions identified in the Update.
- (b) That this report (including appendices) forms part of the Council's Statement pursuant to Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 – which requires the Council to make available for public inspection at the District Council's offices specified information regarding the decision. Pursuant to Regulation 24(1)(c) the Council must make available for public inspection a statement which contains:-
 - the content of the decision and any conditions attached to it;
 - the main reasons and consideration on which the decision is based;

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PLANNING AND REGULATION COMMITTEE

7 OCTOBER 2019

- including, if relevant, information about the participation of the public;
- a description, when necessary, of the main measures to avoid, reduce and if possible offset the major adverse effects of the development;
- information recording the right to challenge the validity of the decision and the procedures for doing so.

The meeting closed at 11.50 am

Open Report on behalf of Andy Gutherson, Executive Director for Place

Report to:	Planning and Regulation Committee
Date:	4 November 2019
Subject:	Lincoln, Proposed Residents Parking Scheme extensions at Burton Road, Chestnut Street, James Street and Union Road and new Residents Parking Scheme Zone 4G at Church Lane and Northgate

Summary:

This report considers objections received following public consultation and advertisement of proposed residents' parking bays in the above streets.

Recommendation(s):

That the Committee overrules the objections and agrees that the Order is made operative with the inclusion of the proposed minor modification.

1. Background

1.1 Following a request from the City of Lincoln Council for consideration to be given to an expansion of the existing residents' parking scheme in the uphill area in the streets listed above, the County Council provided advice with regard to how this could be progressed in accordance with the policy currently in force. Criteria relating to kerbside road space (established through on site surveys) and residents' support (ascertained via a questionnaire sent to all residents and businesses within the zone proposed) were met and a scheme for the required traffic regulation order was drawn up.

Existing Conditions

1.2 Burton Road, Chestnut Street and Union Road are each on the periphery of existing residents' parking zones within uphill Lincoln. James Street is a narrow residential cul-de-sac on the northern side of Eastgate. The first 6 properties have little off street parking and on street parking is at a premium due to restrictions on waiting already in place on Eastgate and Bailgate. Church Lane and Northgate are close to the shopping and tourist areas of uphill Lincoln and as such attract a significant amount of on street parking throughout the week.

Proposals

- 1.3 New residents parking bays are proposed at location shown at Appendix A which depicts all the zones under consideration in the uphill area. Details of each location are described below.
- The proposed new Zone 4G (Appendix D) introduces residents' parking bays within existing unrestricted areas of Church Lane and Northgate.
 - The extension to existing Zone 4C (appendix E) proposes a residents' parking bay within the currently unrestricted section of James Street off Eastgate.
 - The extensions to existing Zone 4B (Appendices B, C and F) are proposed at Chestnut Street and Union Road. On Chestnut Street the bays are again proposed where no restriction currently applies. At Union Road it is proposed to replace the existing limited waiting bay and a section of the existing 'No waiting 8am–6pm, Mon–Sat' with residents' parking bays. This will increase the current provision for on street parking at this location.
 - Whilst standard residents parking bays to apply 8am – 6pm, Mon – Sat are proposed at the above locations Burton Road supports many small businesses which currently rely on the existing 2 hour limited waiting bays for customer parking. It is therefore proposed that the bays here remain available to all for a 2 hour period, but for an unlimited period for permit holders, and are in effect dual purpose.

Objections/Comments

- 1.4 A number of objections have been received in response to the public advertisement of these proposals.
- 1.5 In relation to Appendix D an objection to the proposed length of double yellow line on Church Lane was received and a request that this is reduced put forward. This would enable a resident to park across their own driveway. Concerns are also raised that the introduction of this new residents' parking zone on Church Lane will increase parking on Stonefield Avenue (half of which is a private road) and take away the option for residents here, who are not included in the scheme, to park on Church Lane.
- 1.6 In relation to Appendix B an objection to the proposed dual use bays has been received from a local business citing that the commercial viability of a number of businesses will be affected if sharing the bays with permit holders results in a significant loss of limited waiting space available for customers.
- 1.7 In relation to Appendix E an objector suggests that the proposals on James Street are unnecessary as the proposal will only benefit a small number of

people. A resident of James Street has contacted us to emphasise their strong support of the proposals.

Comments

- 1.8 In response to the objection in relation to the length of the proposed double yellow lines it is considered that a 4m reduction to the length of the restriction will not significantly impact on its desired effect and this can therefore be accommodated in the order as a minor modification. This is annotated at Appendix D. The concerns raised by a resident of Stonefield Avenue are noted. However all residents in this street have access to off street parking and are likely to be able to park on the carriageway within the private area of this street.
- 1.9 The inclusion of James Street as an extension to Zone 4C was at the request of the City of Lincoln Council. Residents responded very positively to the questionnaire survey and a parking bay can be accommodated. The remainder of the highway on James Street will remain subject to a 24 hour waiting restriction.
- 1.10 Residents of Burton Road are currently using the limited waiting bay and have the inconvenience of needing to relocate their vehicles periodically. Permit holders will also have access to the bays in the remainder of Zone 4B (Willis Close area and Upper Long Leys Rd) which should reduce the pressure for parking on Burton Road. Additional 2 hour bays are available in these areas for visitors should the bays on Burton Road be fully occupied. The car park at The Lawns has spaces available for longer term parking on most days.

2. Conclusion

- 2.1 The increasing incidence of parking by commuters and shoppers in the uphill area has displaced available on street parking for residents during the day. The bays are proposed in streets where the majority of residents have no access to off street parking and it is becoming more difficult for them to find somewhere to park. The residents' parking scheme extensions proposed aim to address this.

3. Consultation

a) Have Risks and Impact Analysis been carried out??

No

b) Risks and Impact Analysis

n/a

3.1 The Local Members were consulted for their view on the proposals in February 2019. Statutory consultation took place from 28 February 2019 to 29 March 2019. All residents and businesses within the proposed zones were made aware of the proposals via the questionnaire distributed prior to formal consultation. In addition to the statutory consultees, Lincoln BIG and businesses within The Lawns were also consulted at this stage. The proposals were advertised on site and in the local press from 20 June 2019 to 18 July 2019 inclusive.

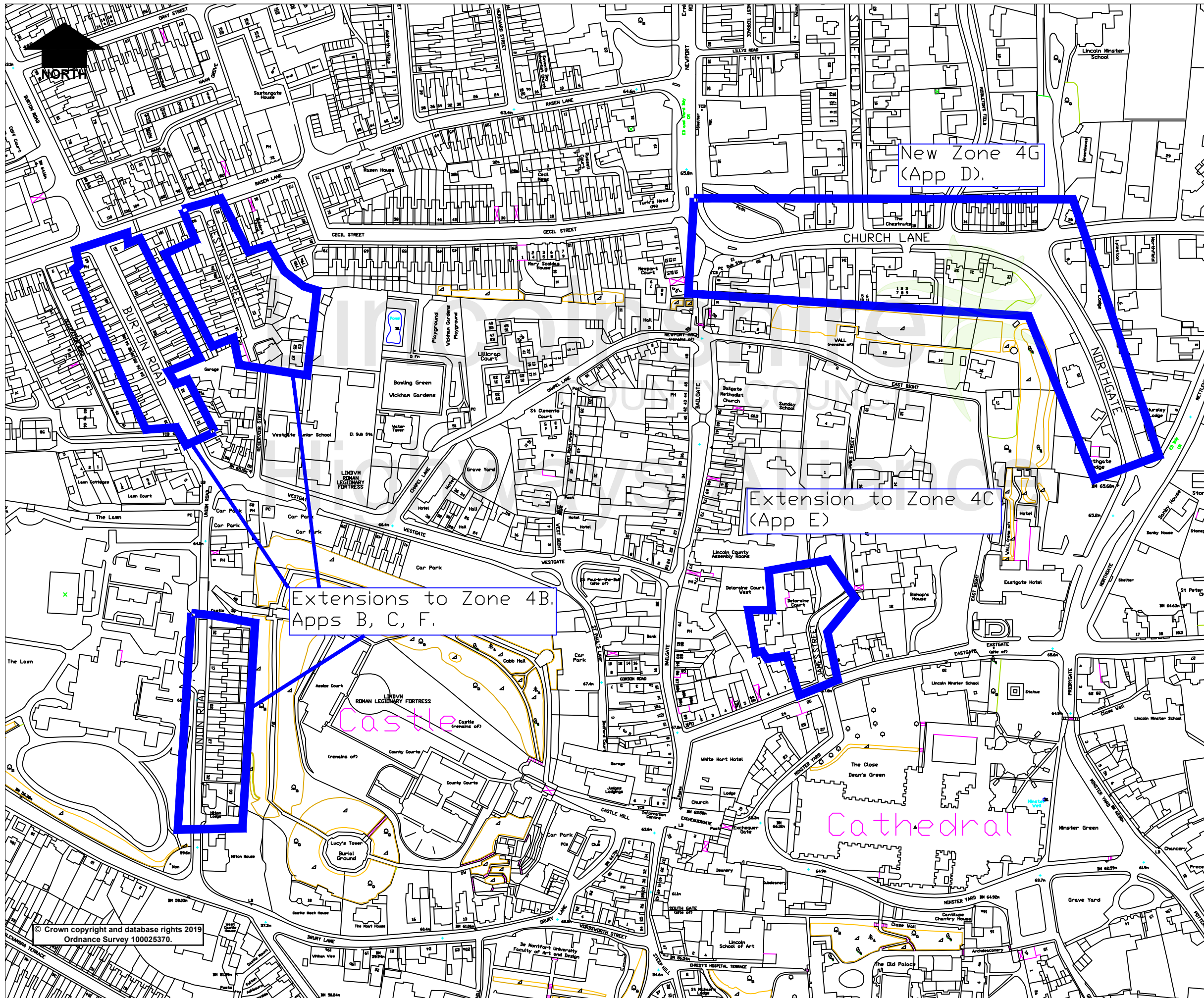
Appendices

These are listed below and attached at the back of the report	
Appendix A	Lincoln - Proposed uphill RPS extensions over view plan
Appendix B	Lincoln - Burton Road (Zone 4B extension)
Appendix C	Lincoln - Chestnut Road (Zone 4B extension)
Appendix D	Lincoln - Church Lane/Northgate (Zone 4G)
Appendix E	Lincoln - James Street (Zone 4C)
Appendix F	Lincoln - Union Road (Zone 4B extension)

Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Dan O'Neill, who can be contacted on 01522 782070 or dan.o'neill@lincolnshire.gov.uk.

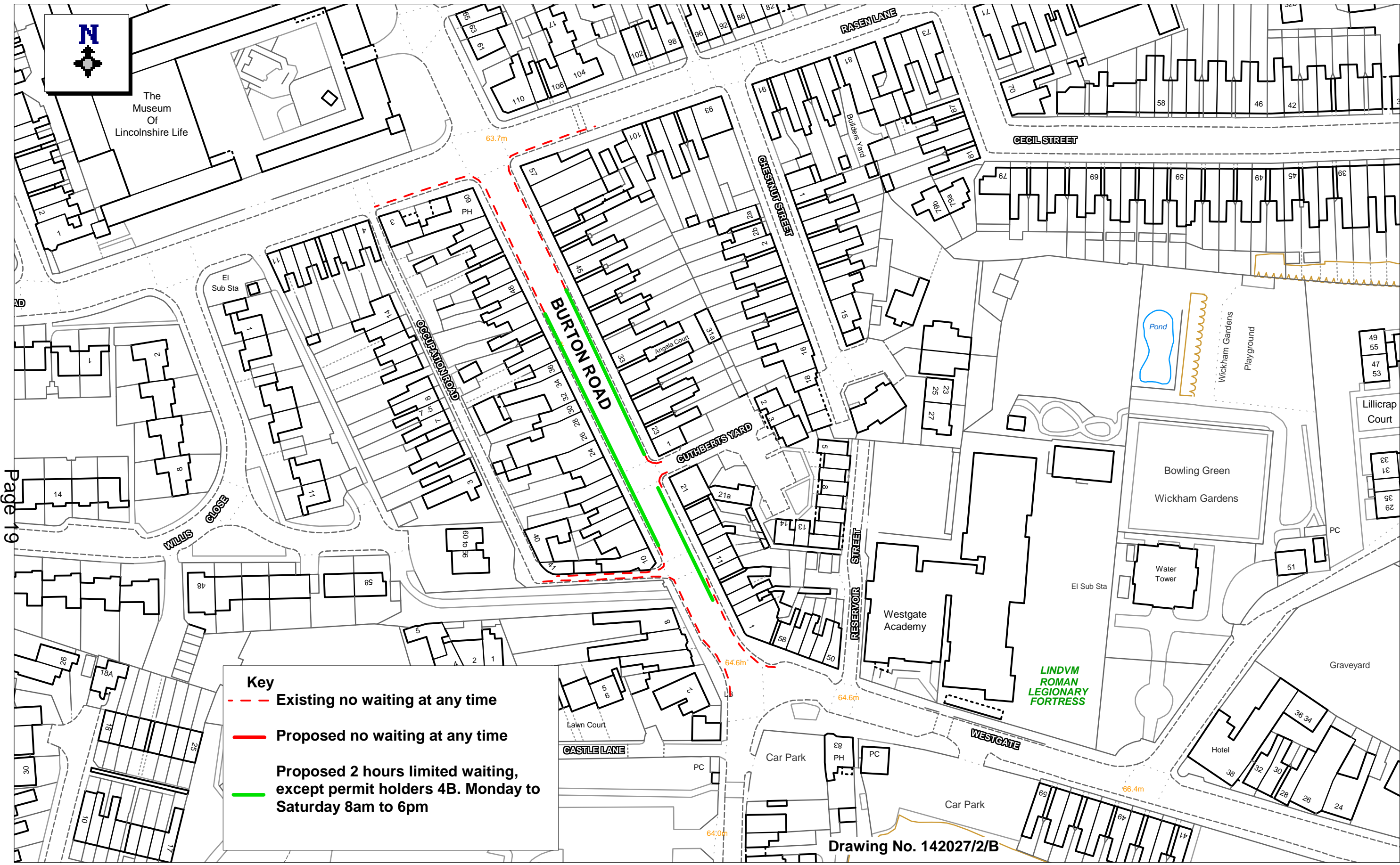


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Rev.	Description	Drawn	Ch'kd	Auth	Date
Project					
Lincoln Uphill RPS Extensions					
Status					
Drawing Title					
Appendix A Overview Plan					
Scale		Drawn	Date	don	
nts		Ch'kd	Date		
Drawing No.		Traced		0	

Lincolnshire
COUNTY COUNCIL
Highways Alliance
Lancaster House, 36 Orchard Street,
Lincoln, LN1 1XX

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Key

- - - Existing no waiting at any time
- Proposed no waiting at any time
- Proposed 2 hours limited waiting, except permit holders 4B. Monday to Saturday 8am to 6pm

