

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

Report to:	Planning and Regulation Committee
Date:	6 February 2017
Subject:	County Matter Application - L/1076/16

Summary:

Planning permission is sought by Veolia ES (UK) Ltd to demolish an existing building and to construct a new building which would be used to accommodate a waste transfer station along with associated development including a new weighbridge, relocation of existing wash bay, diesel tank and re-alignment of existing fence line at the Veolia site, Long Leys Road, Lincoln.

The proposed development would replace an existing redundant building which has been used in conjunction with the existing and continuing use of the wider site for empty bin/skip storage and as a HCV depot and HCV repair workshop. The proposed new building would be used for carrying out waste transfer operations including the segregation and shredding of approximately 46,500 tonnes per annum of non-hazardous commercial and industrial waste materials consisting of mainly dry mixed recyclables such as plastics, paper, cans, glass and card. The recyclable materials would be tipped and stored for a short period of time before being bulked up and sent off site for re-use elsewhere. Any general/residual waste materials which are not capable of being individually re-used/recycled would be shredded to produce Refuse Derived Fuel (RDF) before being transported off site for use at other facilities. As well as the new building it is also proposed to install a weighbridge as well as the relocation of a number of existing operations within the site including the vehicle washing facility and fuel tank to allow a better circulation of vehicles around the site.

Recommendation:

The proposed development has been considered against the relevant development plan policies and the comments received through consultation and publicity. This assessment has concluded that it is not possible to impose a condition that would restrict the hours of operation to the day-time period and it has not been demonstrated that the development can take place during the night-time period without causing an unacceptable impact on the amenity of local residents. Consequently this is in conflict with development plan policies and it is recommended that planning permission be refused.

Background

1. The Veolia Depot is located on the site of a former Old Albion clay pit and brick works which was subsequently landfilled with inert waste as a means to restore the site. More recently the site has been used for the carrying out of a number of waste management related activities including as a waste transfer station and skip hire business until it was purchased in 2007 by Veolia and has since been used as a logistics depot for their 12 Refuse Collection Vehicles (RCV). The site currently has three planning permissions granted by the City of Lincoln Council which cover the erection of buildings and offices at the site. There are no restrictions or conditions on these permissions which restrict or limit the hours of operation for these permitted uses.

The Application

2. Planning permission is sought by Veolia ES (UK) Ltd to demolish an existing building and to construct a new building which would be used to accommodate a waste transfer station along with associated development including a new weighbridge, relocation of existing wash bay, diesel tank and re-alignment of existing fence line at the Veolia site, Long Leys Road, Lincoln.
3. The facility would accept 46,500 tonnes per annum of non-hazardous commercial and industrial waste materials predominantly comprising of dry mixed recyclables such as plastics, cans, paper, glass and card. The waste materials would be sourced from offices and industrial premises, predominantly within Lincolnshire (approximately 95%) which contract Veolia to collect and dispose of their waste. Some of the imported waste materials would be source segregated and upon arrival at the site would be tipped, baled and stored by type inside bays within the proposed building prior to being bulked and transported off-site for further recycling. It is proposed that glass would be brought to site three days per week and exported off-site for further recycling every two weeks. Any residual/general wastes which are not capable of being individually recycled/re-used would be shredded using dedicated plant/machinery to produce a Refuse Derived Fuel (RDF) which would then be stored within the building before being loaded into bulker vehicles and transported off-site for further treatment elsewhere

Existing and Proposed Buildings

4. The existing building scheduled for demolition (Photograph 1) is used for general storage and is constructed of brick and has an asbestos sheet roof. The building is approximately 32 metres long by 11 metres wide with a height to the pitch of approximately 6 metres.
5. The proposed new building would be of steel frame construction with double-skinned profiled steel clad walls and a pitched roof (approximately 10.5 metres to the eaves and 12 metres to the pitch). The building would be coloured goosewing grey (BS:10A05) and internally the lower portion of the walls would also comprise of pre-cast concrete push wall panels to a height of 4.0 metres. The building would be L-shaped and sub-divided into three distinct areas. The

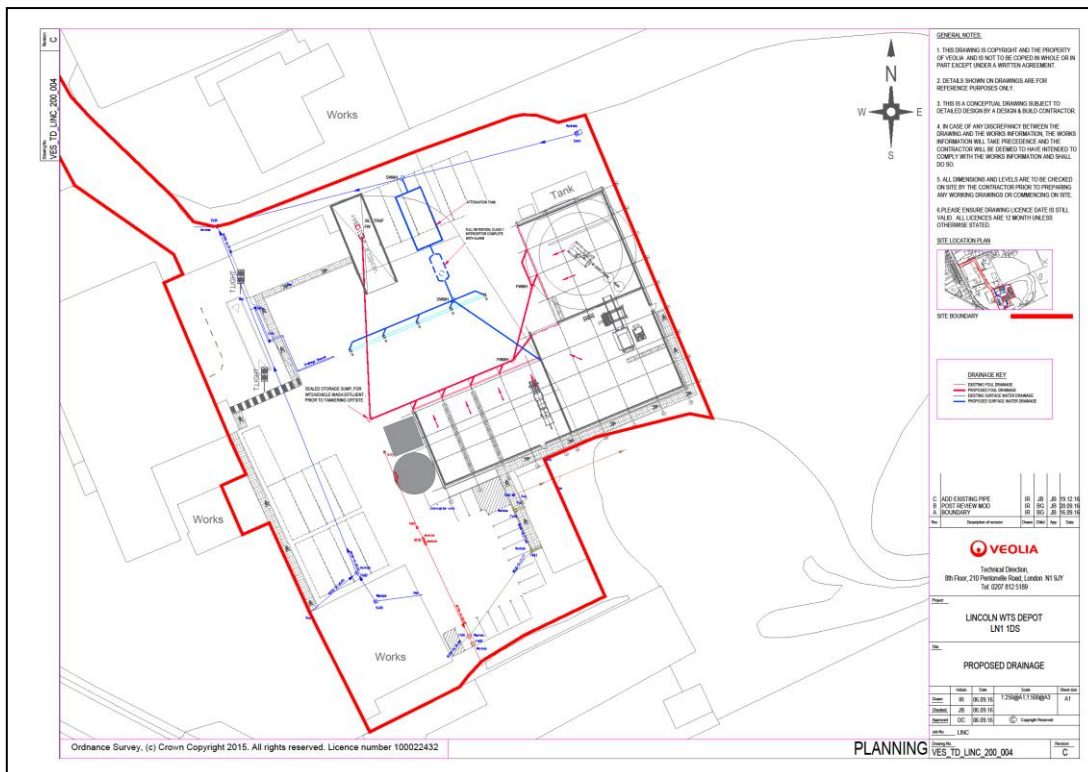
south western arm of the building would be used to receive source segregated dry mixed recyclables and house storage bays and a baler. The south eastern corner of the building would receive general/residual waste materials where they would be deposited and shredded using plant and equipment housed within this area. The north eastern arm would receive the shredded general/residual wastes where it would be bulk stored before being exported off site for use as Refuse Derived Fuel (RDF). Each section of the building has been designed to enable vehicles to enter and be unloaded/loaded under cover. Overall the orientation of the vehicular access points of the building have been designed so as to be inward facing and wholly screened from views beyond the boundary of the site.



