



PL.06 15/16
Planning Committee
23 September 2015

Subject: Planning applications for determination

Report by:	Chief Operating Officer
Contact Officer:	Derek Lawrence Interim Development Manager 01427 676640
Purpose / Summary:	The report contains details of planning applications that require determination by the committee together with appropriate appendices.

RECOMMENDATION(S): Each item has its own recommendation

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

Equality and Diversity including Human Rights : The planning applications have 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.

Risk Assessment : None arising from this report.

Climate Related Risks and Opportunities : None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:
Are detailed in each individual item

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

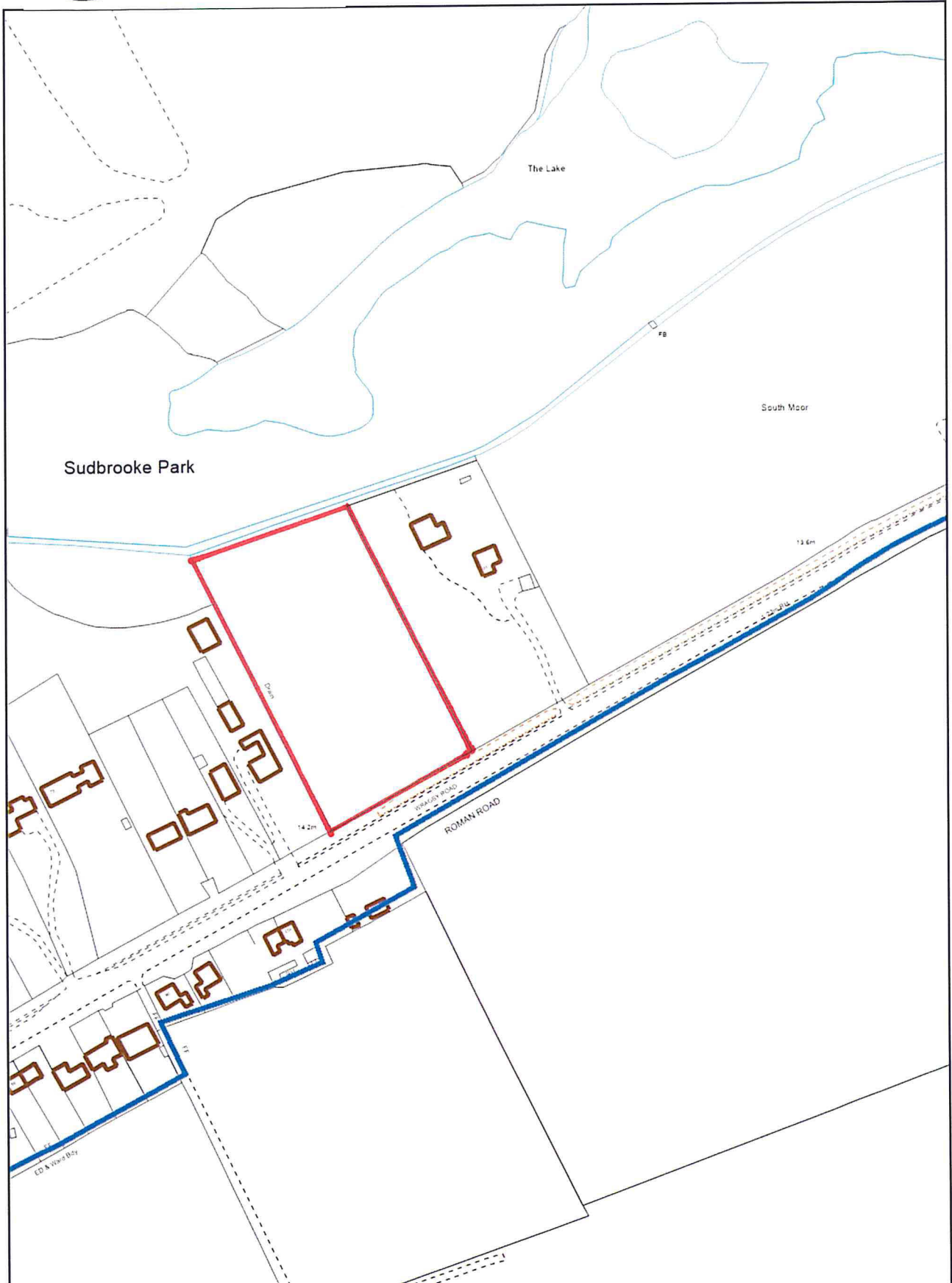
No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No



