

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>5 February 2018</b>
Subject:	<b>County Matter Application – 17/1809/CCC</b>

**Summary:**

Planning permission is sought by GBM Waste Management Limited (Agent: Steven Dunn Architects Limited) to vary Condition 7 of Planning Permission Ref: N75/0625/17 to permit external lighting at Mushroom Farm, Boundary Lane, South Hykeham, Lincolnshire LN6 9NQ. The proposed variation to the condition is sought in order to enable the operational site to operate safely in periods of poor light but within the approved hours of operation, to provide a safe walking route for employees between the staff car park and the site entrance and to provide security lighting operated using sensors out of hours and in non-operational areas.

The key consideration in this case is whether the introduction of external lighting would result in harm to the amenity of the local community and adjacent land users.

Having taken into account the nature of the change proposed and the details submitted in support of this application, the proposed introduction of external lighting would not give rise to any significant amenity impact which could not be reasonably controlled through the imposition of a revised planning condition. The proposed revision to the development can therefore be supported and would still accord with the objections and principles of the cited policies of the national Planning Policy Framework, Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies and the Central Lincolnshire Local Plan.

**Recommendation:**

Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

**Background**

1. The Mushroom Farm site has a long history of being used to carry out waste management operations with permissions dating back to as early as 1993 (when the site was known and operated as Woods Skip Hire). More recently a further planning permission was granted Ref: N75/0353/15

(granted 30 July 2015) which also allowed for the construction of a new building along with associated changes to the site's layout although this permission focused those operations and uses to the eastern half of the site only.

2. Planning permission (Ref: N75/0625/17) was granted 3 July 2017 to vary conditions of planning permission N/75/0353/15 which relate to the existing waste management facility known as Mushroom Farm on Boundary Lane, South Hykeham. The proposed variations to the conditions are sought in order to enable the site to accept two specific types of hazardous waste, to increase the daily number of vehicle movements and to amend elements of the site's approved layout including increasing the stockpile heights for externally stored materials. The associated construction work for this planning permission is now well advanced.
3. The applicant is seeking to vary conditions attached to the planning permission covering the waste management operations (i.e. N75/0625/17) so as to enable the site to install external lighting. This would require amendments to be made to the following condition:

Condition 7

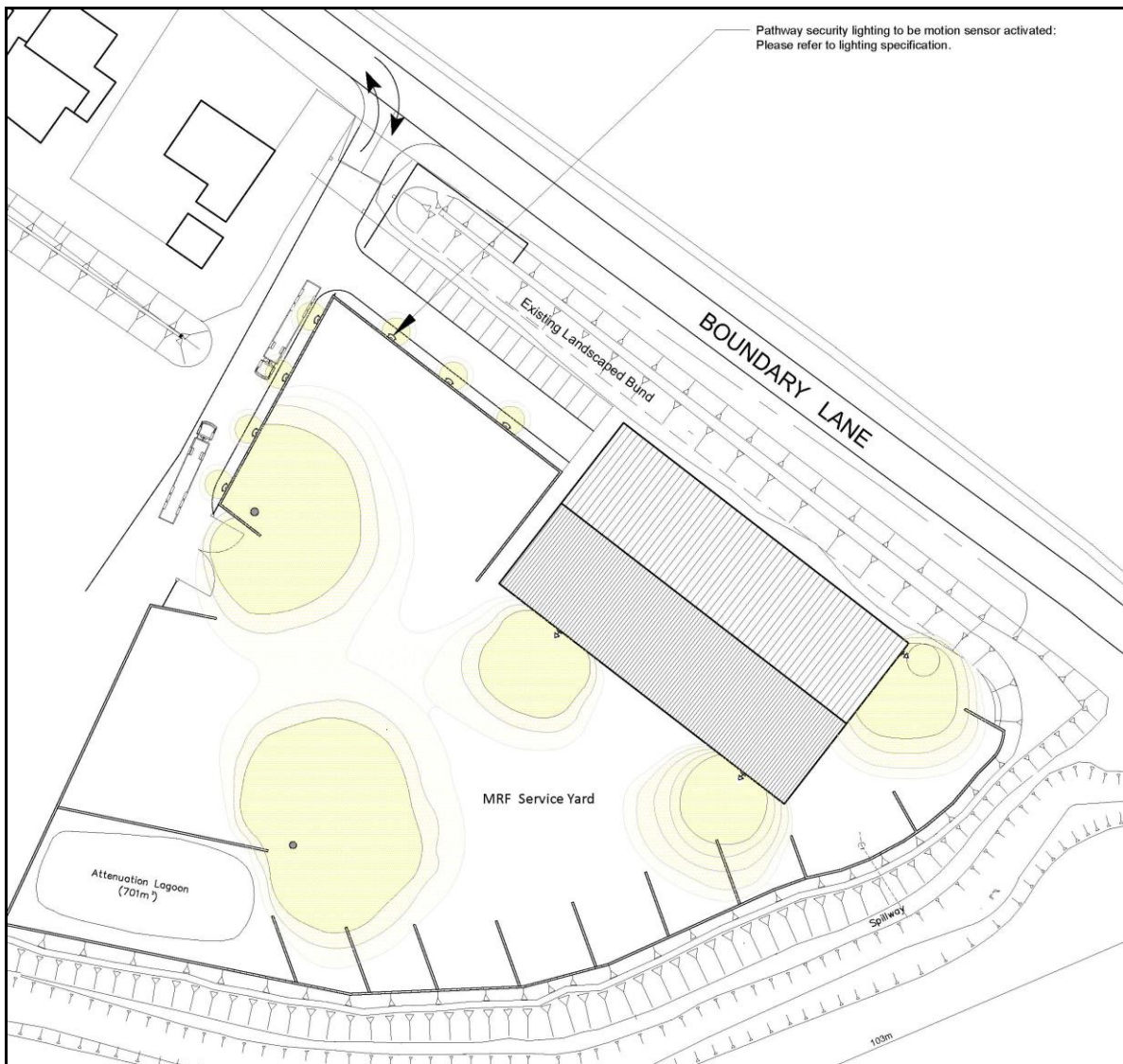
*No external lighting shall be fixed to the building or erected within the site.*