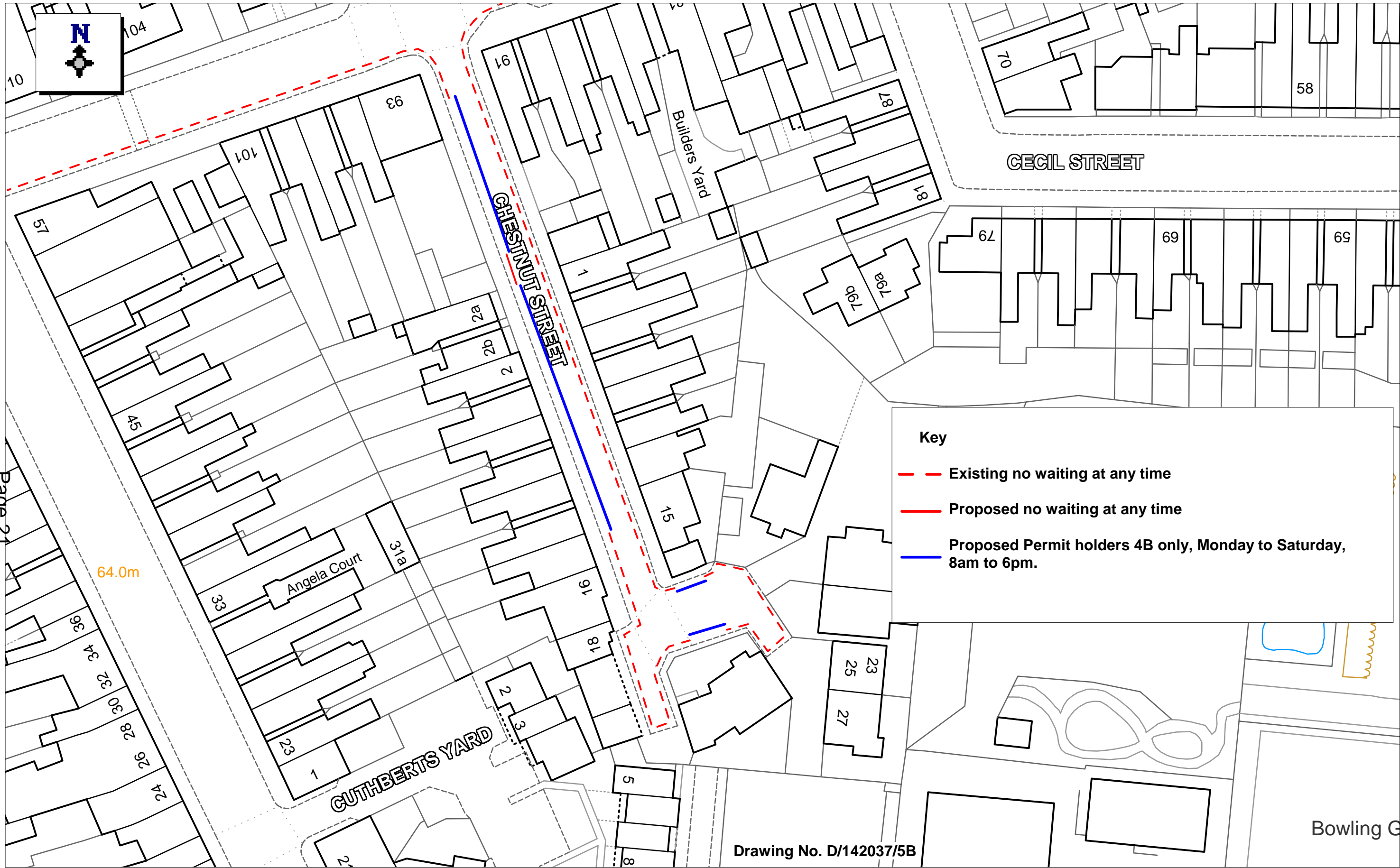
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Place Directorate
Lincolnshire County Council

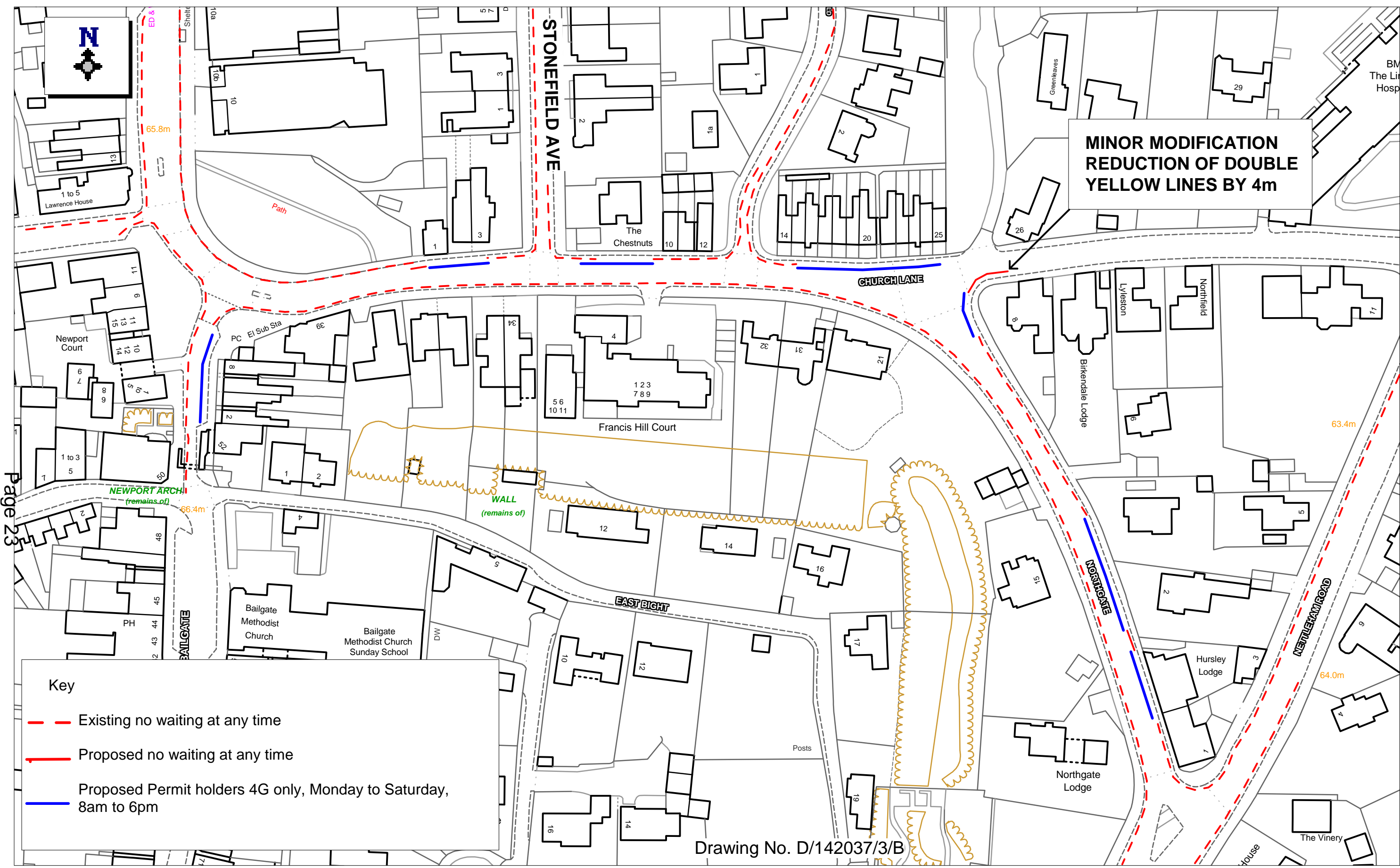
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Lincoln
Burton Road
Proposed extension to residents parking
Zone 4B
Appendix B

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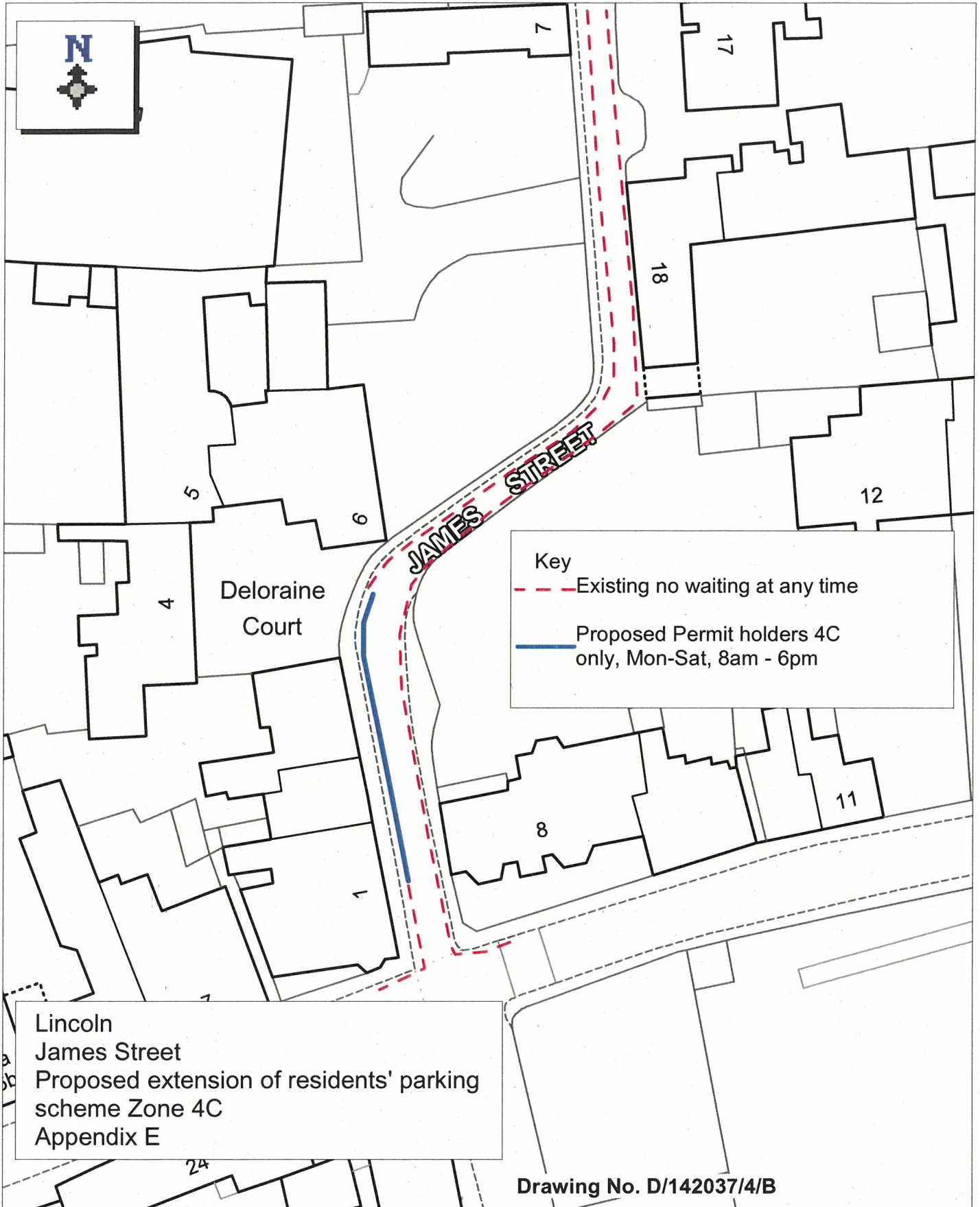
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Lincoln
Church Lane/Northgate
Proposed residents' parking scheme
Zone 4G
Appendix D

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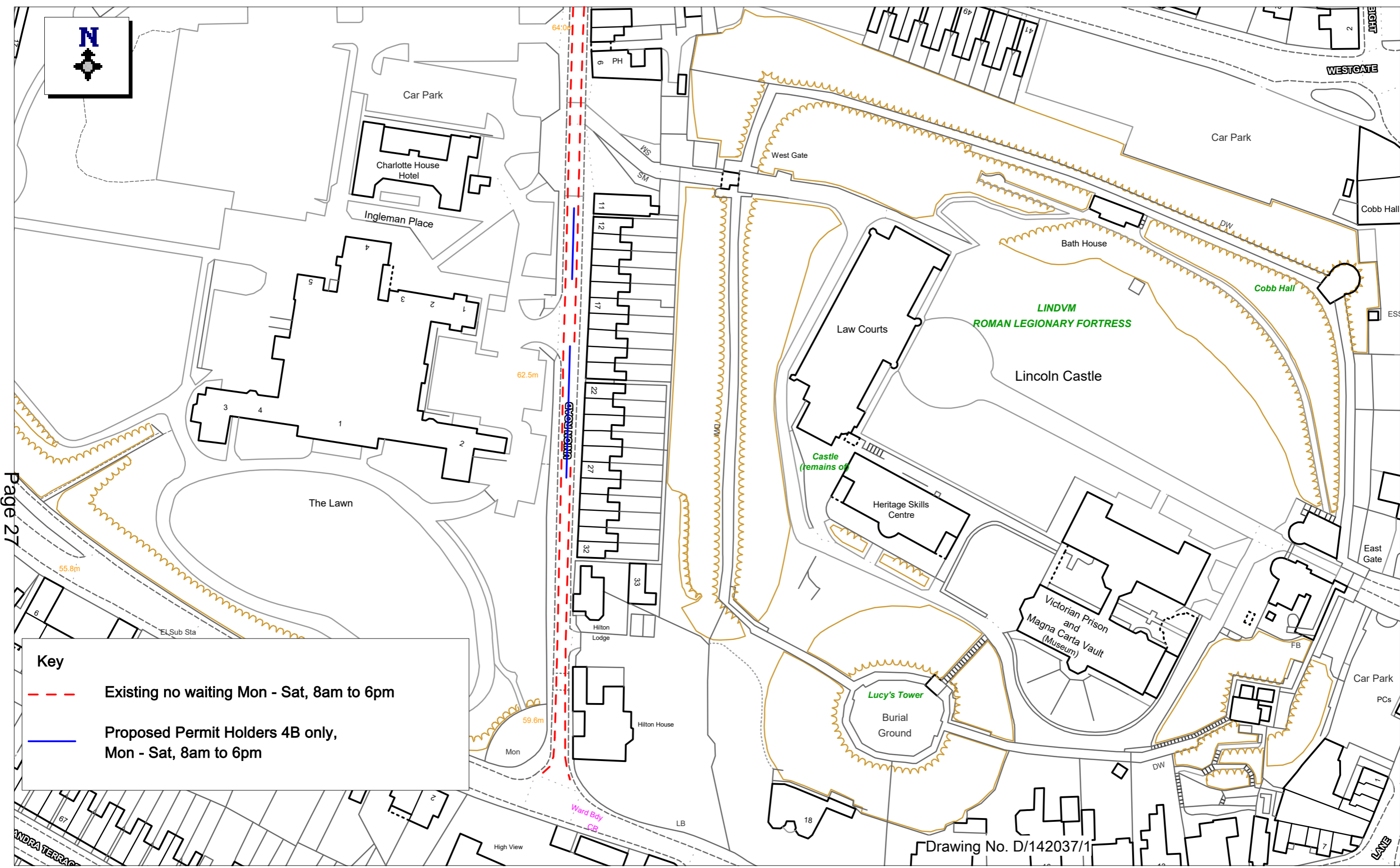


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Key

- - - Existing no waiting Mon - Sat, 8am to 6pm
- Proposed Permit Holders 4B only, Mon - Sat, 8am to 6pm

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Lincoln
Union Road
Proposed extension of resident parking scheme Zone 4B
Appendix F

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**Open Report on behalf of Andy Gutherson
Executive Director for Place**

Report to:	Planning and Regulation Committee
Date:	4 November 2019
Subject:	County Matter Application - S/049/01560/19

Summary:

Planning permission is sought by Beeswax Dyson Farming Ltd (Agent: GP Planning Ltd) for the construction of a covered digestate storage lagoon, perimeter bunding and fencing and concrete apron for the storage of silage at Woodbecks Farm, Edlington Road, Edlington.

The storage lagoon would have a capacity to hold 3300 cubic metres per annum of liquid digestate (residual from an existing Beeswax Anaerobic Digester facility) which would be temporarily stored prior to use on the farm holding as a replacement for artificial fertilisers and soil improvers. The lagoon would provide a fully contained winter storage facility which would allow the liquid digestate to be retained on site so they are available for the permitted spreading periods. In addition a concrete apron would be constructed to store silage and the surface water drainage would be collected and held in the lagoon.

The potential impacts of the proposed development would largely be mitigated, minimised and reduced through the implementation of the mitigation measures proposed within the application or additional mitigation secured through appropriate conditions.