Officer's Report

Planning Application No: 132795

PROPOSAL: Outline planning application for the erection of up to 6no. dwellings - all matters reserved

LOCATION: Land West of 91 Wragby Road Sudbrooke Lincoln LN2 2QX

WARD: Sudbrooke

WARD MEMBER(S): Cllr S. Curtis

APPLICANT NAME: D Hutchison

TARGET DECISION DATE: 19/05/2015

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Scott Davidson

RECOMMENDED DECISION: That the decision to grant permission subject to conditions be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 which secures an off-site contribution for affordable housing.

Description:

The application site is 0.95ha and comprises a wood located on the north side of Wragby Road, on the eastern edge of Sudbrooke. The site is bordered to the north by the Nettleham Beck and woodland (part of the Sudbrooke Park Site of Importance to Nature Conservation (SINC)). To the south is Wragby Road (A158) and open countryside beyond. The east and west are single detached dwellings (with associated outbuildings) sitting in substantial grounds.

The subject site sits outwith, but adjacent to, the settlement of Sudbrooke. It is designated within a historic park and garden.

This application seeks outline permission for residential development with all matters reserved.

Relevant history:

There is no planning history associated with the subject site.

Representations:

Chairman/Ward member(s):

None received.

Parish/Town Council/Meeting:

Concerned about the loss of established trees and wildlife. The proposal is too high density and concerns around highway safety.

Local residents:

91 Wragby Road

The proposal is out of keeping with the type of property in the vicinity, including the 3 most recent developments on the north side of Wragby Road which are all large detached properties.

If this development is to go ahead at all it should be 2, or at the most 3, executive dwellings. Also, if it goes ahead there should be a band of land between the new houses and the existing properties to retain to some degree the woodland character.

Any new houses should be designed in such a way that they do not directly overlook existing properties.

Concern with regard to highway safety and would be grounds for refusal.

16 Scothern Lane

The land at 91 Wragby Road already has a problem with flooding and with the rain run-off from a further 6 houses into the Nettleham Beck will present an even greater flood risk. The lake behind is lower than the beck and this does not appear in any evaluation when clearly it should be.

The wooded diversity of the area should be retained.

LCC Highways:

Does not wish to restrict the grant of planning permission.

Environment Agency:

No comments.

Archaeology:

No comments.

Area Development Officer:

Proposals for Landscaping:

A tree belt along the front of the site is important for screening of the proposed properties, to provide noise and fume reduction from the street to the proposed properties, and most importantly to retain the tree'd street scene and character, as the tree belt along the front gardens along Wragby Road and Scothern Lane is a major feature for this area of Sudbrooke. There are many poor quality trees within this site, so the retention of reasonable/good quality trees, and planting locally characteristic trees as replacements for the removal of poor quality trees is important for the future of a tree belt along the site frontage.

Potential effect on any trees or hedges on or near the site:

The site is a heavily tree'd site. The site frontage is particularly dense with many young and semi-mature self-sets, and dense areas of privet and snowberry, with lots of regeneration occurring around the woodland floor, and various mature trees dotted around the site but mainly in the NW quadrant.

These trees are currently not covered by a Tree Preservation Order, but it is clear a tree belt across the frontage should be retained as an important feature in the street scene, and for the character of Wragby Road and Scothern Lane having a tree belt across the garden frontages. There are also other trees within the site that are important for retention for their biodiversity value and local feature. It is currently difficult to see and identify the best quality or feature trees within the site due to the dense growth on this site, but if the site is cleared of dangerous and low quality trees it would open up views of the better quality trees.