*Reason*

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

#### The Application

4. Planning permission is sought by GBM Waste Management Limited to vary Condition 7 of Planning Permission Ref: N75/0625/17 to permit external lighting at Mushroom Farm, Boundary Lane, South Hykeham, Lincolnshire LN6 9NQ.
5. The applicant is seeking to install external lighting. Whilst the majority of the waste management at the site will be carried out within the building there are a number of storage areas for segregated waste outside of the building. Following separation of the waste streams within the building employees transfer the segregated waste to specified areas of the site where they remain until sufficient has been accumulated for outward transportation for further processing or final disposal. The applicant has a legal obligation to ensure that employees can carry out their duties in accordance with the requirements of the Health and Safety Executive (HSE). This would include ensuring sufficient lighting is available during operational hours so as not to endanger employees during periods of poor light. It is not proposed to change the current hours of work being 07:00 and 18:00 hours Monday to Saturday (inclusive). With no operations or activities carried out on Sunday, Public or Bank Holidays.



Plan 1

6. The proposed lighting locations and extent of luminance is illustrated in Plan 1 with further illustrations of night time appearance of the proposed lighting in Illustrations 1 and 2 and described as follows:

- motion sensor (PIR) operated down lights would be mounted on the 3.0 metre high external walls (Photograph 1) of the site providing illumination for employees from the staff car park (Photograph 2) located to the northwest corner of the waste management facility to the site's main entrance;
- 8.0 metre high, column mounted, downward and inward facing flood lighting adjacent to the site entrance (Photograph 3) to provide lighting to the external operational areas of the site. This light would be switched to PIR for the purposes of site security at the end of the working day;



Photograph 1 Employee walking route from car park



Photograph 2 Wall adjacent to staff carpark

- 8.0 metre high, column mounted, downward and inward facing flood lighting adjacent to the attenuation lagoon (Photograph 4) to provide further lighting to the external areas of the operational site and the attenuation pond to the south west of the site. This light would be switched to PIR for the purposes of site security at the end of the working day; and





Photograph 3 Site Entrance



Photograph 4 Attenuation lagoon

- two wall-mounted, downward facing flood lights, to the south west elevation (Photograph 5) and one wall-mounted, downward facing flood light, the south east elevation (Photograph 6) of the approved building would be installed to provide lighting to external areas of the operational areas of the site. These lights would be switched to PIR for the purposes of site security at the end of the working day.