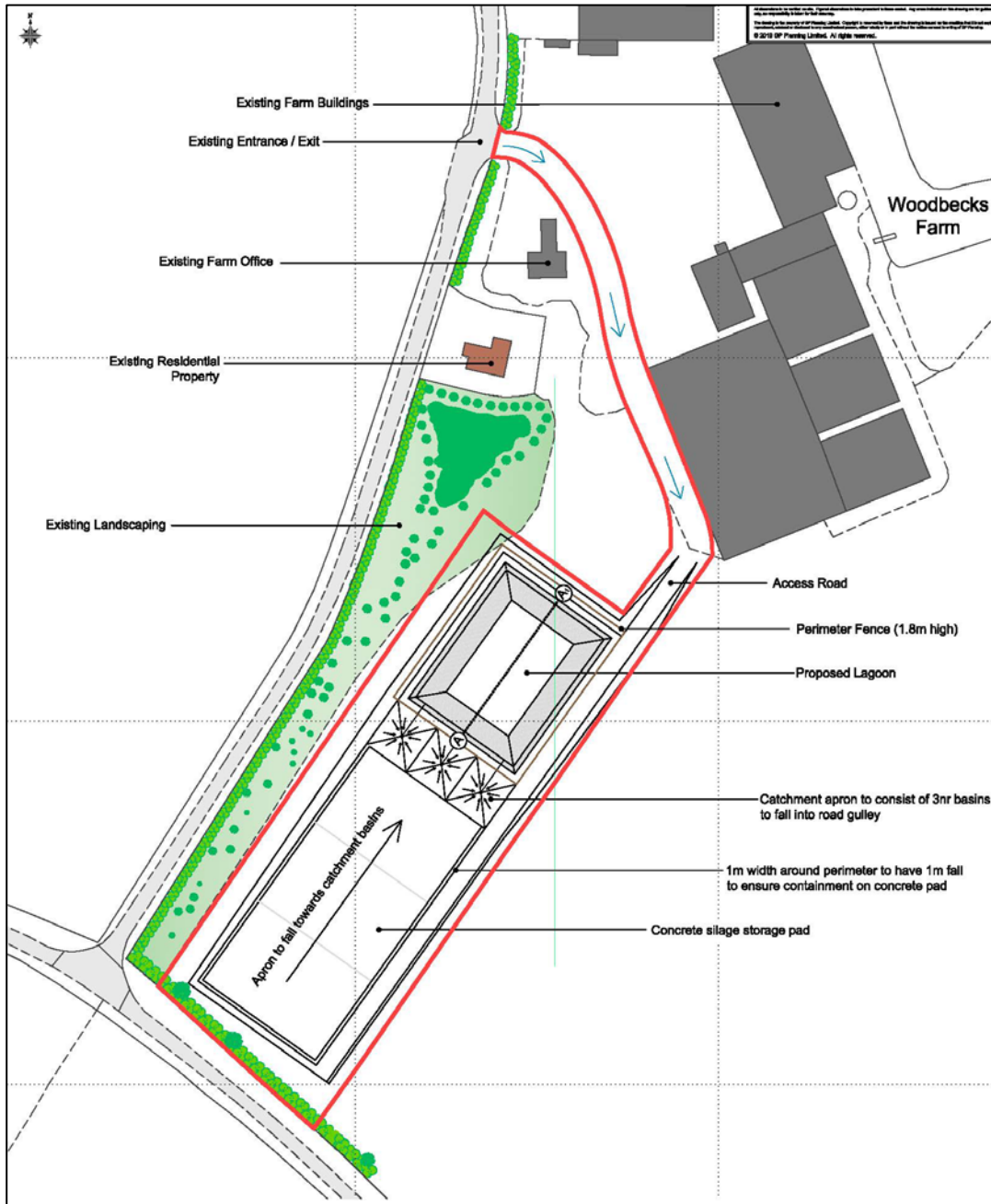
Recommendation:

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.

The Application

1. Planning permission is sought by Beeswax Dyson Farming Ltd (Agent: GP Planning Ltd) for the construction of a covered digestate storage lagoon, perimeter bunding and fencing and concrete apron for the storage of silage at Woodbecks Farm, Edlington Road, Edlington. The proposal site is approximately 1.07 hectares in area and lies in a field adjacent to the farmyard. The access would be via an existing farm entrance onto Edlington Road.

- The lagoon would be used to temporarily store imported non-hazardous liquid digestate transported from the operators' anaerobic digesters located at Nocton and Carrington. The digestate is suitable for spreading on farmland but is subject to the Environment Agency Environmental Permitting regime and compliance with Nitrate Vulnerable Zone spreading restrictions. The purpose of the lagoon is to provide sufficient storage capacity to allow the digestate to be held on site during the winter months so that it is available for spreading and use during the approved spreading periods. The digestate would be held within the lagoon prior to its application to farmland as a replacement for artificial fertilisers.



Site Layout Plan

3. The proposed lagoon has been designed to have a holding capacity of 3300 cubic metres and the constructed lagoon would have an overall depth of 4.25 metres with the digestate stored to a depth of 3.5 metres giving a freeboard of 0.45m. The lagoon would be 46 metres long by 36 metres wide. All of the material excavated to form the base of the lagoon would be used to form a 1.2 metre high perimeter bund. The bund would be grass seeded on the outer slopes that would have a batter of 1 in 5. The inner slope with a 1 in 2 batter would form the upper portion of the lagoon.
4. The proposed concrete apron, to store the silage, would be located to the south west of the lagoon and would be accessed by an internal road. The pad would have a perimeter kerb and measure 94 metres in length and 38 metres wide and the south western end would be elevated to allow surface water drainage to a catchment apron consisting of three basins. These basins would discharge through gullies and would feed by gravity to the lagoon via 150mm pipes.
5. A wire mesh security fence coloured dark green would be erected around the perimeter of the lagoon that would stand to a height of 1.8 metres. An access gate would also be located to the south east corner of the silage pad.

Environmental and Amenity Impacts

Odour & Pollution Control

6. The site lies within Flood Zone 1 and the submitted Flood Risk Assessment identifies that the proposed site has the lowest probability of flooding at a 1:1000 annual probability. The lagoon would be lined with indigenous clay overlaid by a 2mm thick High Density Polyethylene (HDPE) membrane, which would be held in place using an anchor trench on the top of the bund. The lagoon would also be covered by a floating 1.5mm thick HDPE membrane. The HDPE lining/cover would have welded joints and liquids would be transferred and pumped into and out of the lagoon using pipework over the bund that would be connected to delivery pipes on the tankers/spreading vehicles, with no pipework penetrating the liner. The site would also be subject to an Environmental Permit and must comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013, which includes 'Good Practice Guidance on protection of water, soil and air'.

Highways

7. The current vehicular activity at the site is wholly connected with the agricultural operations of the farm. The proposed importation of digestate would be carried over a five month period annually and the number of HCV articulated tanker movements would equate to one delivery a day. In total it would be proposed to deliver 113 loads of digestate per annum. The scheduling of deliveries is wholly within the control of the applicant. All

deliveries would be made in normal working hours. The entrance to the farm already benefits from a kerbed visibility splay capable of allowing two large vehicles to pass. The silage would be harvested and delivered to the storage pad using tractors and trailers.

Ecology

8. An Ecology and Protected Species Survey was carried out and the report identified seven non-statutory sites within 2 kilometres of the site of which none are within or adjacent:
 - Edlington Scrubs - Local Wildlife Site (LWS)
 - Cottage Farm Wood - Site of Nature Conservation Interest (SNCI)
 - Mere Balk Plantation - SNCI
 - New Corner Moor Plantation - SNCI
 - Sherman's Wath Copse - SNCI
 - Triangle Copse - SNCI
 - Triangle Copse south of West Ashby Road – SNCI.
9. Precautionary measures for bats were recommended to ensure dark unlit corridors are maintained around and across the site unhindered by artificial light. As there are no proposals for the removal of the hedgerows or trees the roosting potential for bats and nesting for birds should be maintained. It is also recommended that no site clearance works should occur in the active bird nesting season. Nest boxes have already been installed on the farm buildings and further could be erected to provide some ecological gain. In addition the area of vegetation between the boundary hedges and the site fencing could be seeded with an appropriate wildflower mix.

Historic Environment

10. The application is supported by a desk top assessment of the site and has identified that in close proximity to the site there are significant amounts of post-medieval activity but to the south the site and Hungram Lane is an area of known pre-historic deposits and to the east of Edlington Road is an area of known medieval activity. Given the potential for archaeological remains a geophysical survey was also undertaken and a report on the findings of this survey has been submitted in support of the application.

Site and Surroundings

11. The proposed application site is adjacent to and accessed from the Woodbecks farmyard to the north, which consists of a number of modern agricultural buildings. The buildings stand to heights, at the ridge, of approximately 9 metres. The site is located to south western boundary of a large arable field, external to which is both Edlington Road and Hungram Lane. The western and southern boundaries of the field are defined by mature planted hedges, together with densely planted rows of native species trees. There are a number of water reservoirs in the area all with and external appearance of grassed raised bunds.

12. The nearest residential properties, other than a farm managers bungalow north of the proposed site, are located approximately 250 metres to the south east, at the junction of Hungram Lane and the B1190. Approximately 1 kilometre to the south east, is the village of Thimbleby and the hamlet of Edlington lies approximately 1 kilometre to the northeast. Public Right of Way terminates at the junction of Hungram Lane and Edlington Road. There is an existing weight restriction to the north of the Woodbecks Farm entrance which extends to the A158 through Edlington.



Weight Restriction

Main Planning Considerations

Planning Policy Context

13. The National Planning Policy Framework (February 2019) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraph 80 (Strong, competitive economy) states that planning decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 82 (Locational needs of different businesses) states that planning decisions should recognise and address the specific locational requirements of different sectors.

Paragraph 83 (Supporting a prosperous rural economy) states that planning decisions should enable:

- a) The sustainable growth of all types of business in rural areas; and
- b) The development and diversification of agricultural and other land-based rural businesses.

Paragraph 84 (Local business needs in rural areas) states that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements. In these circumstances it will be important to ensure that development is sensitive to its surrounding and does not have an unacceptable impact on local roads.

Paragraphs 124 to 127 (Achieving well-designed places) - states that good design is a key aspect of sustainable development and promotes decisions to ensure that developments function well and sympathetic to local character and landscape setting.

Paragraph 153 (Planning for Climate Change) - directs that in determining planning applications, local planning authorities should expect new development to take account of landform and layout to minimise energy consumption.

Paragraph 170 (Conserving and enhancing the natural environment) – states that planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

Paragraph 178 to 183 (Ground conditions and pollution) - requires that planning conditions should ensure that a site is suitable for its proposed use taking account of ground conditions and that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land. Where a planning decision has been made on a

particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Paragraphs 212 to 214 (NPPF and Local Plans) - states that due weight should be given to existing Local Plans where they are consistent with the NPPF. This is of relevance to the Lincolnshire Mineral and Waste Local Plan Core Strategy & Development Management Policies (2016) and Site Locations (2017) and East Lindsey Core Strategy (2018).

14. National Planning Policy for Waste (NPPW) (October 2014) is a material consideration in the determination of planning applications and should be read in conjunction with the NPPF. Appendix B sets out specific locational and environmental and amenity criteria to consider when assessing waste management proposals. Of main relevance to this proposal are those relating to noise, traffic and access and potential for conflict with other land-uses.

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 summarised:

Policy W3 (Spatial Strategy for New Waste Facilities) - identifies that there is a preference for sites in and around main urban areas but also that proposals for new waste facilities outside the urban areas will be permitted for specified types of facility. A facility of this type is not specifically identified within this policy however the wastes to be handled do have characteristics similar to those associated with biological treatment sites including anaerobic digestion plants and open air composting. Therefore it is considered appropriate to consider this proposal against the criterion of this policy (i.e. Policy W5).

Policy W5 (Biological Treatment of Waste Including Anaerobic Digestion and Open-Air Composting) – given the similarities between elements of this proposed development/use and that of biological treatment facilities such as anaerobic digestion plants and open air composting, it is considered appropriate to assess this proposal against this policy. The policy states that planning permission will be granted where proposals are located at a suitable 'stand-off' distance from any sensitive receptors; and where they would be located on land associated with an existing agricultural, livestock, food processing or waste management use where it has been demonstrated that there are close links with that use.

Policy DM2 (Climate Change) - states that proposals for waste management development should address locations being in close proximity to the waste arising unless other considerations override this aim and implement the Waste Hierarchy and reduce waste to landfill.

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

Policy DM4 (Historic Environment) states that proposals that have the potential to affect heritage assets including features of historic or archaeological importance (whether known or unknown) should be accompanied by an assessment of the significance of the assets and the potential impact of the development proposal on those assets and their settings.

Policy DM6 (Impact on Landscape) - states that due regard should be given to the likely impact of the proposed development on landscape.

Policy DM9 (Local Sites of Biodiversity Conservation Value) states that planning permission will be granted for waste development affecting locally designated sites, provided that it can be demonstrated that the development would not have any significant adverse impacts on the site.

Policy DM11 (Soils) – states that proposal for waste development should protect and wherever possible, enhance soils.

Policy DM13 (Sustainable Transport Movements) - states that waste development should seek to maximise where possible the use of the most sustainable transport options.

Policy DM14 (Transport by Road) - states that planning permission will be granted for waste development involving transport by road where the highway network is of appropriate standard for use by traffic generated by the development and would not have an unacceptable impact on highway safety.

Policy DM16 (Water resources) - states that planning permission will be granted for developments where they would not have an unacceptable impact on surface or groundwater.

16. Lincolnshire Minerals and Waste Local Plan: Site Locations (LMWLP-SL) (2017) that sets out the preferred sites and areas for future waste development. The proposal site is not promoted as a preferred site however, although the site may not be allocated this does not necessarily mean that the proposal is unacceptable. Instead the proposal needs to be considered in terms of its compliance with the locational criteria and policies as contained in the CSDMP.
17. East Lindsey Core Strategy (ELCS) 2018 in line with NPPF, due weight should be given to relevant policies of the NPPF. The following policies (summarised) are of relevance to this proposal:

Policy SP10 (Design) supports well-designed sustainable development, which maintains and enhances the character of the District's countryside by being of an appropriate layout, scale, massing, height and density reflecting the character of the surrounding area. Supports development that includes measure to recycle, re-use or reduce the demand for finite resources. Development should contain adequate protection preventing pollution from entering into the water source.

Policy SP11 (Historic Environment) supports proposals that has regard to the historic interest and the setting of the District's Listed Buildings. Seek the appropriate evaluation, recording or preservation in situ, of any unscheduled locally significant archaeological site. Seeks to preserve or enhance the quality of the historic landscape and their setting.

Policy SP13 (Inland Employment) states that the Council will support growth and diversification of the local economy by supporting farm diversification schemes where they are subordinate to the farm use and do not jeopardise the farm business.

Policy SP16 (Inland Flood Risk) requires that all new development must show how it proposes to provide adequate surface water disposal. Where required an application should be accompanied by a site-specific flood risk assessment.

Policy SP22 (Transport and Accessibility) state that support will be given where development shows links with the existing road systems.

Policy SP23 (Landscape) states that the District's landscapes will be protected, enhanced, used and managed to provide an attractive and healthy working and living environment.

Policy SP24 (Biodiversity and Geodiversity) states that development proposals should seek to protect and enhance the biodiversity value of land and buildings, and minimise fragmentation and maximise opportunities for connection between natural habitats.

Policy SP27 (Renewable and Low Carbon Energy) states that infrastructure required to supports renewable energy development will be supported where the impact is weighed against the benefits, in relation to residential amenity, surrounding landscape, historic environment, biodiversity, local economy, highway safety and water environment.