Ideally, a TPO should be made during the planning process, but at the moment this would be very difficult to do unless a catch-all 'woodland' TPO is made. The problem with a 'woodland' TPO is that it would protect ALL the trees, regardless of size, age, species and quality, even little seedlings a few inches high. It would be preferable to create a TPO with different 'groups' of trees and 'individual' trees protected, but in order to do this we would need to know the species of every tree to be protected and its position on the site, which would be a very difficult task with the site in its current condition. The identification and mapping of important trees for retention and protection requires further consideration and discussion on the best way forward to ensure future property owners don't remove trees when they move in.

Retained trees will require appropriate protection from development activities.

Conclusion:

I have no objections to the proposal to develop this site, but a tree belt across the frontage and other trees within the site need protection from the proposed development and from potential future felling by new owners. This could be from a TPO or by planning conditions, although a TPO would be the best option for the best level of future protection.

Protective fencing will be required prior to any site clearance and development.

Lincolnshire Wildlife Trust:

The site may represent the same habitat as adjacent Sudbrooke Park SINC. Parkland is a priority habitat listed under Section 41, Natural Environment and Rural Communities Act 2006 and is included in the Lincolnshire Biodiversity Action Plan.

We note that further botanical surveys were recommended in the ecological report (including bat surveys). This should follow Greater Lincolnshire Nature Partnership guidance.

Object to the proposal until further information is available.

Lincolnshire Fire and Rescue:

Object due to inadequate access and water supplies unless Building Regulations 2010 Part B5 can be met.

Internal Drainage Board:

Any works affecting the Beck shall be subject to written consent from the Board.

Environmental Protection Officer:

Early consideration of an appropriate SuDS system is recommended.

Natural England:

Section 41, Natural Environment and Rural Communities Act 2006 applies as the site includes an area of priority habitat. The NPPF applies as it refers to conserving and enhancing biodiversity. Standing advice on protected species should be applied.

Impacts on local designated sites adjacent to the subject site needs to be understood.

Opportunities for biodiversity and landscape enhancements should be taken.

Idox: Two representations received from local residents – see above (08/07/15).

Relevant Planning Policies:

West Lindsey Local Plan First Review 2006

STRAT 1 Development requiring Planning Permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

STRAT 3 Settlement Hierarchy

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>

STRAT 6 Windfall and Infill Housing Development in Primary Rural Settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

STRAT 9 Phasing of Housing Development and Release of Land

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>

STRAT 12 Development in Open Countryside

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

RES 1 Housing Layout and Design

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>

RES 2 Range of housing provision in all housing schemes

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>

RES 5 Provision of Play space/Recreational Facilities in New Residential Developments

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>

RES 6 Affordable Housing

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res6>

CORE 10 Open Space and Landscaping

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

NBE 8 Historic parks and Gardens

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe8>

NBE 10 Protection of landscape Character in Development Proposals

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>

NBE 12 Development affecting Locally Designated Nature Conservation Sites and Ancient Woodlands

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe12>

NBE 14 Waste Water Disposal

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>

NBE 20 Development on the Edge of Settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe20>

National guidance

National Planning Policy Framework

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance

<http://planningguidance.planningportal.gov.uk/>

Main issues

- Principle including housing supply
- Design and effect upon the character of the area
- Historic gardens and parks
- Landscaping, boundary treatments and impact on trees
- Flood risk and drainage
- Impact on highways
- Residential amenity
- Nature conservation and protected species
- Affordable housing

Assessment:

Principle

The Local Plan Review contains a suite of strategic (STRAT) and residential (RES) policies that are designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council's housing provision objectives.