Photograph 1 – Existing building to be demolished

6. The following table gives further details of the proposed building together with the proposed uses and the location of doors and openings. Plan 1 illustrates the general layout of the proposed site including the proposed drainage arrangements for the site.

Section/orientation	Dimensions (L x W)	Uses/Operations	Openings/elevation
North eastern arm	21m x 18m	Bulking up of shredded RDF	Open fronted to west elevation but with a block wall to a height of four metres to form a retaining wall of a bay to be used for the storage of shredded RDF
South eastern corner	24m x 21m	Reception for non-source segregated wastes and shredding operations	Fully enclosed with the exception of a roller shutter door to north elevation and pedestrian emergency door to the east elevation
South western arm	27m x 16m	Bays for the direct deposit and bulk storage of source segregated wastes (e.g. glass, card and dry recyclables) along with baling operation	Open fronted to northern elevation



Plan 1 - General layout of the proposed site including drainage

Highways, Access and Transportation

7. The site is accessed via an existing private road which leads off Long Leys Road and which is shared by a number of commercial and industrial businesses including a food manufacturer, cement works and vehicle repair workshop. Following comments received from the Highways Officer during the consideration of this application, the applicant has agreed to carry out improvements to widen the entrance of this access road in order to allow two RCV vehicles to pass one another without difficulty. The applicant's existing RCV fleet would be used for the importation of commercial and industrial waste and the proposed waste transfer operations would result in an additional number of bulk carrier vehicles visiting the site to collect both the segregated waste and RDF. It is therefore projected that the number of daily RCV/HCV movements (calculated on the basis that an in and out equates to two movements) would be between 24 per day to a maximum of 50 per day. The site would also employ an additional three people to operate the waste transfer station and so there would be a limited amount of additional traffic associated with these staff.

Environmental and Amenity Impacts and Mitigation

8. The applicant states that measures would be adopted to ensure that the risks to the environment and surrounding areas are minimised and that the site would be operated in accordance with the environmental controls imposed by an Environmental Permit (issued by the Environment Agency). An outline and summary of the main environmental issues considered and measures to minimise any adverse impacts are set out below.
9. Noise: A noise assessment has been carried out in accordance with BS4142:2014 and measurements were taken at the boundary of the site with Albion Close, Long Leys Road (south east of site) and Long Leys Road (northwest of site). The assessment considers the potential noise impacts arising from the waste transfer operations on the nearby residential properties during the daytime hours only (07:00 to 18:00 hours). The assessment shows that the predicted noise levels from the operation of the waste transfer station would not exceed representative existing background sound levels (identified as being 44dB to 50dB LA90) during the daytime. During the night-time period the background levels at the nearest sensitive receptors are recorded as being around 40dB LA90 but as the waste transfer operations are not proposed to take place during night-time hours no assessment has been conducted to identify or demonstrate if noise from those operations would be at a level that complaints are likely.

In order to ensure that noise levels from the site during the day-time are within the range identified, the proposed building would be constructed in accordance with the recommendations of the noise assessment and shredding operations would not occur unless the roller shutter doors are closed. All mobile plant would be fitted with broadband type noise reverse alarms (i.e. non-beeper type).

For the construction phase, an additional assessment in accordance with BS5228:2009 has concluded that it is likely that during peak noise periods noise levels would exceed typical residual noise levels however these would only be a temporary noise situation and best practice measures would be employed to mitigate this construction noise to a reasonable level. The construction period would be carried out over a period of 35 weeks.

In terms of noise from traffic, it is concluded that the additional HCV movements associated with the operations would not result in significant impact on nearby sensitive receptors.

10. Odour/Dust: The proposed waste streams would be sourced from commercial and industrial premises and largely comprise of dry mixed recyclables such as plastics, paper, card and glass. The applicant states that trade wastes tend to differ from general household wastes insofar as they typically contain less food or other putrescible wastes and as a result are unlikely to give rise to significant levels of odour. However, an odour assessment has been conducted by the applicant that sub-divides the operations into three main phases and identifies the potential sources of odour in each case along with details of the mitigation measures to be adopted to ameliorate any impacts that could arise. These are summarised as follows:

- i) Delivery and Reception – all vehicles would reverse into the relevant section of the building and unload into a designated area where the waste would be checked by the operatives to ensure that the incoming wastes conform to the permitted waste types in accordance with the planning permission and Environmental Permit. Any heavily contaminated loads would be rejected.
- ii) Waste Transfer Station and Refuse Derived Fuel – wastes would be stockpiled according to type and only the non-source segregated and general/residual wastes would pass over a magnetic trommel to remove metals and be fed into the shredder. Holding times would be minimal prior to processing and no RDF would be retained in the corner building overnight. An odour suppression spray system would be maintained and operational during the shredding process and all doors in this building would be closed during the operation of the trommel and shredder. The output bay of the shredding operation would have a separate odour suppression spray system and the shredded RDF would be removed off-site daily. The source segregated material would not give rise to odour.
- iii) Waste Dispatch – all waste materials would be transported off-site by a registered waste carrier in sheeted or containerised vehicles. With the exception of glass or the occasional late delivered load, all wastes would be removed from the site daily and therefore this would reduce its residency time and thus the potential for odours.

Notwithstanding the management of waste types at the site any loads identified as contaminated at the time of collection will be diverted away to permitted organic treatment facilities. The odour suppression system would be

water based and operate simultaneously as a dust suppression system and so therefore also help to minimise any dust emissions associated with the handling of wastes and their transferal to and from vehicles. This system will be installed in the building as part of the construction work and will operate when there is a need to maintain a high humidity level.

11. Litter: The transfer of waste materials would be carried out entirely within the confines of the building and this would minimise the potential for windblown litter. The wider site would however be subject to regular inspection to ensure any fugitive litter collected and therefore reduce the potential for any litter off-site.
12. Vermin: As indicated the proposed waste streams are not unlikely to attract vermin as they do not tend to contain food or other putrescible wastes. Notwithstanding this all waste materials would be handled and stored within the proposed building and the building would be maintained to keep it weatherproof. The applicant also states that wastes would be retained on site for a minimal period of time (i.e. one day) and this would therefore reduce the risks of vermin. A specialist pest control contractor would also be employed in the event of vermin being identified as an issue.
13. Fire Safety: The applicant proposes to remove wastes and clear the storage bays daily thereby minimising the risks and potential for fire. In addition no waste would be stored outside of the building at any time. The proposed development does however make provision for a fire water holding tank and pump house which would connect to a sprinkler system within the building and to be used for firefighting purposes.
14. Flood Risk and Drainage: Given the area and location of the site a Flood Risk Assessment is not technically required however an evaluation of potential flood risk has been carried out by the applicant. This evaluation considered whether the proposed development is likely to contribute to flooding elsewhere and identified that the site is located some distance from high flood risk areas which are located to the west principally in the Saxilby Road/West Common area and are associated with Catchwater Drain/Fosseydyke Canal. Overall it is concluded that the site would not contribute to increasing flood risk in the area and would significantly improve the existing arrangement on the site and reduce any potential risk of flooding elsewhere.
15. In terms of site drainage, following the initial consultation response from Anglian Water Services, the applicant carried out further investigations to identify and assess the existing surface and foul water drainage arrangements at the site. Following these investigations a revised drainage strategy/design has been submitted which proposes to direct the limited volumes of any additional foul waters arising from the waste transfer building to a sealed storage sump where they would be retained and, once they reach a defined level, would be tankered off-site to an authorised treatment/disposal facility elsewhere. Surface water run-off derived from the roof of the new building and the existing yard would be directed (via an oil interceptor) to an attenuation tank where they would then be held prior to being discharged at a controlled

rate into the existing surface water sewer system. The proposed attenuation system would be designed to accommodate all storm events up to and including the 1:100 years + 20% for climate change and ensure that there is no net increase in the discharge rate of surface waters from the site. The applicant argues that a more sustainable drainage system is considered difficult to implement given the extensive concrete hardstanding and the neighbouring site formerly being a landfill site.