Results of Consultation and Publicity

18. (a) Edlington and Wispington Parish Meeting – strongly recommends that the application be refused stating that there are errors and omissions in the application and that there is the potential for serious road traffic collisions involving HGVs at the junction of Horncastle Road (B1190) and Wispington Road (Hungam Lane) and the potential violation of the

weight restriction through Edlington village. The Parish has also made the following comments (summarised):

- There are errors contained in the application form at Part 7 stating that no materials would be used in the development and Part 10 stating there are no trees which is then contradicted by the content in the Planning and Design Statement describing the materials to be used to construct the development and that there are trees and shrubs adjacent to the site. It is suspected that Beeswax Dyson Farming Ltd have undisclosed future plans for the site for example to build an anaerobic digester.
- The barn on the farm is not for hay but potato storage.
- The applicant has incorrectly identified the nearest residential properties as being on Hungram Lane when in fact they are on Horncastle Road and there is also no mention of the residential property at Woodbecks Farm.
- HGV transportation would be undertaken during 'normal working hours' but no clear definition is given of what these would be. The harvesting of peas went on until 1.30am.
- The applicant owns several farms in the area and there is no clear identification of where the digestate liquid would be spread. Would other farms also be spread using the digestate?
- The roads around the area would be subject to increased agricultural traffic as a result of this application.
- The Council should ensure that ecological improvements are carried out and the ecological survey does not reflect the true population of reptiles, birds and mammals in the area.
- A geophysical survey of the site should be undertaken.
- Odour is of significant concern to nearby residents especially during spreading. What if the statement 'no odour nuisance associated with the proposal' is false?
- No guarantee that traffic speeds would be slow or clear how these would be monitored.
- Deliveries are likely to be concentrated over short periods and so the claim that these would be one a day is nonsense.
- The proposed road route to the site is single track and unsuitable for HGV traffic and the verges have already been damaged by tractors. The weight restriction through Edlington has been ignored with potato lorries using the route to the A158 but no prosecutions have taken place and the prospect of these deliveries adhering to traffic regulations is unlikely.
- The applicant should contribute to signage to ensure its HGV traffic does not use the route through Edlington.
- There is already detritus being deposited on the road at Cottage Farm, which is a danger to cyclists and motorcyclists.
- There would be no benefit to the local rural economy as a result of this proposed development.

- (b) Environment Agency (EA) – has no objection to the proposal but has requested an informative be attached relating to their Environmental Permits and Guidance on Codes of Practice.
- (c) Environmental Health Officer – See East Lindsey District Council recommendations below.
- (d) Highway and Lead Local Flood Authority (Lincolnshire County Council) – does not wish to restrict the grant of permission.
- (e) Historic Environment Team (Lincolnshire County Council) – from a built environment perspective, it is confirmed that there are no listed buildings in close proximity to the site and the farm yard is recorded as a 'Redeveloped 19th century farmstead'.

In respect of archaeology, a copy of the desktop assessment and subsequent geophysical survey, have been forwarded to the Officer for comment. The final comments/recommendations from the County Archaeologist are awaited and therefore any comments will be provided to the Committee before the item is debated.

The following bodies/persons were consulted on the application on 28 August 2019. No comments or response had been received within the statutory consultation period or by the time this report was prepared:

- Local County Council Member, Councillor P A Bradwell;
- Countryside Access (Lincolnshire County Council);
- Public Health (Lincolnshire County Council);
- Ministry of Defence Safeguarding (Coningsby);
- Thimbleby Parish Council; and
- Lincolnshire Wildlife Trust.

19. The application has been publicised by notices posted at the site and on the Public Right of Way Marker at the junction of Hungram Lane and Edlington Road and in the local press (Lincolnshire Echo on 5 September 2019). Letters of notification were also sent to the 14 nearest neighbouring residents. Three representations had been received in response to this publicity/notification at the time this report was prepared which are summarised as follows:

- Serious concerns expressed regarding potential odour, noise, flies and vermin.
- The farm can operate 24/7 in peak periods and this development will contribute to disturbance.
- The corner of the field is prone to flooding and to the development is at risk of flooding.
- How can the digestate be contained to ensure protection of the local environment?

- Several accidents have occurred at the junction of the B1190 and Hungram Lane and concerns this development would increase the risk of accidents.
- The heavy traffic will create a lot of pollution and noise.

District Council's Recommendations

20. East Lindsey District Council has no objection to the principle of the development but has requested that should the development not require an Environmental Permit (EA) then East Lindsey District Council would request that a pre-commencement condition be attached to a decision to secure an emergency leak or spill response plan to ensure that the development does not pose any adverse risk of pollution to the environment.

Conclusions

21. This application is seeking permission to construct a new covered lagoon that would be used to hold imported liquid digestate prior to its application to the surrounding agricultural land. The lagoon would be used to provide winter storage capacity for this digestate and therefore enable it to be stored during the closed spreading season. The lagoon would be constructed in conjunction with a raised concrete storage pad for storing silage harvested at Woodbecks Farm, Edlington Road, Edlington.
22. The key issues to be considered in the determination of this application are those relating to the need for the development, the design and location of the lagoon and an assessment of any potential impacts on ground and surface water, ecology, historic environment, visual impact, odour and traffic.

Need for waste management

23. Waste Planning Authorities have a key role in delivering facilities that help to drive the management of waste up the waste hierarchy and which aim to treat wastes as a resource with their disposal being seen as the last option. Policy DM2 of the CSDMP and Policy SP27 of the ELCS promote sustainable development and supports renewable and low carbon energy proposals.
24. In this case, the proposed lagoon would be used to store 3300 cubic metres per annum of liquid digestate that is derived from the operators two anaerobic digestors located in Nocton and Carrington and it would also receive the surface water run-off from the adjacent silage storage pad. Containment of the surface water run-off must be in accordance with Environment Agency The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013, which includes 'Good Practice Guidance on protection of water, soil and air'. Subject to compliance with Environmental Permitting and Nitrate Vulnerable Zone limits, this digestate and silage run-off is suitable for application to land as a replacement for artificial fertilisers.

Whilst the proposed lagoon does not propose to actively treat or process the digestates and waste, it would act as means to safely store and contain those materials so they can be used as a resource and replacement for artificial fertilisers. In doing this, the facility would therefore provide a means to facilitate the use of these wastes as a resource and move the management of these wastes up the waste hierarchy. The proposed development would therefore help in the achievement of the aims and objectives of the NPPF and Policy DM2 of the CSDMP.

Location

25. In terms of location, it is necessary to consider the suitability of this site in terms of its compliance with the locational and environmental criteria set out in the Development Plan – which includes the CSDMP and the ELCS. The site is not promoted as a preferred site within the Site Locations document of the Lincolnshire Minerals and Waste Local Plan however although the site may not be allocated this does not necessarily mean that the construction of the lagoon in this location is unacceptable. Instead consideration should be given to the locational criteria contained in Policies W3 and W5 of the CSDMP and Policy SP13 of the ELCS.
26. Policy W3 of the CSDMP recognises that it may not be possible to locate all types of waste facility in and around main urban areas. In recognition of this Policy W5, which requires facilities that have similar characteristics to that associated with this development, to be located at suitable distances from sensitive receptors and, in the case of agricultural land, to be located on land where it can be demonstrated they have close links to the existing use. In this case, the lagoon would be located at Woodbecks Farm which is located outside the settlement boundary of the nearest village (Thimbleby) and therefore is classed as being within the open countryside. Policy SP13 of the ELCS advises, that within the open countryside diversification should support the local economy and be subordinate to the farm use and not jeopardise the farm business.
27. The lagoon itself would be located immediately south of the farm yard and be utilised in relation to the existing farming operations and so has close links to that existing use and activity including receiving the run-off from the silage storage pad. I am therefore satisfied that from a locational perspective, a lagoon in this location would be considered acceptable and would not conflict with the locational criteria set out in Policies W3, W5 and DM2 of the CSDMP as the proposal would be an acceptable form of inland employment development in the open countryside and therefore not conflict with ELCS Policy SP13.

Ecology

28. The supporting ecology and protected species survey concluded that the development of the proposed lagoon and silage storage pad would not have adverse impacts on the identified local wildlife sites within 2 kilometres of the site. Furthermore, as it wasn't proposed to remove any of the existing trees

and hedgerows along the boundary of the site, the impacts on existing flora and fauna would be minimal. The report however did identify that there were opportunities for biodiversity enhancements through the sowing of an appropriate wildflower mix between the proposed site fencing and the woodland strip running north/south adjacent to Edlington Road and the erection of a kestrel bird box at Woodbecks Farm. In addition a recommendation was made to restrict site clearance works during the bird nesting season. In order to secure the net biodiversity gains as recommended by this report it is recommended that conditions be imposed which would ensure that the development meets the aims and objectives of the NPPF and Policy DM9 of the CSDMP and would not conflict with nor compromise Policy SP24 of the ELCS that seek to protect and enhance the biodiversity value of land.

Landscape & Visual Considerations

29. The proposed lagoon would be located within a field surrounded on two sides by mature hedges planted with native species and a densely planted belt of trees. Although there is a break in the southern hedgerow to allow agricultural vehicle access to the field, views for this location would only allow for a fleeting view and views from the north would be wholly screened by the existing agricultural buildings. Distant views from the east would also be obscured by hedgerows.
30. The low profile of the concrete silage storage pad along with the design of the lagoon, with its grass seeded bunds and 1.8 metre high wire green coloured mesh fence, would not have a significant adverse visual impact on the area and would blend into the background afforded by the belt of trees and hedges along the western and southern boundaries of the site. As a consequence the site would be invisible to views from outside of the farm yard and surrounding farmland. No objections have therefore been raised to this proposal from a visual perspective and your Officers are satisfied that given the overall visual impact of the proposal it is not considered intrusive and that the development as submitted is in accordance with the NPPF and Policies DM3 and DM6 of the CSDMP and Policies SP10 and SP23 of the ELCS.

Highways and Highway Safety

31. Representations have been received expressing concerns about a potential increase in lorry and tractor movements along Hungram Lane, Edlington Road, Wispington Road and Horncastle Road. Whilst these concerns are noted, the Highways Officer has confirmed that the existing road network would not be adversely impacted from a capacity or safety perspective by the proposed HGV tankering of liquid digestate to the farm. An average of one HGV tanker per day over a period of five months would access the site and these would be wholly in the control of the applicant. Access to the site would be via an existing farm entrance and proposed internal haul road from the farm yard to the silage pad. The use of the silage pad would be

consistent with that of normal agricultural operations already undertaken by the farm.

32. In terms of access, the farm entrance has an adequate visibility splay and is of sufficient width to allow two HCV tankers/tractor & trailers to pass. A weight restriction is in place on Edlington Road to the north of the farm entrance and this prohibits the use of this route for HCV tankers accessing and egressing the site. Given this the development would not have an unacceptable adverse impact on the function or safety of the highway network, however it is recommended that a suitably worded condition be attached requiring the applicant to prevent deposit of mud or other deleterious material onto the public highway. Subject to this, the proposal meets the aims and objectives of the NPPF, Policies DM13 and DM14 of the CSDMP and would not compromise or conflict with Policy SP22 of the ELCS that seeks to support development that demonstrates links with the existing road system.

Soils, Ground & Surface Water

33. Comments have been received questioning whether the proposal would pose a threat to groundwater including comment from East Lindsey District Council regarding the management of leaks and spills. The lagoon is located within Flood Zone 1 and so in an area that is at low risk of flooding. It is also not located within an identified groundwater protection zone or area where it may pose a risk to underlying aquifers. The lagoon has been designed and would be engineered to ensure that the contents are fully contained within a sealed unit. Surface water run-off from the silage pad would be managed through engineering a fall into three basins that would discharge to the digestate lagoon through a gravity fed pipe. The delivery/transfer of liquid digestate would be via an over bank pipe to ensure the integrity of the HDPE liner is not compromised. These design features and practices are in line with the recommendations of the Environment Agency The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013, which includes 'Good Practice Guidance on protection of water, soil and air' and would ensure that the storage of the liquid digestate would not pose a pollution risk. The Environment Agency has raised no objection to the proposal from a surface water or ground pollution perspective but requested that an Informative be attached relating to their Environmental Permitting regime. If permission is granted it is therefore recommended that this be added to any decision.
34. With regard to the spreading of the liquid digestate, this would be carried out in accordance with Code of Good Agricultural Practice and Nitrate Vulnerable Zone restrictions and the whole enterprise would also be subject to an Environmental Permit. These controls and limits would ensure that the use of this digestate would not pose a pollution risk to soils, the wider environment or any nearby watercourses and groundwater. As a consequence the proposal meets the aims and objectives of the NPPF and Policies DM11 and DM16 of the CSDMP and would not compromise or

conflict with Policies SP10 and SP16 of the ELCS that seeks to ensure that development has an adequate pollution control and surface water disposal regime.

Odour and Vermin

35. Representations have raised concerns that the development would result in unacceptable odour and vermin impacts. The digestate itself is a liquid product and not a material that is conducive to attracting vermin such as rats and mice, etc. In any case the digestate will have been treated prior to its importation and storage on site and this treatment process results in a less odorous product when compared to more traditional slurries and animal wastes. The spreading of digestate, like the spreading of more traditional slurries and animal wastes, is an accepted agricultural practice and whilst this can give rise to some odours these are typically much less pungent than those experienced when more traditional slurries/wastes are used and are not greater than those associated with normal agricultural practices.
36. In terms of storage, it is accepted that if digestate is not stored correctly then this can result in some odours arising and therefore measures are proposed to reduce any potential impacts. For example, the lagoon would have a floating HDPE cover and transfer of the digestate would be via direct injection from tankers into the lagoon via over bank pipework. This system would be reversed when extracting the liquids and these would be applied to land by tractors and tankers. Such measures are proven and effective in minimising odour emissions and from a planning perspective, are considered satisfactory to minimise any adverse amenity impacts. The Environment Agency has requested that an Informative be attached to a decision in respect of their Environmental Permitting regime, however it can be concluded that the proposal meets the aims and objectives of the NPPF and Policy DM3 of the CSDMP and would not compromise or conflict with Policy SP10 of the ELCS that seeks to ensure development that considers the amenity of neighbouring land users and mitigates potential adverse impacts.

Lighting & Noise

37. The applicant has not identified specific hours for when the digestate would be delivered to Woodbecks Farm but does make reference to normal working hours. In order to ensure that such deliveries do not adversely impact upon the amenity of residents living near to the site it is therefore recommended that a condition be imposed to limit deliveries of digestate by HCV tankers and for the construction period for the lagoon and silage storage pad.
38. However, it is not considered appropriate to restrict the hours affecting the spreading operations themselves as these are akin to normal agricultural activities which are subject to seasonal variation and weather conditions. However, it maybe that some operations are likely at times of reduced light and as a consequence a further condition is recommended which would

require the applicant to submit details of any proposed lighting associated with the concrete pad before these are installed. Such a condition would give your Officer's an ability to ensure that the impacts of any lighting do not have an unacceptable adverse impact on the ecology and cause light spill in an open countryside location. As a consequence the proposal meets the aims and objectives of the NPPF and Policy DM3, DM6 and DM9 of the CSDMP and would not compromise or conflict with Policies SP10, SP23 and SP24 of the ELCS that seeks to support development that considers the amenity of neighbouring land users and mitigates potential adverse impacts on ecology and the landscape.

Historic Environment

39. The application was supported by a desk-top assessment of the site and surrounding area and it has been identified that to the west of Edlington Road is an area of known Medieval activity and to the south of Hungram Lane records exist of Prehistoric activity. Given the potential presence of archaeology within the site, the applicant commissioned a geophysical survey to be undertaken and a report setting out the findings of this survey has been submitted and forwarded to the County archaeologist for their comment. At the time this report was prepared no response had been received and so an update will be provided prior the application being debated by the Committee. Notwithstanding this position, your Officers are satisfied that sufficient information has been provided to enable a planning decision to be taken at this stage and, in the absence of any final comments and recommendations from the County archaeologist, it is recommended that a condition could be attached which would secure a Scheme of Written Investigation. Such a scheme would provide an opportunity to secure details of further works to mitigate the impacts of the development. Finally, in respect of the built environment the Historic Environment Officer has confirmed that the proposal would not have any adverse impacts on the setting of any known historic assets in the area. Therefore it is concluded that the proposed lagoon and silage storage pad would be acceptable and meets the aims and objectives of the NPPF and Policy DM4 of the CSDMP and would not conflict with nor compromise Policy SP11 of ELCS that supports proposals that has regard to the historic interest and setting of historic buildings and landscapes.