The site is green field land and lies outwith, but adjacent to, the settlement of Sudbrooke. Policies STRAT 1, STRAT 3 and STRAT 9 apply. However, the

NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. These policies include STRAT 3, and STRAT 9.

The supply position is no longer derived from the Local Plan Review which has been superseded for development management purposes. Central Lincolnshire is recognised as the constituted authority for the housing provision and the supply is equivalent to 3.5 years. The provision is evidenced by need including net migration into the area from other parts of the country, changing household size and a desire for growth sustainably to create critical mass to support existing services and facilities and to create an attractive housing mix to provide a catalyst for inward investment and the delivery of enhanced and new infrastructure and employment provision.

This approach of using the Central Lincolnshire position has been corroborated by inspectors following appeals against refusals by the Council. In this context policies STRAT3 and STRAT9 cannot be afforded any significant weight.

Consequently, paragraph 14 of the NPPF and its presumption in favour of sustainable development applies and guides that, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies indicate that development should be resisted proposals should be approved.

Sudbrooke itself has a local village shop that sells convenience items, including milk, bread and other foodstuffs. There is a village hall and the Cherry Tree café opposite the junction of Scothern Lane with Wragby Road. Close to the application site, within a few minutes' walk is a bus stop close to the entrance to Sudbrooke Park. Eighteen buses stop here daily that travel to Lincoln City Centre (services 6, 10 and 23) with the same number making the return journey. Given this level and frequency of public transport provision it can be reasonably concluded that the application site is a sustainable location for housing development. The principle is therefore supported subject to a consideration of potential detailed impacts below.

Design and Effect upon the Character of the Area (including Historic Gardens and Parks)

Relevant policies in respect to design and the impacts on the character of the area include Policies STRAT 1, STRAT 6 and RES 1. Policies NBE 8, 10 and 20 are particularly relevant given the subject site's location. Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200. With regard to heritage paragraphs 126 and 144 of the NPPF are also relevant.

The application site is part of a locally designated historic park (Sudbrooke Park). Policy NBE 8 says:

“Development will not be permitted which would harm the character, appearance, setting or features of... parks, garden and formally laid out areas identified by the Local Planning Authority as being worthy of protection.”

The Council wants to protect the element of variety that Sudbrooke Park provides in the landscape, whilst also retaining its historic and architectural value. Development which is designed sympathetically and fits in with the character of the area may be allowed to proceed. The indicative layout plan submitted in support of the application demonstrates that the site would accommodate residential development that would be sympathetic. As the development would be setback within the plot and the wooded nature of the site would be retained, the proposal would respond to policy NBE 10; respecting local landscape character. It would also respond to the requirements of NBE 20 with regard to appropriate design outcomes for development on the edge of settlements.

Having taken all of the above into account, with careful design, the proposal should provide an appropriate layout, appearance, scale and landscaping at reserved matters stage, in accordance with the provisions of policy STRAT 1 (i), (vi) and (x) and the NPPF.

Landscaping, Boundary Treatments and Impact on Trees

Relevant policies with regard to landscaping, boundary treatments and impact on trees include STRAT 1 and NBE 12. Significant weight should be attached to STRAT 1 as it is broadly consistent with the aims of the NPPF.

Retaining the woodland character of the subject site is a clear issue for local residents. Further, the tree belt addressing Wragby Road has been identified as a major feature for this part of Sudbrooke. However, many trees on the subject site are of poor quality and a woodland management plan (seeking to retain and replace trees as appropriate) is seen as an essential component. This can be secured by condition.

This is reinforced by the requirements of policy NBE12 which applies to land immediately adjacent to the subject site’s northern boundary. This indicates that planning conditions should be applied that mitigate effects of proposals on woodland.

The applicant’s Supporting Planning Statement states that “the setting back of the dwellings behind a retained belt of mature landscaping echoes the prevailing character.” At reserved matters stage, it will be important to ensure that this is delivered as part of any scheme.