Photograph 5 South West Elevation of building



Photograph 6 South East Elevation

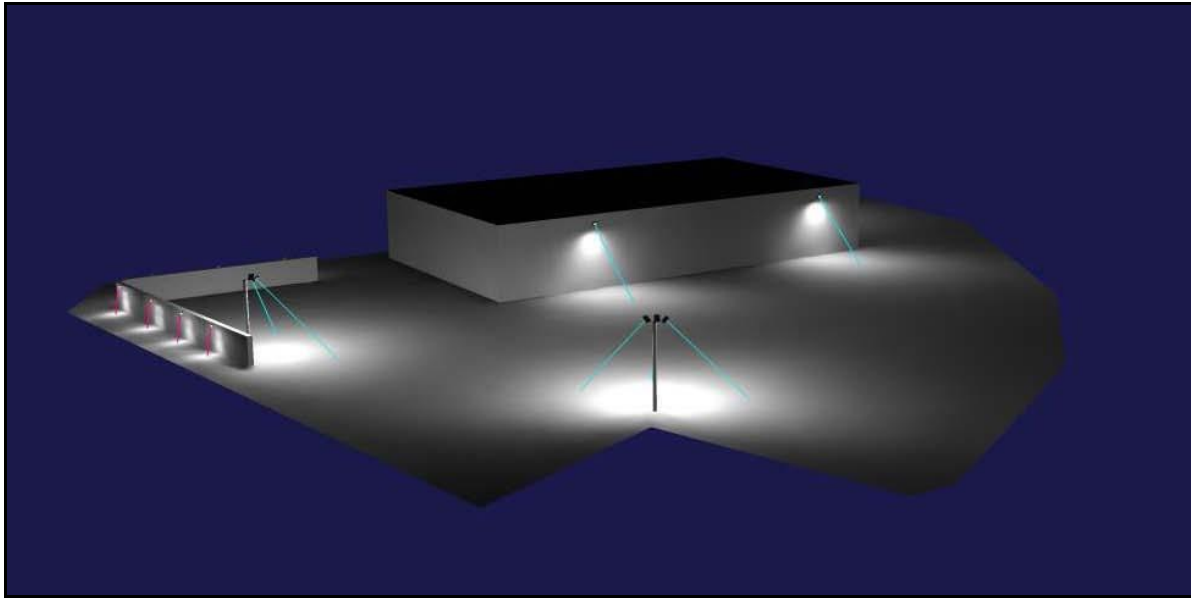


Illustration 1 View from the south west

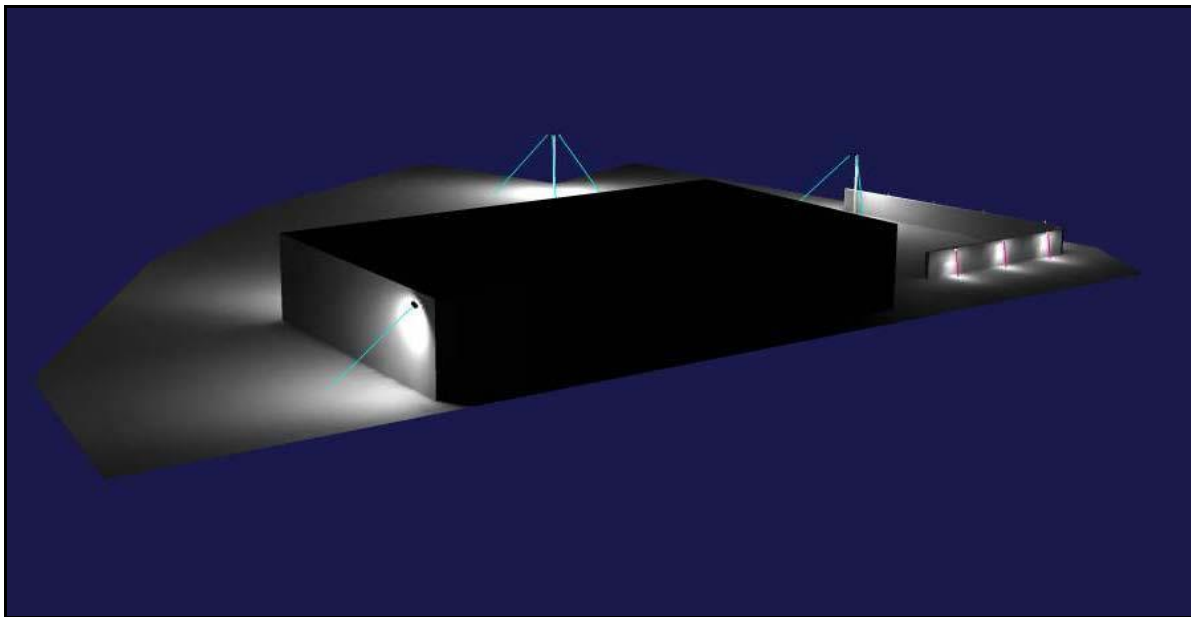


Illustration 2 View from the north east

### Site and Surroundings

7. The site is located to the south of Boundary Lane, the entrance is 500 metres south east of the A1434 Newark Road at South Hykeham and in total less than 1km from the A46. To the south and east of the site lies predominantly open agricultural land. To the north of Boundary Lane is a large area of open pasture, separating the site from the densely residential areas of South Hykeham the nearest housing estate being approximately 100m distant. There are three residential bungalows immediately to the west of the site entrance separating the site from a group of small industrial units and an area of waste ground, this area is adjacent to Danker Wood

that is covered by a Tree Preservation Order, which is approximately 100m to the west of the application site. The areas to the north and south of Boundary Lane have been allocated as part of the Sustainable Urban Extension (SUE) South West Quadrant – land at Grange Farm, Hykeham, the area to the north being allocated for residential and the area to the south as mixed use employment land expanding the Boundary Lane Enterprise Park.

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

## Main Planning Considerations

### National Guidance

11. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

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

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

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



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

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

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

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

#### Local Plan Context

12. Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) - the key policy of relevance in this case are as follows (summarised):

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

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

Policy LP26 (Design and Amenity) states that consideration should be given to the design of the development that must not unduly harm the amenity of neighbouring residents by virtue of increase in artificial light or glare but create safe environments;

Policy LP30 (Lincoln Sustainable Urban Extensions) identifies the relevant SUE relating to Lincoln area namely South West Quadrant SUW (SWQ) – Land at Grange Farm, Hykeham – Approximately 5ha of land for employment (B Use Classes) expanding the Boundary Lane Enterprise Park linking with Roman Way.