Final Conclusions

40. Overall I am satisfied that the potential impacts of the proposed development would largely be mitigated, minimised and reduced through the implementation of the mitigation measures proposed within the application or additional mitigation secured through appropriate conditions. As a consequence the construction and use of a lagoon for the storage of liquid digestate and concrete pad for the storage of silage would accord with NPPF and the relevant policies as cited and identified within the Lincolnshire Minerals and Waste Local Plan and Central Lincolnshire Local Plan.

41. 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 begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within seven days of such commencement.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development and operations hereby permitted shall be carried out in strict accordance with the following documents and plans except where modified by conditions attached to this notice or details subsequently approved pursuant to those conditions. The approved documents and plans date stamped received 13 August 2019 are as follows:

Documents:

- Application Form;
- Document Ref: B036-12/PDAS – 'Planning, Design and Access Statement';
- 'Ecology and Protected Species Survey' dated June 2019;

Drawings:

- Drawing No. GPP/BDF/E/19/03 REV 1 – 'Digestate Storage Lagoon & Concrete Apron at Woodbecks Farm, Edlington – Site Layout Plan'; and
- Drawing No. DJS-ES-NGH-P372-01 – 'Proposed lagoon and containment apron Scheme Design'.

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

3. A total of no more than 3300 cubic metres of liquid digestate shall be brought to the site as shown within the red line boundary on Drawing No. GPP/BDF/E/19/03 REV 1 per calendar year, for the purposes of the development hereby permitted. The operator shall maintain records of their annual leachate 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 a written request.

Reason: To enable the Waste Planning Authority to monitor leachate throughput.

Archaeology

4. (a) No development shall take place until a written scheme of archaeological investigation regarding an archaeological watching brief has been submitted to and approved by the Waste Planning Authority. This scheme should include the following:
1. An assessment of significance and a proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable for site investigation, recording and reporting.
 3. Provision for site analysis.
 4. Provision for publication and dissemination of analysis and records.
 5. Provision for archive deposition.
 6. Nomination of a competent person/organisation to undertake the work.

The scheme of archaeological investigation shall thereafter be carried out and implemented in full accordance with the approved details.

- (b) The applicant shall notify the Waste Planning Authority of the intention to commence at least fourteen days before the start of each phase of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without the prior consent of the Waste Planning Authority.
- (c) A report of the archaeologist's findings shall be submitted to the Waste Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council in accordance with the approved scheme unless otherwise agreed in writing by the Waste Planning Authority. The condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

Reason: To ensure that satisfactory arrangements are made for the investigation, retrieval and recording of archaeological deposits within the site.

5. No site preparation or ground clearance works that would involve the destruction or removal of vegetation shall be undertaken during the months March to August (inclusive) unless otherwise agreed in writing with the Waste Planning Authority. If these works cannot be undertaken outside of 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 works shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.

Reason: To avoid disturbance to birds during the breeding season in the interests of wildlife conservation.

6. All construction operations required in association with this development and HCV tanker deliveries of digestate, including the accessing and egressing of the site, shall only be take place between the hours of:

07:00 and 18:00 Monday to Friday; and
07:00 and 13:00 Saturday; and

No construction operations or deliveries shall be carried out on Sunday, Public and Bank Holidays.

Reason: In the interests of general amenity of the area.

7. In the first available planting season following the construction of the containment bunds (as illustrated in Drawing No. DJS-ES-NGH-P372-01) the outer slopes of the bund shall be grass seeded and thereafter maintained free of noxious weeds for the lifetime of the development.

Reason: To prevent soils erosion and maintain the integrity of the lagoon containment.

8. In the first available planting season following the construction of the lagoon and silage storage pad the wildflower seeding detailed in the 'Ecology and Protected Species Survey' dated June 2019 shall be implemented in full and maintained for the duration of the development.

9. Within six months of the construction of the lagoon and silage storage pad the operator shall identify to the Waste Planning Authority the location of the kestrel nest box that shall be erected in accordance with the details set out in the 'Ecology and Protected Species Survey' dated June 2019 and be retained and maintained for the duration of the development.

Reason: To enhance biodiversity as directed by NERC Act 2006.

10. No external lighting shall be installed on site until details of such lighting, including intensity of illumination and predicted lighting contours have been submitted to and approved in writing by the Waste Planning Authority. Any external lighting shall be installed in accordance with the approved details and shall be maintained for the duration of the development.

Reason: In the interests of protecting ecology and visual amenity.

11. All construction traffic and HCV tanker access and egress shall only be via the Woodbecks Farm access illustrated in Drawing No. GPP/BDF/E/19/03 REV 1.

12. The surface of the access and internal site roads shall be 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 deposition of mud, debris or other deleterious materials onto the public highway shall be removed immediately.

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

Informatives

Attention is drawn to:

- (i) Environment Agency letter dated 16 September 2019 Ref: AN/2019/129467/01-L01 relating to Environmental Permits and Guidance.
- (ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by seeking further information to address issues identified and processed the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

Appendix

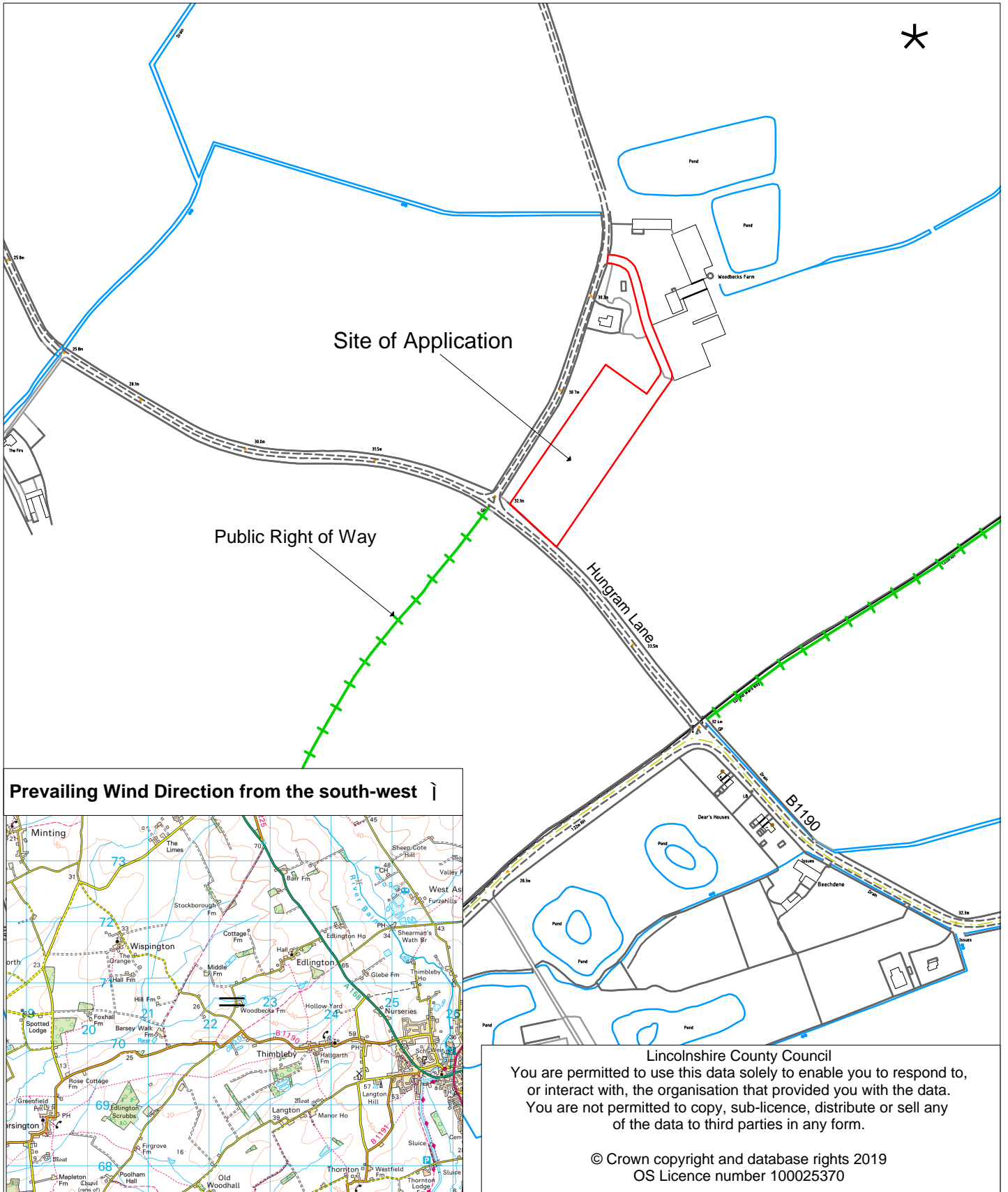
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

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/049/01560/19	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2019) National Planning Policy Waste (2015)	The Government's website www.gov.uk
Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (2016) Lincolnshire Minerals and Waste Local Plan Site Locations (2017)	Lincolnshire County Council's website www.lincolnshire.gov.uk
East Lindsey Local Plan Core Strategy (2018)	East Lindsey District Council's website www.e-lindsey.gov.uk

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



Location:
 Woodbecks Farm
 Edlington Road
 Edlington

Description:
 For the construction of a covered digestate storage lagoon, perimeter bunding and fencing and concrete apron for the storage of silage

Application No: S/049/01560/19
Scale: 1:5000

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**Open Report on behalf of Andy Gutherson
Executive Director for Place**

Report to:	Planning and Regulation Committee
Date:	4 November 2019
Subject:	County Council Development - B/19/0381

Summary:

Planning permission is sought by to construct a Special Educational Needs and Disability (SEND) school with associated external spaces works, parking and new vehicular and pedestrian access off Kitwood Road at Land off Kitwood Road, Boston.

The school would replace the existing Boston John Fielding School which has become overcrowded and whose facilities are out of date to meet modern day needs. Redeveloping and expanding the existing school is not considered an option and so it is proposed to build a new school which would not only replace existing provision but also offer expanded and improved facilities to meet an identified demand.

The school is to be constructed on an area of greenspace lying to the west of Boston St Nicholas Primary School as well as part of the schools existing playing field. The greenspace is identified on the Proposals Map of the South East Lincolnshire Local Plan as 'Recreational Open Space' however this land is not accessible or used by the general public although a tarmac footpath does currently cross the site and provide pedestrian access to the adjacent Primary School.

Sport England currently objects to the proposal as they consider the development fails to accord with any exceptions to its Playing Fields Policy or with paragraph 97 of the NPPF. Discussions are on-going with Sport England with the aim to identify a positive way forward and solution to its concerns. This includes a proposal to secure community use arrangements and therefore wider access and use of the facilities at both the SEND school and Boston St Nicholas Primary School as well as securing some improvement and maintenance works to the schools retained playing field to improve the overall quality and therefore use of the retained sports facilities.

It is expected that an agreement can be reached which would allow Sport England to remove their objection before the application is debated. However, and despite Sport England's position, having taken into account the comments received and having assessed the application against local development policies contained within the adopted South East Lincolnshire Local Plan, subject to suitable planning

conditions, 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.

Recommendation:

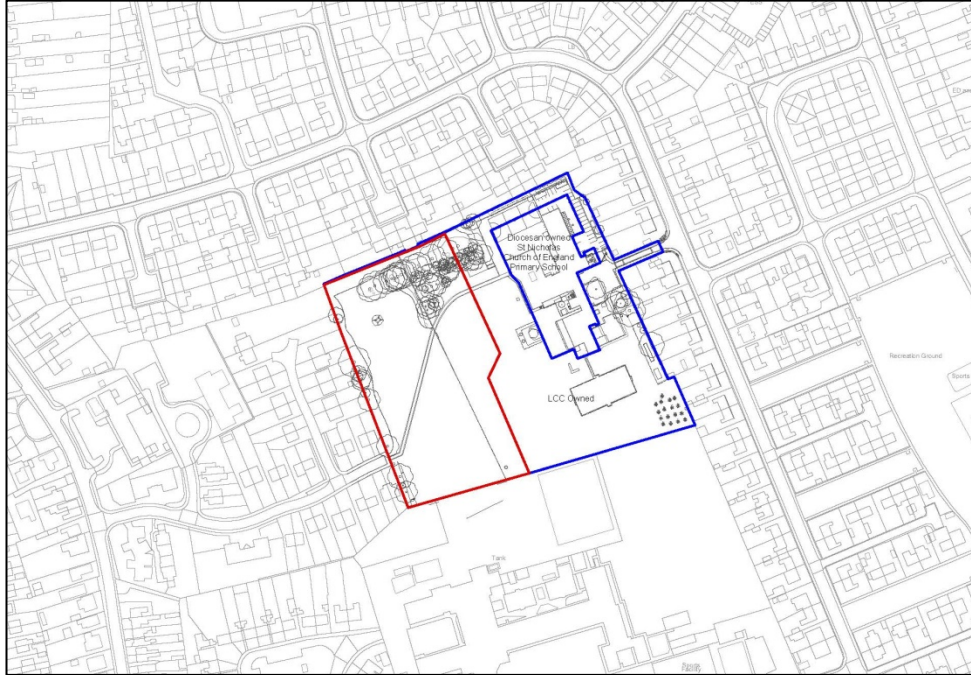
In the event that Sport England maintains its objection to the proposal before the application is considered by the Planning & Regulation Committee, it is recommended that the Committee resolve to grant planning permission and the application be referred to the Secretary of State for their final decision.

Background

1. Lincolnshire County Council has undertaken a full review of Special Educational Needs and Disability (SEND) education across the whole County. The conclusion of this process resulted in the proposal to offer all through, all needs SEND provision to every part of County with the objective of providing local facilities for children that would limit their travel that in many instances are significant distances out of the County. As a result of this review, the Council commissioned a range of new SEND school facilities or enhancements to existing schools across the County with Boston John Fielding School being identified as one of the projects.
2. The existing SEND school in Boston (Boston John Fielding School) is located on a restricted site which limits the opportunity to expand the school. The school is currently overcrowded and the facilities are out of date to meet modern SEND requirements. The school is also located within a small residential street and alongside two other schools (Boston St Mary's, & Tower Road Academy) and due to issues with safeguarding, traffic and site area, redeveloping the existing site was not an option. Consequently, rather than redevelop the existing site it was decided to construct an entirely new SEND school within the Boston area which would not only maintain existing provision but also improve the existing facilities and offer available.
3. The site subject of this application is owned by the Council and located close to the town of Boston. The Council submits that the provision of a new school in this locality would fulfil the requirement to maintain and provide an all through, all needs SEND facility within Boston and help to ensure a consistent level of SEND provision is distributed across the County.
4. Details of the proposed development subject of this application are given below.

The Application

5. Planning permission is sought by to construct a Special Educational Needs and Disability (SEND) school with associated external spaces works, parking and new vehicular and pedestrian access off Kitwood Road at Land off Kitwood Road, Boston. Subject to planning permission being granted it is anticipated that the school would be open from September 2020.



Location Plan

6. The school would provide places for a total of 142 students, comprising of 12 students with profound and multiple learning difficulties (PMLD), 88 students with severe or moderate learning difficulties (SLD/MLD) and 42 students with autistic-spectrum disorder (ASD). It is projected that 64 students would be primary school age and 78 would be secondary school age with a mixture of both ambulant and non-ambulant students. These numbers may however vary from year to year based on the intake cohort of students and so the MLD/SLD/ASD classrooms have been designed and standardised at 50sq.m to allow for this flexibility.
7. Staff numbers are anticipated to be around 137 (a mixture of full-time and part-time) which is an increase of an additional 80 members of staff when compared with the existing Boston John Fielding School. This total includes peripatetic workers that will travel to the school to provide their services and so would not be permanently based at the site.