Further, Policy CORE 10 requires the proposal to integrate with the surrounding environment and ensure that landscape is integral to the scheme. Importantly, the policy seeks to ensure that natural landscape and conservation features (including trees) are retained or enhanced.

Having taken into account the above policies, the proposals are considered acceptable in terms of landscaping, subject to the imposition of appropriately worded conditions.

Flood Risk and Drainage

Relevant policies in respect to flood risk and drainage include NBE 14 and the relevant paragraphs within the NPPF, including 100 to 103.

A condition can be utilised on any consent to ensure that separate systems are provided at reserved matters stage for foul and surface water drainage and that a drainage strategy should be prepared.

The northern part of the subject site falls within Flood Zones 2 and 3. This is toward the rear of the subject site. The applicant has indicated that development will take place in the part of the site with a low probability of flooding (Flood Zone 1). The supporting Flood Risk Assessment (FRA), submitted in support of the application confirms that the development site sits within Flood Zone 1. Consequently, the proposal would be appropriate development and this can be secured by condition.

The proposal should not have a significant impact on drainage and the sewerage system. NBE 14 states that development will not be permitted which would generate foul or surface water run-off in excess of the capacity of the sewage system works or plant or ultimate receiving land drainage system. It is best practice that the discharge rate of surface water should not exceed that of a greenfield site. The applicant's FRA establishes that the current run-off rate is 1.3 litres per second. The indicative development would have a run-off rate of over 16 litres per second. Unfortunately, the subject site's ground conditions make Sustainable Urban Drainage System (SUDS) solutions impractical. Consequently, discharge to the Beck forming the northern boundary of the subject site has been proposed. The FRA suggests that this be managed to a run-off rate of 3 litres per second as this is the lowest achievable rate. This would require storage of about 34.5m³. This would allow appropriate management.

Having had regard to the above, the proposed scheme is in accordance with NBE14 and the NPPF with respect to drainage and flood risk, subject to conditions to ensure appropriate development location and drainage management.

Impact on Highways

The relevant policy in respect to highway safety and capacity is STRAT 1. This should be afforded substantial weight as they are broadly consistent with the aims of the NPPF.

LCC Highways have no objections and do not wish to restrict the granting of planning permission at this outline stage. As such, the proposal is acceptable in highways terms and accords with STRAT 1

Residential Amenity

Relevant policies in respect to impacts on residential amenity include STRAT 1. This Local Plan policy should be afforded substantial weight given that it accords with the NPPF.

In respect to the NPPF, one of the 12 core planning principles is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The key considerations in respects of residential amenity are the potential of the proposal to result in overlooking, overshadowing and be overbearing to neighbouring properties. The subject site is bounded to the east and west by residential properties. To the north is Sudbrooke Park. To the south is open countryside. The indicative scheme for the proposed development shows it to be well screened by trees and setback on the development plot. Regardless, all matters are reserved.

Consideration at reserved matters stage can ensure that orientation of a proposed residential development is acceptable and that it would not result in a detrimental impact through overlooking, overshadowing or the creation of an oppressive outlook for neighbouring residential properties.

The proposed development by virtue of its scale, orientation and layout on the application site would not cause a significant detrimental impact on the residential amenity of the neighbouring properties and a good standard of amenity is achievable at the reserved matters stage in accordance with STRAT 1 and the advice contained within the NPPF.

Nature Conservation and Protected Species

Relevant policy with regard to nature conservation and protected species is NBE 12. Paragraph 118 of the NPPF applies.

The Lincolnshire Wildlife Trust and Natural England have indicated that the subject site, being part of parkland, is a priority habitat under the provisions of Section 41 of the Natural Environment and Rural Communities Act 2006. This seeks to ensure the conservation and enhancement of biodiversity. Further, the presence of protected bats is recognised as a potential.

The applicant has submitted a supporting Ecological Constraints Report. This provides a high level overview suggesting the biodiversity assets of the subject site are located toward the north-west. Further understanding of the ecological and biodiversity effects of the proposal will be required. Conditions to ensure appropriate surveys and mitigation proposals are prepared will be conditioned.