Hours of Operation

16. The applicant proposes that whilst the use of the whole site as a logistics depot would continue to operate without restriction, all operations associated with the waste transfer station would be restricted to the following hours of operation:

07:00 to 18:00 hours Monday to Friday;
07:00 to 17:00 hours Saturday; and
No operations on Sundays and Public Holidays.

Relocation of Existing Infrastructure and Proposed Weighbridge

17. To accommodate the new building the existing vehicle washout bay and diesel fuel tank would be re-located to the northern sector of the depot. The washout bay is of a type which would re-circulate any wash waters generated and would not contribute to any increased discharge to the existing sewer system. The relocation of this infrastructure would also permit the site to operate effectively including allowing the RCVs to enter and leave the depot in a forward gear.
18. The new weighbridge would be sited at surface level and located at the entrance to the depot complex and fitted with a traffic light system to ensure vehicle and pedestrian safety. The proposed realignment of the palisade fencing at the entrance to the depot would also create space to allow RCVs to wait some distance from the publicly maintained highway should another vehicle be exiting the site via the new weighbridge and therefore ensure that queueing vehicles do not pose a highway safety risk.

Site and Surroundings

19. The proposal site covers an area of 0.9 hectares and is accessed from Long Leys Road via a private road which is shared with a number of other industrial and commercial premises, including a cement works, food manufacturer and distributor, car body repair works and the storage yard for builder's supplies. To the south of the site is the garden of the nearest residential property screened by a substantial bank with shrubs and trees planted on top. The house itself is also screened from the site by the existing depot vehicle workshop which measures approximately 10 metres to the pitch and abuts the southern boundary of the depot. Further along the southern boundary, running in an easterly direction, is a 2 metre high fence backed by mature trees (to heights of approximately 8 metres) and in this area the ground falls away in a

southerly direction which contributes to screening the site from views from the city centre, West Common and the West End. Further to the south of the site is Hobbler's Hole designated as a Site of Nature Conservation Importance (SNCI) and within an area identified as Green Wedge, Critical Natural Asset and Basic Natural Stock.

20. The land further to the east of the former Albion Works landfill site (Photograph 2) rises steeply to an elevation 38 metres above the level of the Veolia depot toward Yarborough Road (approximately 400 metres from the proposed site) where approximately six houses would have limited views from the first floor of the roof and rear elevation of the proposed new waste transfer building.



Photograph 2 – Albion Works Landfill rising to Yarborough Road/Burton Road Roundabout

21. Immediately to the north of the Veolia depot is a car body repair shop building (approximately 12 metres to the roof pitch) and associated stocking yard, which in turn lies to the west of an area of unkempt vegetated waste land bound by a hedgerow of shrubs and mature trees which separates the application site from Albion Close (approximately 150 metres further to the north).
22. The site is wholly screened from views from properties to the west of Long Leys Road and West Common by the buildings and stocking yard of the builders' supplies and the food manufacturing factory.

Main Planning Considerations

National Guidance

23. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development. The main

policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 14 states that there is a presumption in favour of sustainable development and that planning law requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Paragraph 17 sets out the 12 core land-use planning principles that should underpin both plan-making and decision-taking.

Paragraph 32 states that development should only be refused on transport grounds where the residual cumulative impacts of developments are severe.

Paragraph 60 directs planning decisions that do not impose architectural styles but promote development that reinforces local distinctiveness.

Paragraph 103 directs planning authorities to ensure flood risk is not increased elsewhere.

Paragraph 120 states that planning decisions should ensure that new development is appropriate for its location and that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the areas or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 121 requires decisions that have taken into account the former activities on the site and the potential for resulting contamination.

Paragraph 122 states that local planning authorities should focus on whether the development itself is an acceptable use of land and the impact of the use, rather than the control of processes or emissions themselves where they are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

Paragraph 123 requires decision makers to consider impacts of new development on the amenity of neighbouring properties and land users.

Paragraph 124 requires planning decisions that ensure new development in Air Quality Management Areas is consistent with the local air quality action plan.

Paragraphs 186 and 187 state that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with the applicant to secure developments that improve the economic, social and environmental conditions in the area.

Paragraphs 203 - 206 require local planning authorities to consider whether otherwise unacceptable development could be made acceptable through the use of condition and/or Planning Obligations and only impose conditions where they are necessary, relevant to planning and to development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 215 states that 12 months after the publication of the NPPF (2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF, with the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given. This is of relevance to the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) and the City of Lincoln Local Plan 1998.

Paragraph 216 advises that weight may also be given to relevant policies contained within emerging plans with greater weight being afforded to taking into account their stage of preparation and/or the extent to which there are unresolved objections to relevant policies. This is of relevance to the Draft Site Locations Document – Preferred Site and Areas of the Lincolnshire Mineral and Waste Local Plan (December 2015) and the Submission Draft Central Lincolnshire Local Plan (April 2016) which is currently undergoing Examination.

24. National Planning Policy for Waste (NPPW) (October 2014) - requires that in the determination of planning applications consideration is given to the impact of the waste development on the surrounding area, pushing waste up the Waste Hierarchy and contains a set of locational criteria against which proposals for new waste development should be assessed, including protection of water quality and flood risk management, landscape and visual impacts, nature conservation, conserving the historic environment, traffic and access, odour and noise.

Local Plan Context

25. Lincolnshire Minerals a Waste Local Plan: Core Strategy & Development Management Policies (CSDMP) (June 2016) – this document was formally adopted on 1 June 2016 and as a recently adopted document the policies contained therein should be given great weight in the determination of planning applications. The key policies of relevance in this case are as follows (summarised):

Policy W1 (Future requirements for new waste facilities) directs the County Council, through the Sites Allocation document, to identify location for a range of new or extended waste management facilities within Lincolnshire where these are necessary to meet the predicted capacity gaps for waste arisings in the County.

Policy W3 (Spatial Strategy for New Waste Facilities) states that proposals for new waste facilities, including extensions to existing waste facilities, will be

permitted in and around main urban areas subject to the criteria of Policy W4. One of the main urban areas identified includes Lincoln.

Policy W4 (Locational Criteria for New Waste Facilities) states new facilities will be permitted in and around the main urban areas provided they would be located in appropriate locations/sites (as identified) and accord with all relevant Development Management Policies set out in the plan. Such locations/sites include:

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

Policy DM1 (Presumption in Favour of Sustainable Development) states that when considering development proposals, the County Council will take a positive approach. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy DM2 (Climate Change) states that proposals for minerals and waste management developments should address the following matters where applicable:

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

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

Policy DM6 (Impact on Townscape) – provided that due regard has been given to the likely impact of the proposed development on the townscape including valued and important views. Development that would result in residual, adverse visual impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme.