#### Results of Consultation and Publicity

14. (a) South Hykeham Parish Council - in principal they would have no objection to inward facing lighting but would strongly object to lighting facing towards the road or neighbouring residential properties. A query was also raised as to why it has now been considered necessary to vary condition 7 when it was originally restricted under this planning condition. Council would also like to stress that if an amended scheme

should be approved the council would be against permanent lighting and would ask for it to be agreed PIR controlled lighting.

- (b) North Hykeham Town Council - in principal would have no objection to inward facing lighting but would strongly object to lighting facing towards the road or neighbouring residential properties. They did question why lighting has now been considered appropriate when originally it was restricted under this planning condition. They would like to stress that if an amended scheme is approved they would be against permanent lighting and would ask for it to be agreed PIR controlled lighting.
- (c) Environment Agency (EA) – does not wish to comment on condition 7.
- (d) Highways Officer (Lincolnshire County Council) – does not wish to restrict the grant of permission.

15. The following persons/bodies were consulted on 7 December 2017 but no response had been received within the statutory consultation period or by the time this report was prepared:

Local County Council Member, Councillor S Roe – who is a member of the Planning Committee  
Environmental Health Officer (North Kesteven District Council)  
Lincolnshire Fire and Rescue

16. The application has been publicised by two notices, one posted at the site and the one at the entrance to South Hykeham Parish Council offices and in the local press (Lincolnshire Echo on Thursday 14 December 2017). 93 letters of notification were sent to residents who commented on previous applications and five nearest neighbouring properties on 8 December 2017. Eight representations have been received from local residents during the consultation period the following being a summary of the issues identified:

- OPPOSE the amendment on chapter 7 of this planning application. For obvious futile and almost non-existent reasons, as any other good reasons would be considered in the same manner;
- request on behalf of the resident Committee the official monitoring of traffic on the Lane starting ASAP to prove the amount of movements on this Lane exceed 500;
- object to more light pollution, the associated site and HGV pollution, ASBESTOS pollution;
- can LCC confirm its rationale for this 'Condition' about-turn and clarify what positive, material change – in relation to the waste site – has taken place in recent months to support the relaxation of this condition.