Further, the applicant has submitted a Bat Activity Survey (August 2015) that looked at the area directly proposed for development. This established a

degree of bat activity and made a number of recommendations. These included undertaking more detailed surveying prior to construction and ensuring an appropriate construction methodology that respected bats and their habitat. These recommendations can be secured by condition.

Having taken into account the above, the proposal would be acceptable in terms of nature conservation and protected species, subject to conditions attached to any permission that required appropriate surveys and mitigation plans. The proposal would accord with policies NBE12 and the NPPF.

Affordable Housing

Relevant policy in respect to affordable housing is Policy RES6 and paragraph 50 of the NPPF.

Policy RES6 sets out that in settlements, such as Sudbrooke, with a population of fewer than 3000 and on sites accommodating 2 or more dwellings, provision of affordable housing will be negotiated to ensure a reasonable number of affordable dwellings are supplied.

The affordable housing requirement will be for 25% of the units to be delivered as affordable housing.

In this instance an off-site contribution, secured by means of a s106 agreement, is preferred. Based on the West Lindsey SPG Off-Site Contributions in lieu of Affordable Housing (2010 tariff) this equates to £79,915.50.

Conclusion and Reason for Decision

The decision has been considered against saved policies STRAT 1, STRAT 3, STRAT 6, STRAT 9, STRAT 12, RES1, RES5, RES6, NBE 8, NBE10, NBE12, NBE14, NBE20 and CORE 10 of the adopted West Lindsey Local Plan First Review 2006 as well as all other material considerations, including the guidance contained within the NPPF and NPPG. In light of the above assessment, the proposal is acceptable subject to certain conditions and an agreed affordable housing contribution secured through a s106 agreement. The proposed development will be in a sustainable location and subject to number, layout, scale and design is not considered to unduly harm visual or residential amenity; nor highway safety.

RECOMMENDATION: That the decision to grant permission subject to conditions be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 which secures an off-site contribution for affordable housing.

Conditions stating the time by which the development must be commenced:

1. Applications for the approval of the reserved matters referred to in Condition 2 shall be made within a period of three years from the grant of this outline permission and the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

Conditions which apply or require matters to be agreed before the development commenced:

2. Approval of the details of the (a) appearance, b) landscaping, c) layout of the site, d) scale and e) access (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

This is outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority.

3. The site shall be developed with separate systems of drainage for foul and surface water in accordance with an approved drainage strategy that has first been submitted to and approved in writing by the local planning authority.

Reason:

In the interest of satisfactory and sustainable drainage, in order to comply with policies STRAT1, NBE14 and the NPPF.

4. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the use hereby approved commencing and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason:

To ensure that the development can be properly drained having had regard to policies STRAT1, NBE14 and the NPPF.

5. The development permitted by this planning permission shall only be carried out in accordance with a Flood Risk Assessment (FRA) submitted to and approved by the Local Planning Authority.

Reason:

To reduce the risk from flooding to the proposed development

6. No development shall take place or trees removed from the site until a woodland management plan (that supports the retention of the woodland character of the site and ensures the tree belt addressing Wragby Road is retained and identifies trees to be retained and replaced as appropriate) has been submitted to, and approved in writing by, the local planning authority.

Reason:

To ensure that the woodland is sensitively managed and to conform to policies STRAT1, NBE12 and CORE 10.

7. Prior to the commencement of the development a bat survey and plan should be undertaken in accordance with the recommendations of the JBA Consulting Bat Activity Survey dated August 2015. This shall include a timetable for implementation of measures required and must be submitted to, and approved in writing by, the Local Planning Authority. The details approved shall thereafter be implemented in full in accordance with the agreed timescales

Reason:

To establish the presence, scale, use and location of the subject site by protected bat species and set out an appropriate strategy for its management and mitigation in accordance with policy NBE12 and the NPPF.