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

Policy DM14 (Transport by Road) states that planning permission will be granted for minerals and waste development involving transport by road where the highways network is of appropriate standard for use by the traffic generated by the development and arrangements for site access would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity or the environment.

Policy DM15 (Flooding and Flood Risk) states that waste developments will need to demonstrate that they would not increase the risk of flooding to the surrounding area.

Policy DM16 (Water Resources) states that planning permission will be granted where due regard is given to water conservation and efficiency.

Policy DM17 (Cumulative Impacts) states that planning permission will be granted for minerals and waste developments where the cumulative impact would not result in significant adverse impacts.

26. City of Lincoln Local Plan 1998 – as confirmed by the NPPF, due weight should be given to relevant policies within the plan according to their degree of consistency with the policies of the NPPF. The following policies are of most relevance to this proposal:

Policy 34 (Design and Amenity Standards) which seeks new building to be of a scale, mass, height, design and external appearance that complements the townscape character of the locality and where the amenities which occupiers of neighbouring properties may reasonably expect to enjoy must not be harmed by, or as a result of, the development;

Policy 38A (Contaminated Land) states that where it is known or strongly suspected that contamination may exist on or adjacent to a proposed site, developers will be required to undertake investigations and provide details of measures to deal with the contamination. However, where there is only a suspicion that land may be contaminated or where evidence suggests there may be only slight contamination, a condition will be attached to a planning permission requiring that development must not start until a site investigation and assessment has been carried out.

Policy 38B (Landfill) states that where development proposals within 250 metres of land which is, (or has, within the last thirty years, been) used for the deposit of refuse or waste, shall incorporate a statement explaining the presence of, or potential for, migrating substances such as landfill gas and what mitigating measures are to be included within those development proposals. Planning permission will not be granted in the absence of satisfactory details and mitigation proposals.

Policy 38F (Flood Risk) requires all proposed development to consider Flood Risk elsewhere.

Policy 40 (Foul/Sewerage Disposal) directs proposed developments to address the management of the disposal of foul water and sewerage.

Policy 44A (Critical Natural Assets) seeks to protect other critical natural assets from adjacent development that may harm ecological, landscape qualities and interest of the site and the designated area.

Policy 44B (Basic Natural Stock) seeks to protect the ecological, landscape, recreational or other amenity value or interest of the area.

Policy 52A (Green Wedge) seeks to protect green space within the city.

Policy 67A (Existing Allocations for Business and Industry) states that planning permission will be granted, at locations listed, for the development and changes of use between business, general industrial, storage and distribution, or other use, as specified:

IB19 Land north of Long Leys Road – B1(c) any industrial process which can be carried out in a residential area without detriment to the amenity of that area.

Where an existing use, in the above location, does not conform to the range of uses set out above, planning permission will be granted for its further development, provided it does not worsen the quality of the environment or conflict with other policy objectives.

Policy 104 (Long Leys Urban Village) states that Additional development proposed as part of the present industrial uses at the Albion Works area will be approved where it:

- is contained within the present curtilage of the industrial area as shown on the Proposals Map;
- does not impinge adversely on neighbours' amenities, through noise, vibration, fumes, smell, soot, ash, dust, grit or other pollution, including from traffic generation and visual intrusion.

27. Central Lincolnshire Local Plan (CLLP) (Proposed Submission Draft – April 2016) – this plan will eventually replace the current Local Plans for the City of Lincoln, West Lindsey and North Kesteven District Councils. Given its stage of preparation, in line with paragraph 216 of the NPPF, the policies contained within this document currently carry more weight in the determination of planning applications, given that the plan is now at the examination stage. The key draft policies that are of relevance in this case are as follows:

Policy LP1 (Presumption in Favour of Sustainable Development) emphasises the need to take a positive approach in the presumption in favour of sustainable development contained in the NPPF where there are no identifiable adverse impacts.

Policy LP2 (The Spatial Strategy and Settlement Hierarchy) defines the Lincoln Urban Area in respect of job opportunities.

Policy LP5 (Delivering Prosperity and Jobs) identifies important established employment areas and permitted uses. This includes Long Leys Road and identifies the existing/suitable uses as those falling within B1, B2 and B8.

Policy LP14 (Managing Water Resources and Flood Risk) states that all development will demonstrate how the water environment is protected including efficient use of water and not adversely affecting surface and ground water quality and provide adequate foul water disposal.

Policy LP16 (Development of Land affected by Contamination) states that new development will only be permitted if it can be demonstrated that the site is suitable for its proposed use.

Policy LP17 (Landscape, Townscape and Views) seeks to protect and enhance the intrinsic value of our townscape including cumulative impacts.

Policy LP18 (Climate Change and Low Carbon Living) supports development where proposals contribute towards minimising water consumption and travel.

Policy LP21 (Green Wedges) states that development proposals adjacent should demonstrate that they do not adversely impact on the function of the Green Wedge.

Policy LP26 (Design and Amenity) requires developments to demonstrate efficient use of land, relate well to site and surroundings and how the amenity of neighbouring residents and land users have been considered.

Results of Consultation and Publicity

28. (a) Local County Council Member, Councillor Robert Parker – has indicated that he will speak at the Planning and Regulation Committee meeting but has provided a statement (summarised).

I have been County Councillor for this area for nearly 28 years and have lived nearby for over 30 years so know the area pretty well. I agree with and support the detailed objections submitted on behalf of local residents and businesses and ask that serious account is taken of that but also would expand with regard to:

- Land Use: The proposed use does not accord with the City of Lincoln Local Plan 1998 which designates use of land north of Long Leys Road as being in class B1 (office and small scale industrial) and conflicts with Policy 104 of the Local Plan created the Long Leys Urban Village Special Policy Zone which says, 'Additional development proposed as part of the present industrial uses at the Albion Works area will be approved where it...does not impinge adversely on neighbours' amenities. I would suggest that such an approach by the applicant flies in the face of National Planning Policy Framework Policy 17 which is about empowering local people to shape their surroundings.
- Physical Impact: concerns about dust, noise, odour and light pollution in a mostly residential community, the scale, massing and height of the proposed building is out of keeping with the concept of the Long Leys Urban Village.
- Traffic: safety implications associated with traffic movements into and out of the site with the increased number of lorry movements. I am Chair of the Carholme Community Forum, which also operates as

the local Policing Forum, and 'Speeding along Long Leys Road' is one of the three Local Policing Priorities. Many of the local children attend the three nearby primary schools and walk along Long Leys Road twice a day. The access road to the site crosses the public footpath, will increase the risk of accidents to pedestrians and children.

- Community: Under this heading, Alex Rosen and Joanne Mead on behalf of residents set out detailed and realistic concerns about dust, noise, odour and light pollution and I have nothing to add.

I submit that the application should be refused.

- (b) Environment Agency (EA) – has no objection but requested that an informative be attached in respect of Environmental Permitting and the storage of fuel/oil.
- (c) Environmental Health Officer (Lincoln City Council) – identified that the site may be on or in the vicinity of contaminated land and advised that a risk assessment be carried out prior to development commencing or a condition be attached to a decision to carry out an assessment prior to commencement of the development. The EHO also commented that the submitted noise assessment appears to have been undertaken according to relevant accepted guidance and would not dispute the conclusions of the report. However, recommends that the hours of work during the construction period be restricted to protect the amenity of local residential properties.