Illustrative Landscape Masterplan

Building design, scale and layout

8. The school building has a footprint of 1331sq.m and incorporates both single and two-storey elements giving a total gross internal area of 2300sq.m. The building has been designed in a cross-shape arrangement with a central courtyard in the heart of the school. The layout of the building maximises the classrooms frontage to external areas whilst providing discretion to elevations facing neighbouring boundaries. The cross shape allows for four external play areas immediately adjacent to the classroom blocks with the central courtyard providing five areas in total.

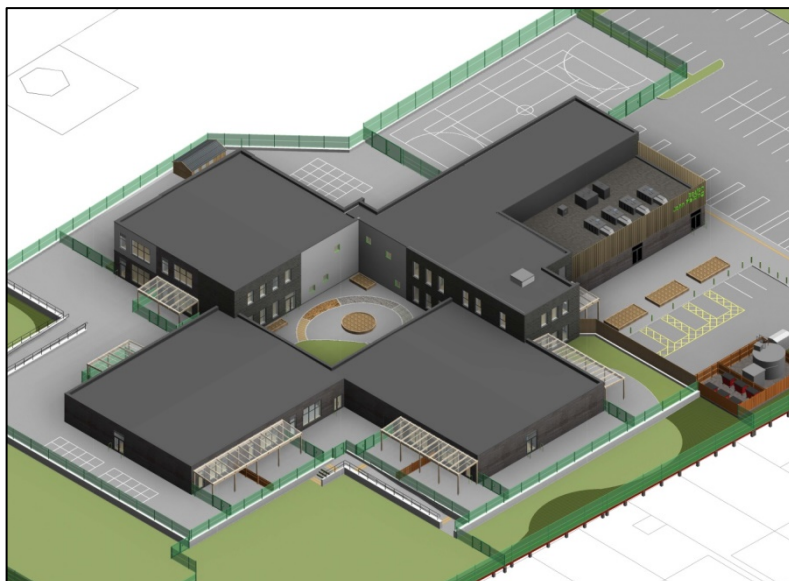


Proposed Ground Floor Layout

9. The central courtyard would have a wide ring corridor running around it, allowing access to each of four wings of the building. The northern and western wings would be single storey whilst the eastern and southern wings would be two-storey. The total height of the building (from finished ground floor level to the top of its parapet) would be at approximately 7.8m with a parapet designed to conceal the flat roof behind. Each wing of the building would house a group of four classrooms with associated WC's, groups rooms, calming spaces and hygiene suites (as required for that particular wing). The southern wing is the exception to the above and would house the main hall, studio hall, hydrotherapy suite and main therapy areas. The hall and studio are positioned on the eastern side of the southern wing allowing direct access onto the outdoor hard court play area. The school catering facility would be located adjacent to the main hall with direct external access to the drop off / delivery bays within the car park. Catering for the school is likely to be leased out to a catering company who will provide hot food for the school off site and delivered to the premises.
10. An informal Multi Use Games Area (MUGA) (approx. 684sq.m) would be provided adjacent to the southern wing of the school building and the eastern boundary of the adjoining school site. This area would be hardsurfaced and marked out for different sports. When not in use this area could also be used to provide additional overflow parking capacity for mini-buses during pick up and drop off times.

Appearance & Materials

11. A palette of different materials are proposed comprising of a mixture of dark multi blend facing brickwork and split faced architectural blockwork interspersed with areas of render. The facade materials offer a range of textures and colours such as timber and split faced blocks which are intended to reflect those associated with the natural environment. The western elevation of the southern block (which holds the hydrotherapy suite and plant room above) would be highlighted by the use of louvred cladding consisting of vertical fins. The main school signage would be located on this elevation and on the southern elevation of this block.



Isometric Image from the North West

12. The external doors, windows and curtain wall glazing would be dark grey powder coated aluminium with feature windows/doors highlighted in an accent colour (green). External rainwater goods would be dark grey powder coated aluminium, anti-climb and of a robustness to suit the SEND environment. The canopies around the building would be timber canopies with a polycarbonate clear roof. The main roof is a fully adhered single ply membrane flat roof with low height parapet walls.
13. The building has been designed to be sustainable and with a fabric first approach having been adopted for the building envelope. Low energy hybrid ventilation units and LED lighting and controls would be used throughout the building. New external lighting columns would provide light to the car parking areas and bollards to the footpath areas where building mounted lighting is not proposed. All lighting circuits would be controlled by photocell and timer switch with a manual override. A micro-CHP unit would also be provided to heat the hydrotherapy pool water and to generate electricity for use on site.

Access and Parking

14. The main entrance to the school would be formed by revising an existing double gated pedestrian access at the end of Kitwood Road. This existing access is currently opened at the beginning and end of the school day to facilitate pick up and drop off for pedestrian / cyclists to and from Boston St Nicholas Primary School. As part of this proposal the current pedestrian footpath serving access would be revised to provide vehicular access to the SEND school and have a separate access alongside for pedestrians and cyclists. The existing footpath which currently crosses the proposal site (and gives access to Boston St Nicholas Primary School) would be re-directed to run along the western and southern boundary of the SEND site before entering the south eastern corner of the existing school site. This footway would be separated from the SEND school site by 2.4m high weldmesh security fencing with a controlled access gate located at Kitwood Road.



Existing pedestrian access off Kitwood Road

15. The SEND school would have a dedicated car park to minimise any issues of on-street parking. All parking would be located within a secure zone with access-controlled gates for both vehicular and pedestrian access onto the site. The car park would provide a total of 73no. parking bays which includes four accessible parking bays, three electric vehicle charging bays and five car share priority bays for staff and visitors. Pupils would primarily arrive by mini-bus and nine secure parking drop-off/pick up bays would be provided at the main entrance. The informal MUGA area created as part of the school would provide an additional 12no. mini-bus spaces and overflow capacity during pick up and drop off times. Cycling facilities for 28no. cycles and scooters would also be provided and within the site.

Landscaping & Fencing

16. The boundaries of the SEND school site would be defined by 2.4m high weldmesh fencing with a set of automated double leaf swing vehicular gates and an access controlled pedestrian gate provided off Kitwood Road. A separate and lockable pedestrian gate would give access to the footpath that would run around the site and lead to the adjacent Boston St Nicholas Primary School. Within the site a mixture of 1.5m and 1.8m high weldmesh fencing, 1.5m high timber palisade and 3m high close board timber and sports weldmesh fencing would be used.
17. The proposal would result in the loss of three Common Lime trees (T1, T2 & T3) and a small group (G4) of trees which include Oak, Maple, Hawthorn, Cherry and Plum. These trees have all been assessed as being of moderate quality and value and would need to be removed to accommodate the proposed site access, changes in ground levels and the built elements of the development including sprinkler tank and bin stores. T1, T2 & T3 share an adjoining boundary with the neighbouring residential properties on Kitwood Road. The G4 trees are located at the northern end of the site and are internal to the school site and therefore largely only visible from within the site and not from wider vantage points. Other than the above, all existing trees within and around the site would be protected and retained.
18. Finally, as part of the development new tree and landscape planting would be carried out within the site to compensate for the trees lost and to support local biodiversity. An illustrative plan has been submitted as part of the application however no specific details have been provided at this stage.

Impacts on adjoining Boston St Nicholas Primary School

19. To facilitate the development the boundary to the existing Boston St Nicholas Primary School would be revised in order to accommodate the new SEND school. This alteration would reduce the playing field area currently available. In order to ensure the sporting provision currently used by Boston St Nicholas Primary School is not unduly compromised, the existing MUGA would be retained and enough space would be retained within the remaining playing field space to maintain a mini soccer U9/U10 pitch as well as an area suitable for marking out as a running track and rounders during the

summer months. The applicant has also agreed to implement some minor improvement and maintenance works to the existing playing field in order to improve its condition. These works would help to improve the condition and quality of the retained playing field and therefore broaden its potential use and compensate for those areas lost by the development.

Community Use

20. Finally, in response to comments received from Sport England (set out in this report), the applicant and parties representing the operator of both the proposed SEND school and Boston St Nicholas School have confirmed their willingness to enter into an Agreement which would give extended access to the sports and treatment facilities across both sites. For the sports facilities within the Boston St Nicholas Primary School site this would be a standard Community Use Agreement which would extend access to sports clubs/groups and other organised community groups. Such an agreement was secured when the MUGA was first granted permission in 2014 however it is proposed that this now be incorporated into a single agreement covering other facilities in the site (e.g. playing field/pitches, hardcourt netball court and MUGA).
21. In the case of the SEND school, given the specialist nature of these facilities, general public and community use would not be appropriate and so it is intended that access to the specialist indoor facilities (e.g. hydrotherapy pool, sensory and physiotherapy rooms) would be available for use by healthcare providers/services including the NHS (including United Lincolnshire Hospitals Trust, Lincolnshire Community Health Services & Lincolnshire Partnership Foundation Trust).

Site and Surroundings

22. The application site is located approximately 1 mile to the east of the centre of Boston and situated adjacent to Boston St Nicholas Primary School. The site comprises of a 0.86 hectare parcel of land lying to the west of the Boston St Nicholas Primary School site as well as part of the existing school site which would be incorporated into the development. This increases the total site area to 1.30 hectares. That part of the site lying to the west of the Boston St Nicholas Primary School is identified on the Proposals Map of the South East Lincolnshire Local Plan as Recreational Open Space although this land is not used by the general public or the school. The site is undeveloped and comprises of managed improved grassland, dense scrub and a mix of individual trees and tree groups to the north and western boundaries. There are no other notable features other than the existing tarmac pedestrian access path that crosses from Kitwood Avenue into St Nicholas Primary School (granted permission in September reference B/0284/13). This path would be diverted to a new route along the southern boundary of the new school site.



Existing greenspace and playing field

23. The site is bound to the north, west and south by residential development comprising of a mixture of two-storey detached and semi-detached houses. The eastern boundary is shared with Boston St Nicholas Primary School and its existing playing fields are located adjacent to this.
24. The properties located on the northern boundary are set back a bit further along the north west part of the site boundary approximately located about 15m away from the boundary edge. Further along the north eastern boundary of the proposed site (the part of the St Nicholas site which will transfer to the new SEND school site) the houses are closer to the boundary edge at about 6.5m away. The eaves heights of these properties are approximately 4.3m with ridge levels at approximately 7.3m from ground level.



Properties along northern boundary

25. The western boundary to the site currently contains the closest neighbouring properties, the gardens to these properties face towards the site with the houses set back approximately 14m away from the site boundary edge. The nearest houses are located to the end of Kitwood Road with the buildings located approximately 3m away from the boundary edge, however these houses are facing Kitwood Road which runs perpendicular to the western

site edge, therefore the gable end of the houses face the site with no windows facing towards the proposed site. The eaves heights of these properties are roughly 5.3m with roof ridge heights about 7.6m from ground level.



Properties along western boundary

26. The newer properties situated along the south boundary are set back about 13m from the boundary edge with eaves levels at around 5.8m and ridge levels at approximately 9.2m from ground levels. These houses are located parallel to the site edge with some windows facing north towards the proposed site.



New housing development to the south

27. As part of the development a new pedestrian and vehicular access for use by the SEND school would be constructed off Kitwood Road. Boston St Nicholas Primary School would retain and continue to use its existing access off Woad Farm Road as well as the additional pedestrian access from Kitwood Road via a proposed diverted tarmacadam path.

Main Planning Considerations

Planning Policy Context

28. The National Planning Policy Framework (February 2019) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraphs 7 to 11 (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.

For decision-making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application area out-of-date, granting planning permission unless:

- the application of policies in the NPPF that protect assets of particular importance provides a clear reason for refusing the development; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

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 2, 47 & 48 (Determining applications) - states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. It also advises on the weight that should be afforded to relevant policies in emerging plans depending upon the stage of their preparation.

Paragraphs 54 to 57 (Use of planning conditions and obligations) – states that consideration should be given as to whether otherwise unacceptable development could be made acceptable through the use of conditions or obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning

condition and are also necessary, directly related to the development and fairly and reasonable related in scale and kind to the development.

Paragraphs 91 to 94 (Promoting healthy and safe communities) states that planning decisions should aim to achieve healthy, inclusive and safe places. Support is given to proposals that provide community facilities and take into account and support the delivery of local strategies to improve health, social and cultural well-being but also guards against the unnecessary loss of valued facilities and services particularly where this would reduce the communities ability to meet its day-to-day needs. In terms of school places, it is important that a sufficient choice of places is available to meet the needs of existing and new communities. Local Planning Authorities should therefore take a proactive, positive and collaborative approach to meeting this requirement and development that will widen choice in education. Consequently, great weight should be given to the need to create, expand or alter schools through decisions on applications.

Paragraphs 96 & 97 (Open space and recreation) states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open spaces buildings or land to be surplus to requirements; or
- b) the loss resulting from proposed development would be replaced by equivalent of better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports or recreational provisions, the benefits of which clearly outweigh the loss of the current or former use.

Paragraphs 102 and 105 (Promoting sustainable travel) states that transport issues should be considered from the earliest stages so that the potential impacts of development can be addressed and that opportunities are adopted to promote walking, cycling and public transport use. Significant development should therefore be focused on locations which are or can be sustainable. Maximum parking standards for non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city or town centres and other locations that are well served by public transport.

Paragraphs 108 & 109 (Transport) states that in assessing applications for development it should be ensured that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety can be cost effectively mitigated to an acceptable degree.

Paragraphs 127 to 1332 (Achieving well-designed places) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to

communities. Developments should therefore function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, establish a strong sense of places and use building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Paragraphs 148 to 153 and 155 to 165 (Climate change and flood risk) states that plans should take a proactive approach to mitigating and adapting to climate change taking into account long-term implications including in respect of flood risk, water supply and biodiversity and landscapes. It is added that developments should seek to ensure that flood risk is not increased on or off-site as a result of development and that development is appropriately flood resistant and resilient and any residual risk can be safely managed.

Paragraphs 170 to 177 (Conserving and enhancing the natural environment) states that planning decisions should contribute to and enhance the natural and local environment. This includes minimising impacts on and providing net gain in biodiversity and preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

29. South East Lincolnshire Local Plan 2011-2036 (Adopted March 2019) (SELLP) – the following policies are of relevance:

Policy 1 (Spatial Strategy) lists a hierarchy of settlements and aims to direct development to these settlements in order to ensure a degree of certainty to the community and to developers about where the most sustainable locations for new development will be promoted. In this case Boston is identified as a sub-regional centre and therefore one of the preferred areas for siting new development.

Policy 2 (Development Management) states that development will be permitted provided that sustainable development considerations are met specifically in relation to a range of different factors. Examples include the size, scale, layout and impact on of the development on amenity, trees, character and appearance of the area, access and vehicle generation levels, sustainable drainage and flood risk, etc.

Policy 3 (Design of New Development) identifies a series of design and layout considerations that new development proposals should take into account. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Policy 4 (Approach to Flood Risk) states that development proposed within an area at risk of flooding (Flood Zones 2 and 3 or at risk during a breach or

overtopping scenario as shown in the Strategic Flood Risk Assessment) will be permitted, where:

- 1) It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed).
- 2) It can be demonstrated that essential infrastructure in Flood Zone 3a & Flood Zone 3b, highly vulnerable development in Flood Zone 2 and more vulnerable development in Flood Zone 3 provide wider sustainability benefits to the community that outweigh flood risk.
- 3) The application is supported with a site-specific flood risk assessment, covering risk from all sources of flooding including the impacts of climate change and which demonstrates that the proposed use is compatible within the flood zone and/or contains measures to minimise or mitigate flood risk (i.e. protection/resilience measures, evacuation procedures, suitable drainage proposals, etc).

Policy 5 (Meeting Physical Infrastructure and Service Needs) states that planning permission will be granted for new development provided that developers can demonstrate that there is, or will be sufficient physical infrastructure and service needs capacity to support and meet the needs of the proposed development. This policy specifically notes that the growth proposed by the Local Plan is likely to require an increase in Primary and Secondary school capacity in Boston and whilst this proposal relates to a SEND school and not a mainstream school it is nevertheless an educational facility and therefore this policy is of relevance and applicable.