8. The development hereby permitted shall be carried out within the zone identified in drawing L-HUT-009-SLPP.

Reason:

For the avoidance of doubt.

Conditions which apply or are to be observed during the course of the development:

None

Conditions which apply or relate to matters which are to be observed following completion of the development:

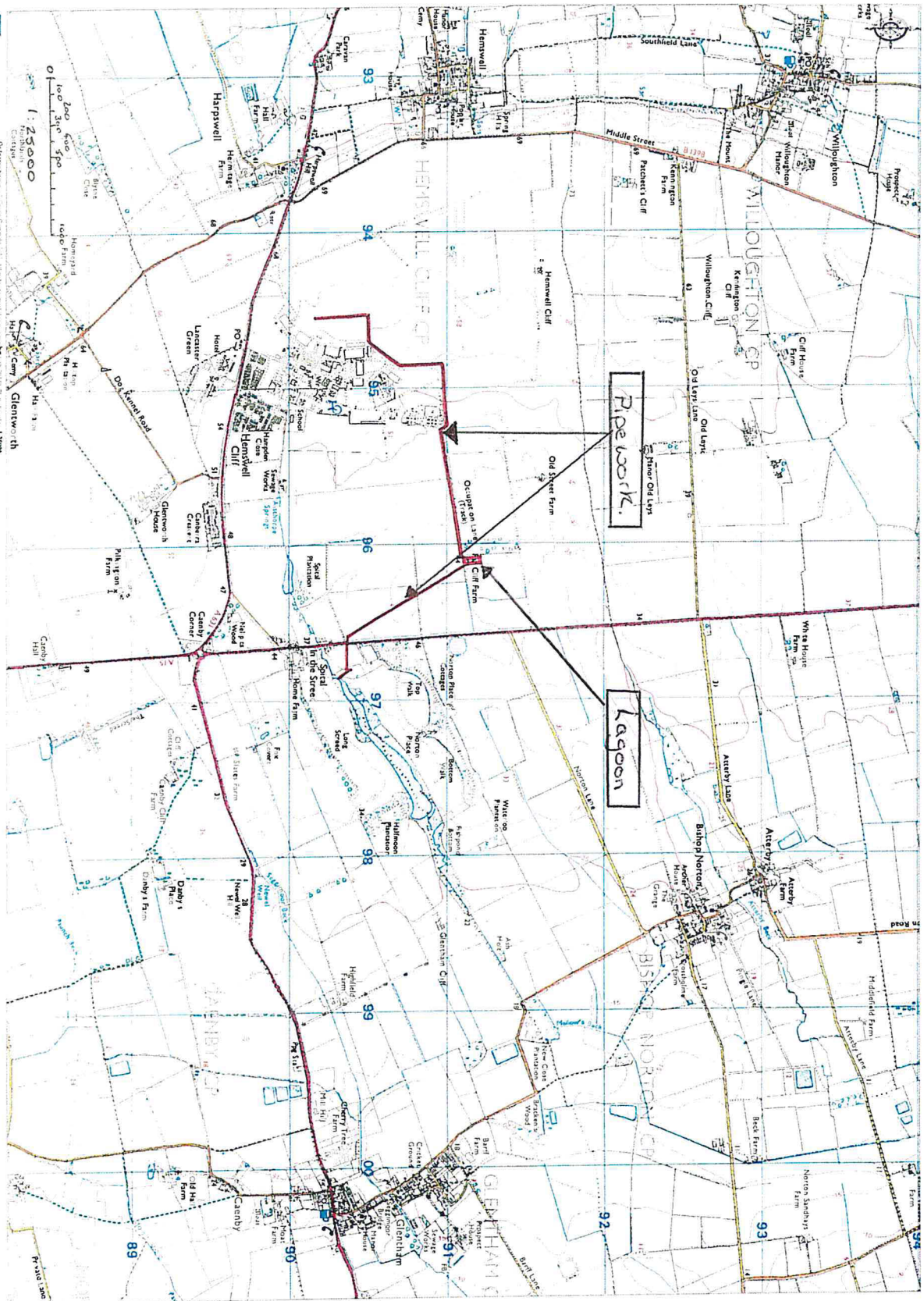
None

Decision Level (tick as appropriate)