With regard to odour, the proposal would be subject to an approved odour management plan under the terms of an Environment Agency Environmental Permit and in isolation is considered unlikely to have any significant impact on air quality but may contribute through a cumulative impact. However, this impact could be to be mitigated through the introduction of the provision of electric vehicle recharge points.

- (d) Highways and Lead Local Flood Authority – requests that a condition be attached to ensure that the arrangements shown on the submitted plans for the turning and manoeuvring of vehicles within the site are kept free from obstruction and available at all times and to ensure that vehicles wait clear of the carriageway off Long Leys Road and enter and leave the highway in a forward gear. It is also advised that the widening of the access onto Long Leys Road will need to be carried out and that these works would need to be agreed and secured by way of a Minor Works Agreement. It is therefore recommended that an Informative be attached to any decision notice issued advising the applicant of this requirement.
- (e) Lincolnshire Fire and Rescue – advises that the water main on Long Leys Road is of a reasonable size and acknowledges that the applicant is proposing to install a water tank and pump which can be used for firefighting purposes.

- (f) Anglian Water Services (AWS) – confirmed that the foul water drainage strategy is acceptable. The surface water drainage strategy is also acceptable in principle, however, it is commented that a discharge rate from the site would need to be established/agreed. AWS requested an informative be attached with regard to the Water Industry Act 1991.

29. The application has been publicised by notices posted at the site and in the local press (Lincolnshire Echo on 27 October 2016) and 26 letters of notification were sent to the nearest neighbouring residents. At the time this report was prepared two representations of support and 349 representations of objection had been received from local households, elected members of City of Lincoln Council, representatives of residents living in Albion Close, the residents associations for Long Leys Road and the West End, Cycling UK (Lincolnshire), the Lincoln Astronomical Society and local businesses. The comments received have been summarised/categorised as follows:

- Heavy Goods Vehicles – the increase in vehicle movements will have a detrimental effect on the highways infrastructure and safety of cyclists, pedestrians and residents, with particular concern for the safety of children.
- Hours of work – objections on the grounds that the operations proposed would be 24 hours a day and seven days a week and that this would have an unacceptable impact on local residents.
- Energy from Waste facility – objections have been received stating that the proposed energy plant is not appropriate in a residential area.
- Fuel manufacture – objections on the grounds that the development would introduce an industrial process into this locality which is not compatible with the nearby residential area.
- Landfill – objects received considered it inappropriate to re-open a dump in close proximity to residential properties.
- Odour –the wastes being brought to the site would be malodorous.
- Noise – that the site operating 24 hours a day and seven days a week would result in unacceptable noise levels, particularly at night.
- Fire – the waste being fuel presents an unacceptable fire risk.
- Vermin – the waste will attract rats, flies and birds.
- Litter – windblown litter will affect the area.
- Visual – the scale and design of the building is unacceptable in a residential area and would have a visual impact on West Common and the West End.
- Flood Risk – the proposed development would contribute to flood risk.
- Natural Environment – the proposed development is a threat to protected wildlife on the West Common and Hobbler's Hole.
- Open Space – the proposed development would pose a health risk to those using West Common and Whitton's Park.
- Urban Village – the development is inappropriate in close proximity to Long Leys Urban Village.
- Health – the proposed development will have a detrimental effect on the physical and mental health of local residents.

District Council's Recommendations

30. City of Lincoln Council has commented that when considered in context with the existing adjacent commercial buildings, the proposed new building would be acceptable. However, the proposed use is not considered to be appropriate in this location given the potential impacts upon adjacent residential properties and those in the wider area through noise and disturbance as a result of the site operations and increased vehicle movements.
31. It is added that whilst the proposed hours of operation for the waste transfer operations have been cited, the hours of work for the existing operations would continue and although the supporting statement advises that it is unlikely for future operations to be undertaken at night, the applicant wishes to retain this flexibility as a contingency. The council is concerned that the applicant would seek an unrestricted consent which would therefore exacerbate the impacts upon the amenities of nearby residential properties and as such it is concluded that the site is not appropriate and would be better suited to a larger industrial estate where there is not such a close relationship with neighbouring properties. Overall it is therefore concluded that the proposal would be contrary to the City of Lincoln Local Plan Policies 34 and 67A and also guidance within National Planning Policy Framework.

Conclusion

32. The key statutory test for determining planning applications is set out in Section 38 (6) of the Planning and Compulsory Act 2004 which states that regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
33. The key issues to consider in relation to this application are the principle of the development in this location and whether the development would give rise to any potentially adverse environmental and/or amenity impacts (e.g. visual, noise, traffic, etc.) such that the development would be unacceptable and therefore warrants refusal.

Need

34. Policy W1 of the CSDMP supports the development of waste management facilities where these are necessary to meet the predicted capacity gaps for waste arisings in the County. In this case the proposed development would receive dry mixed recyclables and source segregated plastics, card and glass collected from commercial and industrial premises largely within Lincolnshire. Table 10 of the CSDMP (which supports Policy W1) confirms that there is a capacity gap in the short term of 75,000 tonnes per annum to deal with such commercial and industrial waste streams and this facility would therefore go some way towards meeting this identified capacity gap and need. The facility would enable trade wastes to be segregated and prepared ready for recovery

and re-use elsewhere and thus help to reduce the overall quantity of wastes that may otherwise go to landfill. The proposed development does therefore represent a sustainable waste management practice and would help to move the management of wastes up the waste hierarchy in line with the principles and objectives of the NPPF, NPPW and Policies W1, DM1 and DM2 of the CSDMP.

Locational Criteria

35. In terms of location, although the proposal site is not one listed in the emerging Site Locations document of the Lincolnshire Minerals and Waste Local Plan, this does not necessarily mean that the establishment of a waste management operation on this site is unacceptable. Instead proposals for new or extended waste management sites will be supported where they accord with the spatial and locational criteria set out in Policies W3 and W4 of the CSDMP and where they are capable of being operated without giving rise to any unacceptable adverse environmental or amenity impacts.
36. Policy W3 of the CSDMP states that proposals for new waste facilities will be permitted in and around the main urban areas. Lincoln is identified as such an area and Policy W4 expands upon this policy stating that within such areas preference would be given to developments proposed on sites/locations including previously developed and/or contaminated land or existing or planned industrial/employment land and buildings.
37. In this case, the proposal site was formerly a brickworks and to the rear of the site is the former Albion Works Landfill site and so constitutes previously developed land. The site also forms part of a wider area which already houses a range of existing B1(c), B2 and B8 uses and is land that is identified and planned for future industrial/employment uses as confirmed by Policy 67A (IB19) of the adopted City of Lincoln Local Plan and Policy LP5 of the emerging CLLP). Given the site being within the operational area of an existing B1 Use, the proposal site is considered to be a suitable location for the establishment of this type of waste management use and would not conflict with the locational criteria set out in Policies W3 and W4 of the CSDMP nor conflict or compromise Policy 67A of City of Lincoln Local Plan and Policy LP5 of the emerging CLLP. However, before the development can be considered acceptable it must also accord with the other relevant policies as contained within the Development Plan which includes demonstrating that the development would not result in unacceptable adverse environmental and amenity impacts.