Policy 28 (The Natural Environment) this policy states that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets.

Policy 29 (The Historic Environment) seeks to conserve elements of the historic environment including designated and non-designated heritage assets (e.g. listed buildings, conservation areas, scheduled monuments and archaeological features).

Policy 30 (Pollution) states that proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public; the amenities of the area; or the natural, historic and built environment. Proposals will be refused if impacts cannot be suitably mitigated or avoided.

Policy 31 (Climate Change and Renewable and Low Carbon Energy) states that all development proposals will be required to demonstrate that the consequences of current climate change have been addressed, minimised and mitigated. Examples of measures include through high-quality design; adopting a sequential approach to flood risk and/or incorporating flood mitigation measures to reduce the effects of flooding; the development and incorporation of renewable energy facilities.

Policy 32 (Community Health and Well-being) states that development shall contribute to: the creation of socially-cohesive and inclusive communities; reducing health inequalities; and improving the community's health and well-being and supports developments which (amongst other matters) creates environments which are accessible to all sections of the community; facilitate walking, cycling and public transport use; and encourage community use.

It adds that the redevelopment or change of use of an existing community facility will be permitted only if:

1. an assessment has been undertaken which has clearly shown that the facility is:
 - a) surplus to requirements; or
 - b) not economically viable; or
 - c) unfit for purpose; and
 - d) in the case of recreational open space, does not make an important contribution in amenity, visual or nature conservation terms; or
2. the loss resulting from the proposed redevelopment or change of use will be replaced by equivalent or better provision (in terms of quantity and quality) in a suitable nearby location; or
3. in the case of sports facilities or recreational open space) the redevelopment or change of use is for alternative sports or recreational provision, the need for which clearly outweighs the loss.

The development of new community facilities will be supported, provided that they are located so as to be:

1. as close as possible to the community they will serve;
2. readily accessible by public transport, on foot, and by bicycle;
3. compatible with nearby uses and the character and appearance of the neighbourhood; and
4. located and designed to enable (where possible) shared use with other services/facilities.

Policy 33 (Delivering a More Sustainable Transport Network) seeks to ensure development contributes towards the better promotion and management of the existing network and the provision of sustainable forms of travel. To achieve this (amongst other criteria) support is given to developments which provide for walking and cycling routes and/or links to existing networks improving connectivity to create a more coherent walking and cycling network.

Policy 36 (Vehicle and Cycle Parking) states that all new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards as contained within the Local Plan unless a high quality-design can demonstrate that a lower

standard of provision is justified. In this case the applicable standard is 1 car parking space per 2 staff and 1 cycle space per 3 employees. Pupil provision will be assessed on a site-by-site basis.

Results of Consultation and Publicity

30. (a) Local County Council Member, Councillor M Griggs – has requested that the application be called into the Committee for a decision. He has commented that most residents he has spoken to are in favour of the school relocating but they feel that the access plans could have been better so as to minimise impact on local residents. Further concerns which he would also like to be drawn to the attention of the Committee are summarised as follows:
- Planning permission has previously been refused by Boston Borough Council as the land is recreational space.
 - Local residents on Kitwood Road and Church Road have concerns that increased traffic (over 100 members of staff and student transport) would add to issues getting out their driveways and at both ends of Church Road and especially the Skirbeck Road entrance which is often extremely busy in the mornings and between 4 and 5.30pm as students arrive and staff leave.
 - Residents have concerns that since the pre-application public consultation event less parking is now proposed and due to the nature of the housing tenure down Kitwood Road there is limited room for on road parking that is not used by the residents.
 - An alternative access to the SEND School off De Montfort Gardens (whilst maintaining the current access to St Nicholas School) has been suggested.
 - Concerns that air quality could be compromised in the locality as a result of vehicles having to wait on the highway whilst access gates open/close and the running and manoeuvring of mini-buses around the site.
 - Some residents have complained that due to the time of the pre-application public consultation event people were unable to get to the event and that there is confusion as to when comments on this application should be made which may have led to some not conveying their concerns.
- (b) Environment Agency – no objection subject to the development being constructed in accordance with the recommendations of the Flood Risk Assessment including the finished floor levels being set no lower than 3.4m AOD and the building being at least two storeys.
- (c) Highway and Lead Local Flood Authority (Lincolnshire County Council) – has confirmed that having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), given the very particular nature of the proposed development, it would be capable of being operated without having a severe residual cumulative impact upon the transportation

network and it would not be expected to have an unacceptable impact upon highway safety. As these are the only acceptable grounds the National Planning Policy Framework will allow for preventing or refusing development on highway grounds, the Highway Authority does not wish to object to this planning application.

The construction of the proposed development will however have the potential to generate greater numbers of vehicle movements, in terms of the delivery of plant and materials to the site and the arrivals and departures of construction personnel. Accordingly, to mitigate the impact of these additional vehicle movements, it is requested a condition be imposed requiring the submission of a Construction Traffic Management Plan.

- (d) Historic Environment (Lincolnshire County Council) – the proposed new school buildings would have a negligible impact on the built historic environment and therefore they have no objections to this application.
- (e) Sport England – currently objects to the proposal as they consider the development fails to accord with any of the exceptions to Sport England's Playing Fields Policy or with paragraph 97 of the NPPF. Discussions however are on-going with Sport England and at the time of writing this report, proposals are being discussed with the applicant which aim to identify a positive way forward and solution to Sport England's concerns. These proposals include the potential to secure community use arrangements and therefore wider access and use of the facilities at both the SEND school and Boston St Nicholas Primary School as well as securing some improvement and maintenance works which would improve the overall quality and therefore use of the retained sports facilities.

It is expected that an agreement can be reached which would allow Sport England to remove their objection and so any update or change in the formal position will be reported to the Committee before the application is debated.

However, in the event an agreement is not reached and Sport England maintain their objection by the time this application is considered and, should the Committee be minded to grant planning permission contrary to their objection, then the application would have to be referred to the Secretary of State for their final decision.

- (f) Witham Fourth District Internal Drainage Board – has commented that if there is any change to the surface water if treated water disposal arrangements stated in the application.
- (g) Anglian Water Services – has commented that the sewerage system has available capacity for the flows from this development and whilst the preferred method of surface water disposal would be to a

sustainable drainage system, should this not be possible, they have no objection to a connection to the surface water sewer.

A series of Informatives have also been provided which it is requested be attached to any permission granted.

The following bodies/persons were consulted on 13 September 2019 but not comments or response had been received within the statutory consultation period or by the time this report was prepared:

Environmental Health (Boston Borough Council)
Arboricultural Officer (Lincolnshire County Council)
Lincolnshire Wildlife Trust.

31. The application has been publicised by notices posted at the site and in the local press (Lincolnshire Echo on 26 September 2019). Notification letters were also sent to 148 neighbouring properties which include those which border and surround both the proposal site and Boston St Nicholas Primary School.

Three representations, including one from a Boston Borough Councillor (Councillor C Woodcock) have been received which object to the proposal because:

- There are already too many vehicles using Kitwood Road with vehicles everywhere and people just walking across the road without looking. There will be a serious accident there at some point.
- Cars often park in Kitwood Close and opposite its junction with Kitwood Road restricting access and forcing cars onto the wrong side of the road. If emergency services need to get through there is no chance.
- It can be difficult to see to the right of Kitwood Close due to an existing hedge. The roads were not designed to cope with school traffic let alone all the machinery and extra traffic.
- The development would result in the loss of some of Boston St Nicholas's playing field and some of the recreational open space which goes against Sport England's safeguarding policy. Planning permission was refused in 2005 for housing on this same site by Boston Borough Council.
- Boston St Nicholas C.E Primary School is fully subscribed and if the new build where to go ahead it will prevent any further major development of the site unless more recreational area is taken.
- The revised footpath access to St Nicholas C.E Primary School from Kitwood Road will necessitate young children going through a long passage that could be a safety issue. It needs to be lit and monitored with security cameras at the very least. Locking the passage gates at night will not prevent vandalism in this area.
- Concerns whether the parking facilities on site are adequate as the majority of taxis, mini-buses and staff vehicles would all arrive within a short space of time to one another. Access via Kitwood Road would be a major problem as it feeds back into Church Road and this proposal

would result in the sum total of two schools arriving/leaving not the current one.

- The time allowed for people to comment is far too short and given the vast amount of information more time should have been allocated. Most of the homeowners in Kitwood Road all have cars and all work. Their opinions need to be heard. So why was the pre-application engagement meeting scheduled from 3.30pm to 6.00pm?
- The site chosen is inappropriate and planning should not be granted. Instead consideration should be given to possible other locations.

District Council's Observations

32. Boston Borough Council has confirmed that the development of a new school in this location accords with the principles of Policy 1 and Policy 32 concerning the development of new community facilities. However, it is asked that particular attention be given to:

- the loss of former recreational open space;
- the retention of the sites existing trees;
- the incorporation of beneficial biodiversity conservation features onto buildings;
- the provision of adequate car parking;
- potential harmful impacts on neighbouring land users (including the potential for increased car parking on local streets and potential impacts that may be felt during the schools construction);
- ensuring the flood sequential test is passed and ensuring flood risk will be mitigated through flood resistant and flood resilient design;
- ensuring that impacts upon infrastructure, services and the environment are satisfactorily mitigated;
- ensuring that the proposed development maximise the opportunities for improving the character and appearance of its surroundings.

Conclusions

33. The main issues to be taken into consideration are the location of the development and potential environmental and amenity impacts, in particular in terms of traffic and highway safety, impacts on existing sports provision, flood risk and potential impacts on existing and future neighbouring residential properties.

Location, loss of recreational open space and playing field

34. The proposal site lies within the defined settlement boundary of Boston (as identified by SELLP Policy 1) and so is one of the primary locations for directing new development. The site itself sits within a largely residential area and sits adjacent to an existing Primary School and comprises of land that is identified on the Proposals Map of the SELLP as Recreational Open Space as well as part of the existing playing field associated within the adjacent school. Both of these existing land uses are therefore afforded a

degree of protection however development can still be deemed acceptable subject to it being demonstrated that the criteria within Policy 32 is met and, in the case of the existing playing field space, that the proposal is supported by Sport England and meets one of their exception criteria and those set out in the NPPF.

35. Policy 32 of the SELLP seeks to protect community facilities such as greenspace from redevelopment or change of use unless relevant criteria are met and it is demonstrated that the facility is:
 - surplus to requirements; or
 - not economically viable; or
 - unfit for purpose; and
 - in the case of recreational open space, does not make an important contribution in amenity, visual or nature conservation terms.
36. An Open Space Assessment (OPA) has been submitted in support of the application which contains the findings of quantitative and qualitative assessment of accessibility to existing open space/playing pitch provision within local area; what the expected provision for open space/playing pitch provision going forward may be; how the proposed development meets the policy requirements of Sport England, and; an assessment of the relevant criteria and policies within the NPPF and Local Plan.
37. The OPA demonstrates that there is a surplus of amenity greenspace within the Boston Skirbeck area and therefore the development and loss of the greenspace would not undermine the objective or purpose of this policy protection. The land itself is not accessible to the general public and whilst it may be identified as Recreational Open Space in the Local Plan, in reality it has not been available or used by the general public for this purpose. This would remain the case even if planning permission were to be refused for this development and so it would not contribute to overall provision in the future either. Consequently, I am satisfied that the land itself does not make an important contribution in terms of available public open space although it is accepted that it does provide some limited visual amenity given it is an undeveloped green space in a largely residential area.
38. Notwithstanding the greenspace designation, part of the site falls within the statutory definition of a "playing field" and so is afforded protection and should only be developed where proposals comply with the NPPF, are supported by Sport England and where one of their 'exception' policies applies.
39. The proposed development would further reduce the playing field area available within the Boston St Nicholas Primary School site which itself has already been reduced as a result of the construction of a MUGA (permitted in 2014). However, in order to ensure the sporting provision currently used by Boston St Nicholas Primary School is not unduly compromised the existing MUGA would be retained and enough space would be retained within the remaining playing field space to maintain a mini soccer U9/U10

pitch as well as an area suitable for marking out as a running track and rounders during the summer months.

40. No objection has been received from Boston Borough Council as they confirm the principle of a new school in this location accords with Policy 1 and 32. However at the time of writing this report Sport England maintains its objection as the development would result in a net reduction in playing field space available and they are not content one of their 'exception' policies applies which would support this loss. Discussions however are on-going and Sport England has indicated that whilst supportive of the principle of the development, before they can fully support the application they require confirmation that measures would be adopted to secure improvements or betterment in terms of access or use of the existing sports provisions and/or improvements could be secured to compensate for the loss incurred.
41. In order to address Sport England's concerns the applicant and parties representing the operator of both the proposed SEND school and Boston St Nicholas Primary School have confirmed their willingness to enter into Agreements which would give extended access to the sports and treatment facilities across both sites. For the sports facilities within the Boston St Nicholas Primary School site this would be a standard Community Use Agreement which would extend access to sports clubs/groups and other organised community groups to the MUGA as well as retained playing field and marked out pitches, running track and hardcourt netball court. Such an agreement was secured when the MUGA was granted permission in 2014 but it is proposed that this be incorporated into a new single Agreement which would cover all facilities. The applicant has also offered to carry out some improvement/maintenance works to the remaining areas of the playing field in order to improve its condition and quality and therefore broaden its potential use all year round.
42. In the case of the SEND school, given the specialist nature of these facilities, general public and community use would not be appropriate and so it is proposed that access to the specialist indoor facilities (e.g. hydrotherapy pool, sensory and physiotherapy rooms) would be offered and made available via a similar Agreement but which would restrict the uses to healthcare providers/services including the NHS (including United Lincolnshire Hospitals Trust, Lincolnshire Community Health Services & Lincolnshire Partnership Foundation Trust).
43. I am satisfied that from the County Planning Authority's perspective, subject to securement of the use agreements and conditions as identified, the proposal would not undermine the purpose or principle for protecting playing fields and recreational open space and therefore not conflict with the NPPF and accord with Policy 32 of the SELLP and can be supported. Therefore should the Committee be minded to grant planning permission then conditions are recommended which would secure these as part of the development. However, in the absence of an updated response/position from Sport England, their objection remains and consequently should the

Committee be minded to grant permission then the Secretary of State (SoS) will be advised of this resolution so he can take this into account when deciding how to proceed. The Officers recommendation has therefore been worded to reflect this position.

Building design and orientation, scale, layout and materials

44. The building is of a modern design which has both two storey and single storey elements and uses a choice of materials, colours and finishes that are attractive and which would make a positive contribution to the overall built environment. The orientation and siting of the building within the site has been carefully chosen so as to ensure that the taller elements are located centrally and therefore away from the nearby residential properties whilst the less developed areas (e.g. car parking and external play spaces) are located around the building itself. Although a number of trees would be lost and removed as part of the development the vast majority of these would be internal to the site and so not result in increased views into the site or severely affect existing amenity. New landscape planting would be carried out as part of the development and these would, in time, compensate and replace those lost and help the development assimilate into its surroundings.
45. Overall, it is considered that the design, size, scale and positioning of the school building within the site is appropriate and would not have an adverse effect on the character and appearance of the locality or cause material harm to residential amenity. Therefore subject to conditions to secure further details relating to soft landscaping proposals the development is considered to accord with SELLP Policies 2, 3 and 30.