## District Council's Recommendations

17. North Kesteven District Council (NKDC) does not object to the use of motion activated security uplighters around the boundary of the site and the proposed installation of the security floodlight adjacent to the attenuation lagoon towards the south western boundary (which is to be extinguished during non-operational hours), but initially objected to permanent external lighting during non-operational hours. GBM Waste Management Limited confirmed that all the proposed lighting would be operated by PIR (motion activation), outside of operational hours, rather than being permanently illuminated. On the basis that this will be a condition of any planning permission the District Planning Authority have no objections to the proposal.

## Conclusions

18. This application is made under Section 73A of the Town and Country Planning Act 1990 (as amended) which allows for applications for planning permission without complying with the conditions to which a previous permission was granted. It creates a new permission, with a varied wording of condition, which the applicant can implement or ignore and does not amend any existing planning permission.
19. The key consideration in this case is whether the proposal would have adverse impacts upon neighbouring residents, land users and the Grange Farm SWQ SUE development.
20. North Kesteven District Council initially responded that the principle of external lighting for the site was acceptable, particularly the use of motion activated (PIR) around the boundary of the site and in relation to the attenuation lagoon. However, it was considered that the use of permanent night time lighting for the purpose of security, when there was no evidence of security breaches, was not acceptable. In particular citing the proximity of the wall mounted light to the south east elevation of the building to Boundary Lane and the column mounted floodlight adjacent to the entrance in close proximity to residential properties. The applicant GBM Waste Management Limited has as a consequence agreed that during non-operational hours all lighting would be motion activated (PIR). I therefore consider that, with the inclusion of a suitably worded condition, the introduction of external lighting to the site would meet the aims and objectives of the NPPF and Policy DM3 of the CSDMP and would not conflict with nor compromise Policies LP26 and Policy LP30 which seeks design that would not unduly harm the amenity of neighbouring residents or future residents by virtue of increase in artificial light or glare but would create safe environments.
21. Several representations questioned why, if the reason for imposing the condition '*To minimise the visual impacts of the development on nearby residents and the wider area*' was considered necessary when determining the original and subsequent planning permissions, is the introduction of external lighting considered acceptable now. In response your officer would

indicate that the original application was made in 1993 and at that time the applicant did not include provision for external lighting. To ensure that, should at some future date this would be sought, there would be an opportunity to consider the appropriateness of lighting in relation to the operation of the waste management site.

22. Reassurance was also sought with regard to the oversight of all the operations at Mushroom Farm. The Planning Enforcement team have indicated that for the next six months they will be carrying out unannounced monthly visits to the site and thereafter as considered necessary. All monitoring visits will be recorded and the details retained by the Waste Planning Authority.
23. It is therefore concluded that the proposed lighting at Mushroom Farm, Boundary Lane, South Hykeham is acceptable and can be controlled by the inclusion of a condition to ensure that lighting is only on during the approved working hours and operates by motion activation only during non-operational periods.
24. 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.

<b>RECOMMENDATIONS</b>
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That planning permission be granted subject to the following conditions:

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission N75/1809/17 has been implemented and therefore commenced.
2. This permission related to the site edged red on Drawing No. 2296-A2- 05d (received 2 March 2015) for the construction of a building for the purposes of waste recycling in association with the current use of the site as a waste transfer station and the development works as detailed within the approved documents and drawings set out below unless modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions. The approved documents and drawings are as follows and the development shall be carried out strictly in accordance with these documents and drawings:



## Documents

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

## Drawings

- Drawing No. GBM1031/05/03 Rev 1 'Plan 2 - Indicative Operational Layout' (date stamped received 10 April 2017)
  - Drawing No. GBM1013/05/04 Rev 1 'Indicative Drainage Layout' (date stamped received 10 April 2017)
3. Notwithstanding the details contained in Report GBM1013/MP (v1.1) – 'Management Plan' (date stamped received 10 April 2017), the waste types permitted at the site shall only be those as listed in 'Table 1: Maximum site storage capacities'.
  4. The site shall not accept waste until written notification has been sent to the Waste Planning Authority of the date that the building and associated ancillary infrastructure hereby permitted, have been constructed and the Waste Planning Authority acknowledges receipt of that notification.
  5. All site operations and activities authorised or required in association with this development, including the access and egress of vehicular traffic, shall only be carried out between 07:00 and 18:00 hours Monday to Saturday (inclusive). No operations or activities shall be carried out on Sunday, Public or Bank Holidays.
  6. No wastes or materials shall be stored or stockpiled externally other than upon the impermeable yard/area as defined on Drawing No. GBM1031/05/03 Rev 1 'Plan2 Indicative Operational Layout' (date stamped received 10 April 2017) and the height of such stockpiles or stores shall be no greater than 3.6m above the finished surface level of that part of the site upon which they are stored.
  7. Notwithstanding the documents and drawings approved in condition 2 above all external lighting shall be fixed to the building or erected within the site

strictly in accordance with Drawing No. 2296-A2-10d 'Proposed External Lighting' and as amended by e-mail dated 12 January 2018 restricting all external lighting in non-working hours to motion sensor operation and e-mail dated 16 January 2018 identifying the height of lighting columns to 8.0 metres. The external lighting shall be installed, maintained and operated strictly in accordance with these documents and drawings.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no building, structure, fixed plant or machinery shall be erected, extended or installed on the site.
9. The total number of vehicle movements associated with the importation and exportation of wastes and materials shall not exceed 150 movements (75 in and 75 out) per day Monday to Saturday. All vehicles carrying wastes shall not leave the site unless its wheels and underside chassis are clean so as to prevent materials, including mud and debris, being deposited on the public highway.
10. The surfacing of the access and internal yard areas shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times for the duration of the development so as to prevent such materials being deposited on the public highway. Any accidental deposition of mud, debris or other deleterious materials onto the public highway shall be removed immediately.
11. The rating level of noise emitted from any plant or equipment on site shall not exceed the background level by more than +5dB(A) at any time. The noise levels shall be taken at the nearest noise sensitive premises. The measurements and assessment shall be made in accordance with the BS4142:2014 (or an equivalent successor standard or other noise measurement methodology).
12. The details of the approved scheme shall be maintained for the duration of the development to ensure a Greenfield run-off rate as identified on page 17 of the Flood Risk Assessment 'Proposed Materials Recycling Facility, Boundary Lane, South Hykeham, LINCOLN LN6 9NQ' (date stamped received 10 April 2017).
13. Notwithstanding details of firefighting water provision, shown on Drawing No. GBM1031/05/03 Rev 1 'Plan2 Indicative Operational Layout' (received 10 April 2017) the site shall not accept waste until further details of the above ground vessel to include capacity and design have been submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented in full and maintained for the duration of the development.
14. A total of no more than 49,500 tonnes of material shall be brought to the site as shown within the red line boundary on Drawing No. GBM1031/05/03 Rev 1 'Plan2 Indicative Operational Layout' (received 10 April 2017) per calendar

year, for the purposes of the development hereby permitted. The operator shall maintain records of their quarterly waste imports to the site which shall be retained for at least two years and be made available to the Waste Planning Authority within 28 days of request.

### Reasons

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

### Informatives

Attention is drawn to:

- (i) Upper Witham Internal Drainage Board:

'Under the terms of the Land Drainage Act 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 6m of the top of the bank of any watercourse. There is an earth bank within the 6m, this has been consented by the Board. Any additional works within this distance will required an additional consent. The Board will not accept any liability for the stability of the banks of South Hykeham Catchwater. Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board. Guidance notes and an application form are attached for the use of the agent.'

- (ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by seeking amendments to the application in order to ensure that the development is capable of being supported and accords with the objectives and policies of the Development Plan. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development and is consistent with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework.