General Environmental and Amenity Considerations

Townscape, Green Wedge, Natural Environment and Visual Impact

38. The NPPF and NPPW together with Policy DM6 of the CSDMP advise that due regard should be given to the likely impact of a proposed development on the townscape and important views. These aims and objectives are reiterated in Policies 34 and 52A of the City of Lincoln Local Plan and Policies LP2,

LP17, LP21 and LP26 of the emerging CLLP which seek to protect and enhance the character of the City and to ensure that the design and layout of new development takes into account the impacts on the surrounding area.

39. A number of objectors have expressed concerns that the scale of the proposed new building would be inappropriate in a residential area and that the development would impact adversely on the ecology of the area. The proposed new building would be within the curtilage of an existing industrial area and, although larger than the existing building to be demolished, would be of a similar height and finish to existing buildings in the wider employment area. The orientation of the proposed building would also screen views into the operational area of the site from Albion Close to the north and Yarborough Road/Burton Road to the north east and views from Whitton's Park, Hobbler's Hole (SNCI), West Common (SNCI) and Long Leys Road (including the property immediately abutting the site to the south and west and the Long Leys Urban Village further to the north of the site) would be screened by existing industrial buildings, the gradient of the surrounding landform and existing hedges and trees. The City of Lincoln's response acknowledges that the size and scale of the proposed building is considered acceptable and therefore they have not raised an objection to the proposals on these grounds. Similarly, your Officers are satisfied that the building itself would not be out of scale or context when viewed in relation to adjacent commercial buildings and therefore would be acceptable. In terms of potential impacts on ecology, the proposals affect land that is already in active use as a depot and vehicle repair workshop and Officers are satisfied that the development would not therefore adversely affect the ecology of the area given the building and associated works are not within or adjacent to protected areas.
40. Consequently, if planning permission were to be granted then Officers are satisfied that the proposed building would be acceptable in terms of its size, scale and design and the activities and operations associated with the site would not harm the natural environment and therefore would not conflict nor compromise Policies 34, 44A, 44B, 52A and 104 of the City of Lincoln Local Plan and Policies LP2, LP17, LP21 and LP26 of the CLLP that seek design and scale of a development appropriate to its surroundings that do not impact on townscapes, important views, the natural environment or the Green Wedge.

Noise, Air Quality, Dust, Odour, Vermin and Litter

41. The submitted noise assessment identifies the potential sources of impact during the construction and operational stages of the Waste Transfer Station during the proposed hours of work. In both instances the predicted noise levels are within acceptable limits and the EHO of the City of Lincoln has confirmed that subject to the imposition of a condition to restrict the hours of working, noise arising from the development and construction phase (being temporary) would not have an unacceptable impact on the amenity of nearby residents.
42. The proposed waste handling operations, including the unloading/loading of wastes, storage, shredding and baling of waste products, would take place

wholly within the confines of the building. All vehicles exiting the site would be sheeted or containerised and external to the buildings the site would be routinely inspected for fugitive materials. The odour assessment submitted in support of the application concludes that the proposed waste streams are unlikely to generate odours as they would be inert and unlikely to contain food or other putrescible wastes. Notwithstanding this, the applicant has proposed to incorporate an odour suppression spray system within those parts of the building receiving the wastes and where the general/residual wastes would be shredded to produce RDF. This system would also act as a means to suppress any dust should this arise from the handling of the wastes and therefore further minimise the potential for fugitive emissions from the site.

43. Although objections have been received on the grounds that the site would generate litter and attract vermin the applicant has stated that the site would be inspected by a specialised pest control contractor and where necessary action taken to eradicate vermin should they be identified. The site would also be routinely inspected and any wastes/litter escaping the building would be collected in line with the operational conditions and controls that would be expected to be imposed as part of an Environmental Permit (issued and monitored by the Environment Agency). The NPPF makes clear that planning and pollution control systems, are separate and advises that local planning authorities should not duplicate the functions of the statutory pollution control bodies in regulating emissions. Therefore whilst the pollution and planning system are complementary in many respects, the planning system should focus on whether the development itself is an acceptable use of the land rather than the control of processes or emissions themselves. Although the representations from local residents about litter and vermin are therefore noted, having considered the proposals and given the lack of objection from the Environment Agency or Environmental Health Officer it is considered the nature of the waste prepared to be accepted at the site that the controls imposed by an Environmental Permit would be appropriate.
44. Consequently, from a purely land-use planning perspective in relation only to the operations of the waste transfer station, if planning permission were to be granted then Officers are satisfied that the proposed development could be operated so as to not be contrary to the objectives identified in Policy DM3 of CSDMP and not conflict nor compromise Policies 34 and 104 of the City of Lincoln Local Plan and Policy LP26 of the emerging CLLP which seeks to mitigate the emissions/impacts arising from the installation of the proposed development.

Fire Risk

45. Other than glass, the applicant has indicated that no wastes or RDF would be retained on site for a period longer than one day. As a result, the potential for large volumes of wastes to accumulate at the site and therefore the risks and impact of any fire should this occur would be reduced. To further minimise and address any risk, a sprinkler system would be installed within the proposed waste transfer building and this would be fed by a dedicated water tank and pump house facility which would be triggered in the event of a fire. The

Lincolnshire Fire and Rescue Service have been consulted on this application and have commented there is also an existing water main on Long Leys Road which could be used to provide sufficient water in the event of a fire and therefore have raised no objections to the application but still welcome the proposed installation of a dedicated on-site firewater system.

Flood Risk, Drainage and Water Resources

46. Whilst the proposal site does not fall within Flood Zones 2 or 3 and is not of such a scale as to require a full Flood Risk Assessment, being less than one hectare, an assessment of the site to contribute to flooding elsewhere has been conducted and consideration has been given to how surface and foul waters from the redeveloped site would be managed.

47. Following an investigation into the existing drainage arrangements serving the site, the applicant submitted a drainage strategy/plan which proposes that the majority of surface waters from the site would continue to be managed and discharged via the existing Anglian Water Services (AWS) infrastructure. In order to ensure that surface waters do not give rise to flooding off-site or increase discharge rates over and above the existing level the applicant has indicated that an attenuation tank would be installed as part of the sites drainage in order to control the rate of discharge should AWS consider this necessary. For foul waters this would continue to be managed via the existing sewer network whilst the limited volume of foul water derived from the redeveloped waste transfer station building and wash out facility would be directed to a sealed sump where it would be collected and retained until such time as it is necessary to tanker this off for disposal and treatment elsewhere. AWS has confirmed that in principle the proposed drainage arrangements are acceptable although further details, including any agreed discharge rate would still need to be confirmed. If planning permission were to be granted then such detail could be appropriately handled and agreed by way of a scheme required by a planning condition. Such a condition would ensure that the proposed development complies with Policy DM15 of the CSDMP and would not conflict with nor compromise Policies 38F and 40 of the City of Lincoln Local Plan and Policy LP14 of the emerging CLLP which seeks to protect property elsewhere from flood and manage foul and surface water. Furthermore, in line with the objectives of Policy DM16 of the CSDMP the proposed relocated vehicle wash-out facility would incorporate a water re-circulation system which would therefore reduce water consumption at the site and thereby conform with the objectives of Policy LP18 of the emerging CLLP.