Highway Issues and Parking

46. The school is located within an existing and expanding residential area and would replace the existing Boston John Fielding School which has become overcrowded and out dated. The establishment of a new school would not only enable a continuation of existing provision but also provide a broader range of services and facilities and therefore enable the school to offer a greater number of places. Whilst the school would therefore attract a greater number of students and staff than the current school, students would arrive in mini-buses and so not arrive individually and this therefore reduces the usual problems and issues that arise as a result of traffic and parental parking at school drop off and pick up times. Staff based at the school would have to be on site before the start of the school day and this would therefore mean less chance of overlap with the parents and children that currently (and would continue to) access the Boston St Nicholas School from Kitwood Road.
47. In order to further reduce any issues with parking and traffic, every effort has been made to ensure that sufficient parking is available within the site to meet the projected demands and needs. The number of proposed staff is likely to be in the region of 137 and consequently it is proposed that 73 car

parking spaces and 28 cycle parking spaces are provided. This level of provision is slightly over and above that which is advocated by the Local Plan but not so significant that it would undermine the promotion of more sustainable travel options by staff and visitors. The level of provision would ensure that staff and visitors do not need to park on the local residential streets and therefore minimise disruption and disturbance to those living nearby. No objection has been raised by the Highways Officer and whilst the concerns of local residents are noted I am satisfied that adequate parking provision has been made to reduce the potential impacts of the development on neighbouring land users as requested by Boston Borough Council.

48. In respect of the construction phase, clearly during the construction/redevelopment of the site there would be an increased degree of disturbance, traffic and noise associated with these works. Such impacts would, however, be limited in terms of their overall duration and restricted to certain hours per day. In order to ensure that suitable measures and operational procedures are adopted to minimise any impacts it is recommended that condition be imposed which would require the applicant to submit a Construction Management Plan for approval. Subject to this, I am satisfied that any impacts arising from the construction of the development would be restricted in terms of their duration and and/or capable of being appropriately managed so as to ensure that the development would not be significant nor have a detrimental impact on the surrounding environment and therefore accords with the NPPF and SELLP Policies 2 and 3 and 36.

Flood Risk & Drainage

49. The NPPF and SELLP Policy 4 seek to reduce the risk of flooding both on and off site as a result of new development and Policy 30 included criterion that seeks to ensure that development does not pose a risk to surface and groundwater quality. The application site lies within Flood Zone 3, the zone classified as being at the highest probability of flood risk and a Flood Risk Assessment (FRA) has been submitted with this application.
50. Educational establishments are classified by the Planning Practice Guidance 'Flood Risk' as being a 'more vulnerable' use of land in terms of their flood risk vulnerability. The siting of such developments within Flood Zone 3 should therefore only be supported where the development meets the Exceptions Test.
51. In this case, the Exception Test is considered to have been met for the following reasons:
- There is a need to create an expanded all through, all needs SEND school within the Boston area so as to help limit the distance many children have to travel to access specialist educational facilities. The existing school site is too small to meet this identified need and so cannot be redeveloped and no sites of a lower probability of flooding

have been identified as suitable or available. The new school would deliver sustainability benefits to the local community by meeting an identified need and reducing the distance children have to travel. These benefits are considered to outweigh any flood risk and therefore satisfies Part 1 of the Exception Test.

- The building has been designed to be safe and reduce the impact of any residual flood risk to users of the building. This would be achieved by setting the finished floor level of the building to 3.4m AOD and implementing a Flood Management Plan which includes sign up to the Environment Agency's 'Flood Direct' warning system. In the unlikely event there are limited members of staff or pupils on site during a flood event a safe refuge would be available at first floor level accessed by means of communal stair and an evacuation passenger lift. These measures ensure that the development satisfies Part 2 of the Exception Test.
- Flood resilience measures have been incorporated into the design of the building which would minimise likely damage should flood waters enter the building (e.g. placing the primary plant room at first floor level, setting power and data sockets above the predicated worse case flood levels and use of 300mm sacrificial boarding to allow for part wall replacement should a flood event occur). These measures ensure that the development satisfies Part 2 of the Exception Test.
- Foul and surface waters would be managed via connections to the existing sewer/drainage network which have sufficient capacity to cope with the additional run-off and discharges from the site. This would ensure that discharged from the site are appropriately managed and no increase the risk of flooding on-site or off-site.

52. No objection has been received from the Environment Agency, Internal Drainage Board or Anglian Water and I am satisfied that the development is acceptable and would not have an unacceptable adverse impact on the water environment or flood risk. Suitable flood resilience/resistant measures have been designed into the building, as requested by Boston Borough Council, and therefore the proposal does not conflict with the objectives of policies contained within the NPPF or Policies SELLP Policies 2 and 4.

Sustainability

53. The design and specifications of the materials to be used throughout the building would meet British Standards (where applicable) and fully comply with Building Regulations. The design of the school incorporates the standards and principles set out in Department for Education's Building Bulletin 104 which contains guidance for buildings and grounds at special educational settings. The applicant states that whilst the building will not apply for a BREEAM rating, the design of the building and materials selected are such that it would realise the equivalent of a 'very good' rating. The development therefore accords with the principles of both the NPPF

and SELLP Policy 31 which both encourage and seek to ensure that new development proposals are designed to provide maximum energy efficiency through their location, layout and design including the orientation of buildings in order to maximize solar gain and/or where practical the use of energy from renewable resources.

Human Rights

54. The Committee's role is to consider and assess the effects that the proposal will have on the rights of individuals as afforded by the Human Rights Act (principally Articles 1 and 8) and weigh these against the wider public interest in determining whether or not planning permission should be granted. This is balancing exercise and a matter of planning judgment. In this case, having considered the information and facts as set out within this report, should planning permission be granted the decision would be proportionate and not in breach of the Human Rights Act and the Council would have met its obligation to have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

Final Recommendation

55. Having taken into account the comments received and having assessed the application against local development policies contained within the adopted South East Lincolnshire Local Plan, subject to suitable planning conditions, I am satisfied that from the County Planning Authorities perspective, 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. It is therefore recommended that planning permission be granted.
56. However, and in the event that Sport England maintains its objection to the proposal before the application is considered by the Planning & Regulation Committee, should the Committee resolve to grant planning permission then it is recommend that the application be referred to the Secretary of State for their final decision.

RECOMMENDATIONS

- A). That planning permission be granted subject to the conditions set out below; and
- B). In absence of confirmation from Sport England that it withdraws its objection and the Committee resolves to grant permission as recommended in (A), that the application be referred to the Secretary of State for his determination under powers granted Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Commencement

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Documents and Plans

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 details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:

Documents

- Planning application form; Design & Access Statement; Arboricultural Assessment; Ecological Appraisal (dated stamped received 25 July 2019);
- Flood Risk Assessment, Transport Assessment; School Travel Plan (date stamped received 1 August 2019)

Drawings/Plans

- BJF-ALA-00-XX-DR-L-0001 Rev.P09 – Landscape Illustrative Masterplan
- BJF-ALA-00-XX-DR-L-0002 Rev.P07 – Landscape General Arrangement
- BJF-ALA-00-XX-DR-L-0003 Rev.P04 – Tree Retention and Removal Plan
- BJF-ALA-00-XX-DR-L-0004 Rev.P05 – Site Sections 1 of 2
- BJF-ALA-00-XX-DR-L-0007 Rev.P07 – Site Sections 2 of 2
- BJF-ALA-00-XX-DR-L-0008 Rev.P05 – Access and Circulation
- BJF-ALA-00-XX-DR-L-0009 Rev.P06 – Existing Site Plan
- BJF-ALA-00-XX-DR-L-0010 Rev.P04 – Secure Line Plan
- BJF-ALA-00-XX-DR-L-0013 Rev.P11 – Fencing General Arrangement
- BJF-AWP-XX-XX-DP-C-4000 Rev.P06 – Proposed Foul & Surface Water Layout
- BJF-BSD-ZZ-XX-DR-E-6305 - Proposed External Lighting Layout
- BJF-KBS-XX-XX-DR-A-1205 Rev.P04 – GA Floor Plans
- BJF-KBS-XX-XX-DR-A-1210 Rev.P05 – Roof Plan
- BJF-KBS-XX-XX-DR-A-1350 Rev.P07 – Proposed Elevations
- BJF-KBS-XX-XX-DR-A-1351 Rev.P09 – Proposed Courtyard Elevations
- BJF-KBS-XX-XX-DR-A-1400 Rev.p05 – Proposed GA Sections.

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

Pre-commencement conditions

3. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the County Planning Authority. The CTMP shall include details of measures to be adopted to minimise and mitigate potential impacts of traffic during the construction works including measures to ensure vehicles do not leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway and the hours of working for construction activities.

The approved plan shall thereafter be implemented and carried out in full accordance with the approved details.

Reason: To minimise the impacts of the construction operations on nearby residents.

Landscaping & Ecology

4. In the first available planting season following the completion of the construction of the development hereby permitted, soft landscape planting and fencing 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.
5. All trees and shrubs not scheduled for removal and which are to be retained as part of the development shall be protected during the construction works in accordance with the recommendations of BS5387 'Trees in relation to design, demolition and construction – recommendations'. All protection fencing, barriers and measures implemented to protect trees and shrubs shall be maintained during the course of the construction works on site and be removed following their completion.

Reason: To minimise the impact of the development on the local landscape in the interests of visual amenity.

6. No soil stripping or vegetation clearance works shall be undertaken between March and September inclusive unless otherwise agreed in writing with the County Planning Authority. If these works cannot be undertaken outside this time, the land affected 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: In the interests of safeguarding nesting birds that are protected by law.

Use Agreements and Sports Provisions

7. Prior to the development hereby permitted being first brought into use, a Community Use Agreement which would extend access and use of sports facilities (e.g. playing field/pitches, hardcourt netball court and MUGA) within the Boston St Nicholas Primary School site (as identified falling within the land edged blue on Drawing BJF-ALA-00-XX-DR-L-0009 Rev.P06) shall be submitted for the approval of the County Planning Authority, in consultation with Sport England. The agreement shall include details of the hours of use; means of access to the facilities and car park by non-school users; pricing policy; management responsibilities; and a mechanism for review of the Community Use Agreement.

The Community Use Agreement shall thereafter be implemented in full unless varied by the parties to the agreement.

8. Prior to the development hereby permitted being first brought into use, a Use Agreement which would extend access and use of the specialist indoor facilities (e.g. hydrotherapy pool, sensory and physiotherapy rooms) within the SEND school hereby permitted (as identified falling within the land edged red on Drawing BJF-ALA-00-XX-DR-L-0009 Rev.P06) shall be submitted for the approval of the County Planning Authority, in consultation with Sport England. The agreement shall include details of the hours of use; means of access to the facilities and car park by non-school users; pricing policy; management responsibilities; and a mechanism for review of the Use Agreement.

The Use Agreement shall thereafter be implemented in full unless varied by the parties to the agreement.

9. Prior to the development hereby permitted being first brought into use, details of the maintenance/improvement works to be carried out to the retained playing field spaces falling within the Boston St Nicholas Primary School site (as identified falling within the land edged blue on Drawing BJF-ALA-00-XX-DR-L-0009 Rev.P06), together with the timescale for implementation shall be submitted for the approval of the County Planning Authority, in consultation with Sport England. The approved works shall thereafter be carried out in accordance with the approved timescale.

Reason: To secure improvements to the retained playing field as well as well managed and safe access to the sports and specialist therapy and treatment facilities across both sites to ensure benefits to the wider community and population.

Travel Plan

- 10. Notwithstanding the details contained in the School Travel Plan (reference: RT112023-02) (date stamped received 1 August 2019) within 12 months of the development hereby permitted being occupied an updated and revised Travel Plan shall be submitted for the written approval of the County Planning Authority.

Thereafter an annual review of the approved Travel Plan shall be undertaken and the results of this review shall be made available to the County Planning Authority upon request. The school shall ensure that the objectives and initiatives to promote and support sustainable travel are fulfilled in accordance with the Travel Plan.

Reason: To support and ensure that appropriate measures are taken so as to encourage staff and pupils to use more sustainable modes of transport.

Informatives

Attention is drawn to:

- (i) Letter from Anglian Water letter dated 10 October 2019; and
- (ii) In dealing with this application the County Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application and seeking further information to address issues identified and processing the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

Appendix

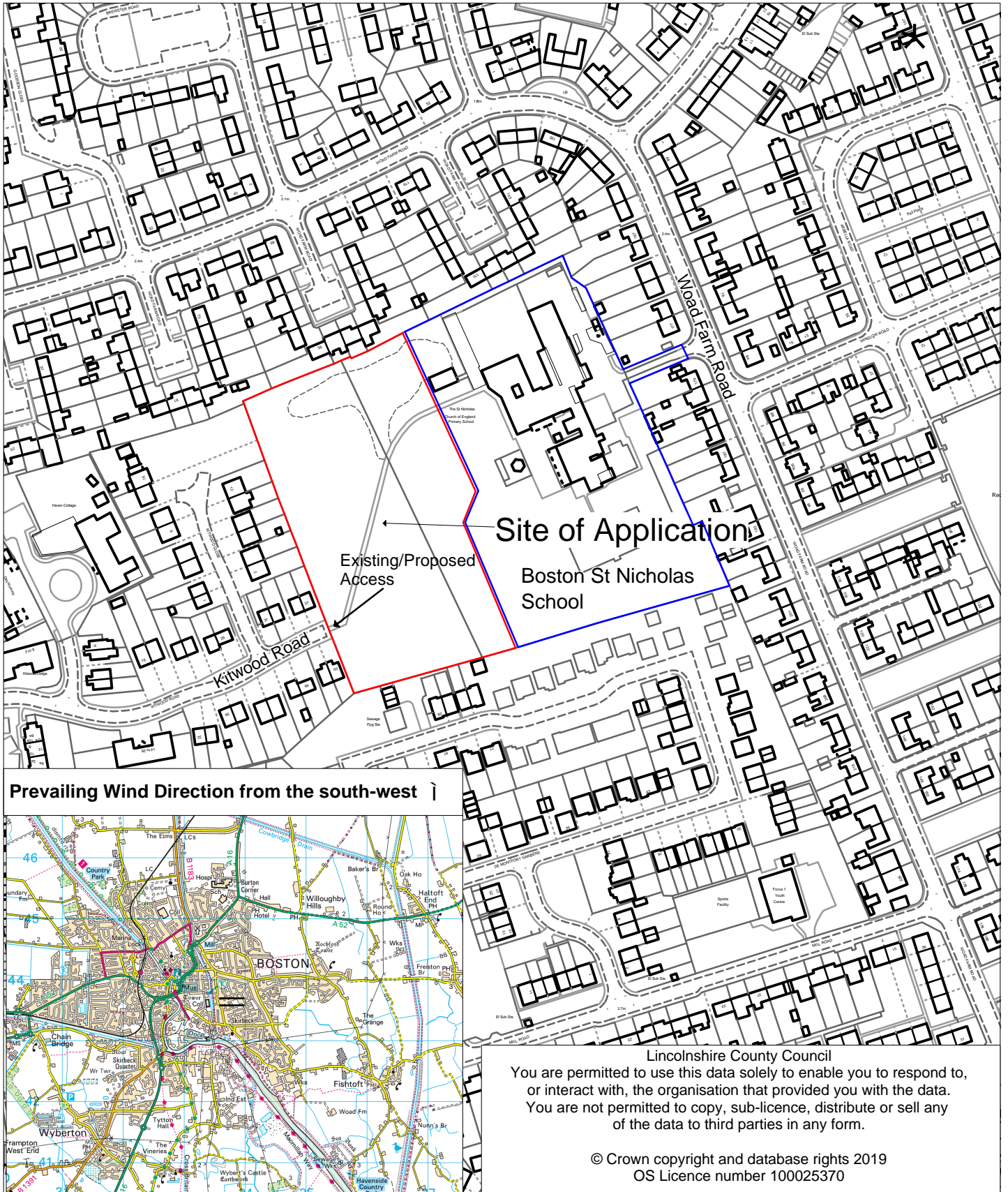
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

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 B/19/0381	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012)	The Government's website www.gov.uk
South East Lincolnshire Local Plan 2011-2036 (Adopted March 2019)	Boston Borough Council's website www.myboston.gov.uk

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



Location:
Land off Kitwood Road, Boston

Description:
To construct a Special Educational Needs and Disability (SEND) school with associated external spaces works, parking and new vehicular and pedestrian access off Kitwood Road

Application No: B/19/0381
Scale: 1:2500

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