## Appendix

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

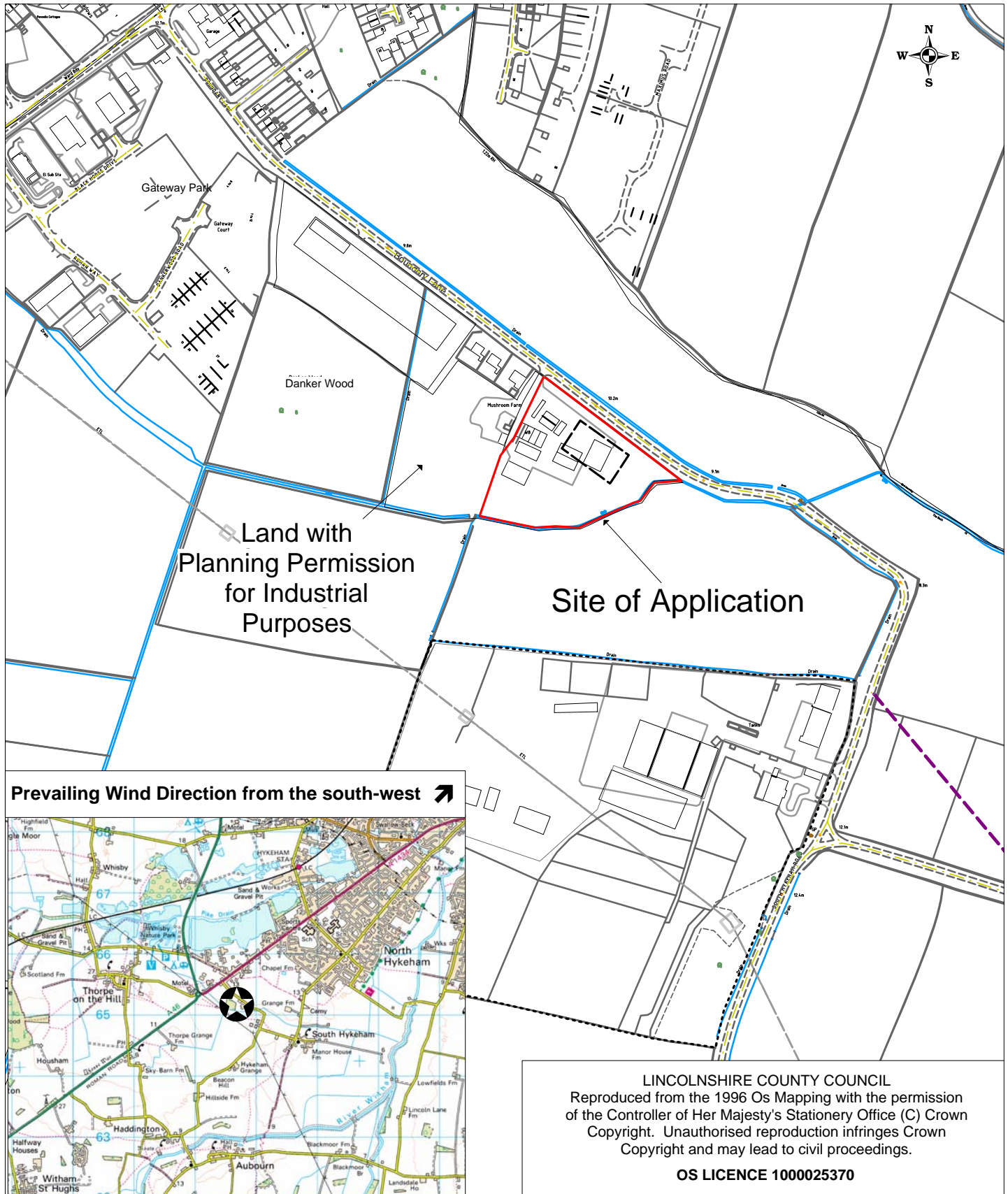
## Background Papers

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

Document title	Where the document can be viewed
Planning Application File: 17/1809/CCC and N75/0625/17	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Plan (CSDMP) (2016) and Site Location Document (SLD) (2017)	Lincolnshire County Council website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
Central Lincolnshire Local Plan (2017)	North Kesteven District Council website <a href="http://www.n-kesteven.gov.uk">www.n-kesteven.gov.uk</a>

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**Location:**

Mushroom Farm  
Boundary Lane  
South Hykeham

**Application No:** 17/1809/CCC

**Scale:** 1:2500

**Description:**

To vary condition 7 of planning permission N75/0625/17

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