Contaminated Land

48. The proposal site is adjacent to the former Albion Works Landfill site which received inert waste and closed in 2002. Given the close proximity of the former landfill site the City of Lincoln EHO has therefore commented that a contaminated land risk assessment should be carried out or that a condition be attached to a decision issued which would require an assessment to be undertaken prior to commencement of the development.

49. The EHO's comments are noted however your Officers do not consider it reasonable or necessary to require such an assessment to be undertaken prior to the determination of the application. This is because the landfill site identified was used to dispose of inert wastes only and closed a number of years ago. The applicant is also responsible for the aftercare of the former landfill site and as part of their Environmental Permit for that site has to carry out regular audits in order to monitor landfill gas and leachate levels. Those audits have not indicated that leachate or gas levels from the site are at levels or concentrations that are excessive and therefore pose a low risk to the environment and surrounding land. Furthermore, the excavation works required to be carried out as part of this development (e.g. erection of the steels associated with the new building and installation of the underground surface water attenuation tank) are minor in scale and would be undertaken on land outside of the immediate boundary of the old landfill site and therefore affect land that has already previously been disturbed and developed. Given these circumstances it is your Officers view that the risk and presence of contaminated land within the footprint of this site is unlikely to be high. However, and in acknowledgement of the advice and comments of the EHO, if planning permission were to be granted then a condition could be imposed which would ensure that in the event that any contamination is found during those minor works that the applicant is required to submit a mitigation strategy for the approval of officers and this would therefore ensure that any necessary remedial measures are secured. The imposition of such a condition would be in line with, and not contrary to, the objectives of Policies 38A and 38B of City of Lincoln Local Plan or Policy LP16 of the emerging CLLP.

Transport

50. Local residents have raised objections on the grounds of the level of vehicle movements and the potential impacts on highways safety for cyclists and pedestrians (particularly children). As reported, the proposed development would be accessed using an existing entrance off Long Leys Road which is currently used by several other commercial operations/businesses including the applicants' existing permitted use as offices, depot and vehicle repair workshop.
51. The proposed waste transfer station would receive materials which would be brought to the site by the existing fleet of RCVs. In addition to these RCVs, further vehicles would be used to remove the bulk loads of segregated waste, glass and RDF and in total it has been calculated that the site would generate between 24 to 50 movements per day. The whole site has been configured to enable vehicles to wait off the public highway and to enter and leave the site in a forward gear as required by the Highways Officer. Following clarification and further details to demonstrate the configuration and size of site entrance onto Long Leys Road, the Highways Officer has confirmed that they have no objection to the proposal subject to the imposition of conditions and that minor improvements to the access be undertaken (e.g. widening within the public highway boundary). The widening works would require a separate approval from the Highways Authority by way of 'Minor Works Agreement' and an Informative is therefore recommended which reminds the applicant of the need

to secure such an agreement. Whilst the use of such an Informative would be acceptable, if planning permission were to be granted then this would also need to be reinforced by way of a planning condition which would require details of the proposed access improvement works to also be submitted for the approval of the Waste Planning Authority. Consequently, although the objections and local residents concerns about the impact of the development on highway safety are noted, Officers are satisfied that the proposed development, with improvements to the access which could be secured by planning condition, would be capable of being operated without having an adverse impact on these grounds and therefore be in line with the objectives of the NPPF, NPPW and Policies DM13 and DM14 of the CSDMP and would not conflict with nor compromise Policy LP18 of the CLLP.

Hours of Operation

52. The construction period associated with this proposal would extend to around 35 weeks and the waste transfer station hours of operation are proposed to be limited to between 07:00 to 18:00 hours (Monday to Friday) 07:00 to 17:00 hours (Saturdays) with no operations on Sundays and Public Holidays. Although the applicant has indicated that the waste transfer station operations would be restricted, they have stated that the hours of operation associated with the existing use of the site would continue to operate without restriction. The City of Lincoln EHO has raised no objection to the proposals (subject to conditions) however the City of Lincoln (Planning) has raised concerns over the fact that the applicant does wish to continue the existing permitted use/operations without restriction. The City of Lincoln (Planning) is therefore concerned that the continuation of such an unrestricted consent could exacerbate the impacts of the development upon the amenities of nearby residential properties.
53. The concerns raised by the City of Lincoln (Planning) are noted and it is agreed that given the applicant's proposed continued and dual use of the site (e.g. as a waste transfer station and continuation of the existing permitted use) difficulties could arise in terms of differentiating between the hours of operation and activities associated with one use and that of another. For example, it would not be possible to differentiate between RCVs accessing the site to discharge loads of waste (i.e. associated with the proposed waste transfer use) and RCVs accessing the office depot and workshop (i.e. which could take place outside the hours of operation proposed for the waste transfer station). Consequently, in order to prevent any conflict or issues in terms of enforcement, Officers feel that it would be necessary to ensure that the hours of operation for all activities are the same. Although planning conditions are typically imposed and used as a means to control development, the imposition of a condition to restrict the hours of operation for the whole of the site is not considered feasible. This is because such a condition would be seeking to restrict an existing permitted development/use which is not subject of this application and also it would not be possible to word or impose a condition that would be sufficiently precise or enforceable. Such a condition would therefore fail to meet the tests and requirements as set out in NPPF (i.e. conditions must be necessary, relevant to planning and the development permitted,

enforceable, precise and reasonable in all other respects) and so could not be imposed. Consequently, in the absence of such a condition, the only means of ensuring that suitable control could be gained over the hours of operation and thus ensure that the impacts of the development are in line with those as assessed, Officers are of the opinion that it would be necessary for the applicant to enter into a Section 106 Planning Obligation which would require them to apply the same hours of operation for all the different activities within the application site. The applicant has been invited to enter into such an agreement but has refused to do so.

54. As the applicant has failed to agree to enter into such an agreement, if planning permission were to be granted it would not therefore be possible to separately control the hours of operation for the waste transfer use. As the potential noise impacts arising from that use (in combination with the existing permitted use) during the night-time hours have not been assessed, then the proposals (as submitted) have not demonstrated that they could be carried without restricted hours of operation and therefore have the potential to have an unacceptable impact on the amenity of nearby residents. It is therefore considered that the proposed development would not meet the aims and objectives of the NPPF, NPPW and Policies DM1 and DM3 of the CSDMP which seeks sustainable development without harming the amenities of neighbouring residents and land users and would conflict with those elements of Policies 34, 67A and 104 of the City of Lincoln Local Plan and Policies LP1 and LP26 which seek to protect the amenities of the residents of the area and Long Leys Urban Village.

Other Objections/Comments

55. A number of representations have been received which have raised concerns or objections to the development on the grounds that the development would constitute an Energy from Waste Plant/Incinerator and/or that the applicant proposes to re-open the old landfill site or create a new landfill facility. These comments/objections are based on a misunderstanding or misinterpretation regarding the nature of the activities and operations proposed and the contents of the applicants' submission/application. For the avoidance of doubt, and as explained within this report, this application proposes to operate a waste transfer station at the site and consequently the comments/objections received on the grounds indicated above are not considered to be relevant or material to the determination of this application.

Human Rights Implications

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

Final Conclusions

57. The proposed development is accepted as being a sustainable waste management practice and is acceptable in terms of its broad location. It is also accepted that many of the potential environmental impacts arising from the operations of the waste transfer station could be mitigated, minimised or reduced through the implementation of the mitigation measures proposed within the application and/or through the imposition of planning conditions. However, given the applicant's proposed continued and dual use of the site difficulties could arise in terms of differentiating between the hours of operation and activities associated with one use and that of another. As the potential noise impacts arising from the proposed waste transfer use (in combination with the existing permitted use) during the evening and night-time hours have not been assessed, then the proposals (as submitted) have not demonstrated that they could be carried without restricted hours of operation and therefore have the potential to have an unacceptable impact on the amenity of nearby residents.
58. The imposition of a planning condition in order to restrict the hours of operation for the waste transfer use would not be possible as such a condition would fail to be sufficiently precise and enforceable and therefore fail the necessary tests as set out in the NPPF. Therefore the only means of ensuring that suitable control could be gained over the development would be for the applicant to enter into a Planning Obligation which would require them to apply the same hours of operation for all the operations that benefit from planning permission within the application site. The use of such an Obligation is considered to be necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonable related in scale and kind to the development. However, the applicant has failed to agree to enter into such an Obligation and without this the development has the potential to have an unacceptable impact on the amenity of nearby residents.

RECOMMENDATIONS

That planning permission be refused for the following reason:

The proposed development represents a sustainable waste management practice and is acceptable in terms of its broad location. However, given the applicant's proposed continued and dual use of the site difficulties could arise in terms of differentiating between the hours of operation and activities associated with one use and that of another. The imposition of a planning condition in order to restrict the hours of operation for the waste transfer use would not be sufficiently precise and enforceable and the applicant has refused to enter into a Planning Obligation in order to restrict the hours of operation for the whole site. Without the ability to impose a planning condition or secure a Planning Obligation, it would not be possible to control the hours of operation associated with the waste transfer operations and therefore these could potentially be carried out 24 hours a day. As the potential noise impacts arising from that use (in combination with the existing permitted use) during the evening and night-time hours have not been assessed, then the proposals have not

demonstrated that they could be carried without having an unacceptable impact on the amenity of nearby residents.

The Waste Planning Authority contends that the benefits of the proposed development are considered to be outweighed by the potential impacts of evening and night-time noise on sensitive receptors of acknowledged importance. Therefore planning permission is refused for failure to comply with the aims and objectives of the National Planning Policy Framework and Policies DM1 and DM3 of the Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (June 2016) and would conflict with Policies 34, 67A and 104 of the City of Lincoln Local Plan 1998 and Policy LP26 of the emerging Central Lincolnshire Local Plan.

Appendix

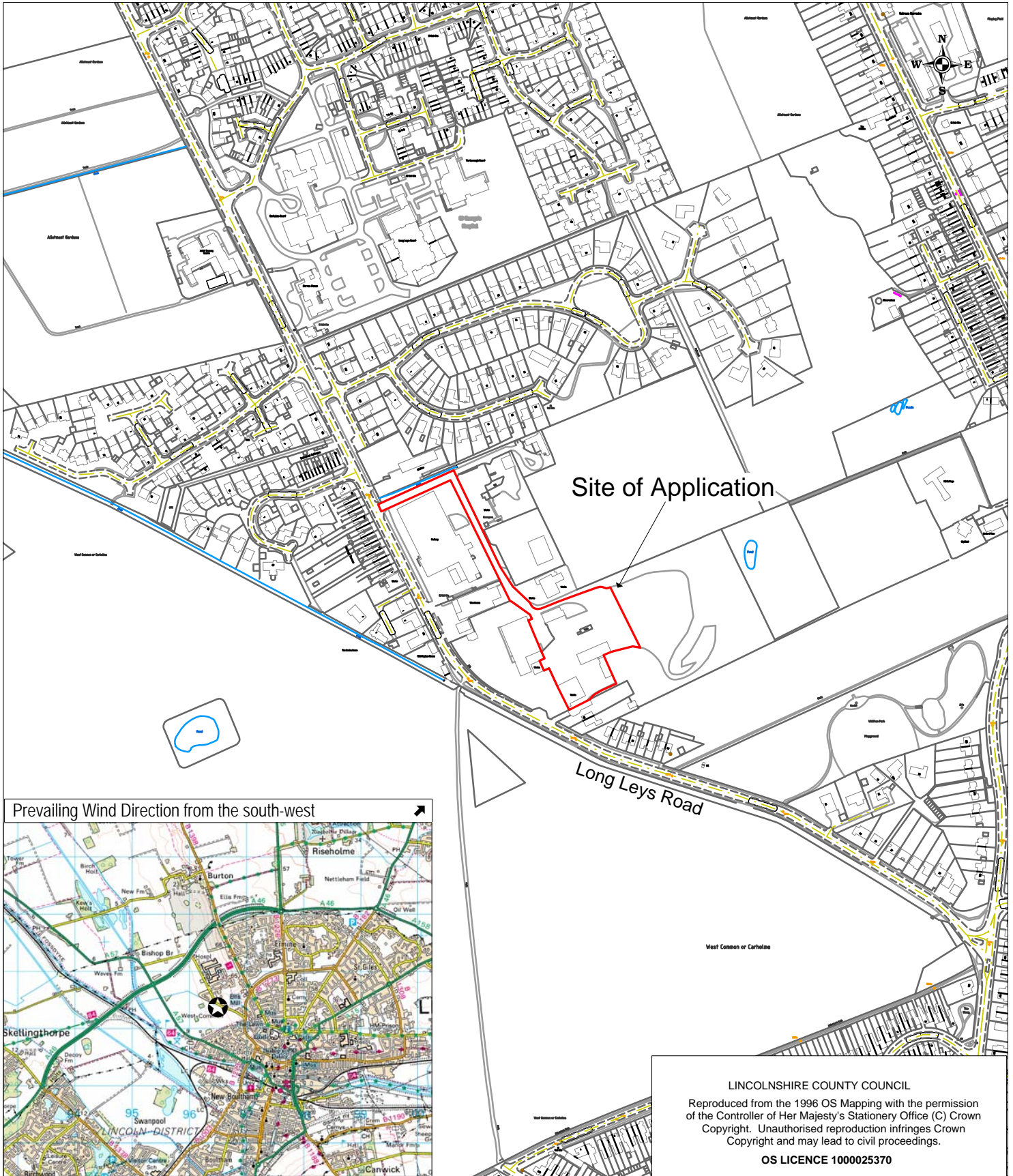
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

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 L/1076/16	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012) National Planning Policy for Waste (2014)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (CSDMP) (June 2016)	Lincolnshire County Council website www.lincolnshire.gov.uk
City of Lincoln Local Plan (1998)	City of Lincoln Council website www.lincoln.gov.uk
Emerging Plans Central Lincolnshire Local Plan (CLLP) (Proposed Submission Draft – April 2016)	Central Lincolnshire Local Plan www.n-kesteven.gov.uk/central-lincolnshire/

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



Location:

Veolia Site
 Long Leys Road
 Lincoln

Application No: L/1076/16

Scale: 1:5000

Description:

To demolish an existing building, construct a new building and operate a waste transfer station, including the production of refuse derived fuel, with associated development including a new weighbridge, relocation of existing wash bay, diesel tank and re-alignment of existing fence line.

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