Delegated

Delegated via Members x

Committee



Officers Report

Planning Application No: 132412

PROPOSAL: Planning application for the creation of a lagoon for the storage of AD digestate and connecting pipework from Hemswell Cliff AD plant and lagoon

LOCATION: Land at Hemswell Cliff, Occupation Lane, Lincolnshire

WARD: Hemswell

WARD MEMBER: Cllr Howitt-Cowan

APPLICANT NAME: Cllr A Duguid

TARGET DECISION DATE: 05/10/2015

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Jonathan Cadd

RECOMMENDED DECISION: Approval subject to conditions

Description:

Existing farmland to the west of the A15. Currently an agricultural field the site is 7296 sq.m and is set 363m from the A15 itself. Ground levels gently undulate with the site being highly visible to this main highway. Ground levels also rise to the south beyond where the track, connects the site to the A15, is positioned. A 2m high hedge marks the boundary of the site to the wider fields to the south. To the west is a substantial copse of young trees which expands the full length of the pond. To the north the field falls away to extensive fields. To the east ground levels rise up to meet the A15.

This proposal seeks to erect a single 64m by 114m digestate lagoon with pipe work linking it to the AD plant approved by the County Council at Hemswell Cliff Business Park and is now under construction. The pond would be set 3m into the ground with an above ground bund of 1m surrounding the site and would have a capacity of 20,000 cubic metres. The pond would be lined to prevent contamination. Digestate from the AD plant would be pumped to the lagoon via a 200mm High Performance Pressure steel pipe. An additional pipe would run under the A15 to allow for further discharge on the other side of the road to aid spreading.

This application is presented to the planning committee as the applicant has become a District Councillor during the determination period.

Relevant history:

129257 County matters application PL0166 12 for provision of anaerobic digester. Approved by County Council 11 Feb 2013

131971 Application to vary condition 2 of planning permission W127/130 114/13 to amend site layout and location (minor material amendment) at Hemswell Cliff Industrial Estate. Approved by County Council on 3 March 2015

Representations:

Chairman/Ward member(s): Wished to be kept informed of progress.

Hemswell Parish Council: Object on the grounds of proximity to housing and schools, odour and air quality, traffic, storage, disposal and contamination and heritage and landscape.

Local residents: Holme Cross, The Spinney Glentham Road, The Barns, Pringle Lane (x2) Bishop Norton. Objections relate to a lack of information in terms of the location, the type of material stored in the lagoon (particularly animal waste or a derivative of this), potential for odours, contamination, disposal of digestate, the provision of a cover and whether the scheme is fully covered by Environment Agency regulations.

Archaeology: Following on site investigations no objection

LCC Highways: No objection

Environment Agency: Object – concerns over contamination of public water supplies from the lime stone aquifer (x2).

Environmental Protection: Request further details on odour, conditions on the need for a floating lid to the lagoon.

HSE: The HSE does not advise, on safety grounds, against granting of planning permission in this case.

Revised application:

Bishop Norton Parish Council: Object - no detail on type of digestate to be stored and why there will be no odour, why is there no cover proposed? Insufficient detail on landscaping, how will storm water be stored and drained? Archaeological detail is not sufficient. No detail on piping.

LCC Archaeology: No objections

Environment Agency: Awaiting final comments.

Lincolnshire County Council:

Environmental Protection: Raises the need for conditions on the lagoon cover and requests confirmation that the level stored is acceptable in terms of digestate as storage of slurry is much smaller. Confirmation that the digestate accords with PAS 110 is required.

HSE: No objection on safety grounds

National Grid: No decision until the application has been fully assessed due to proximity.

National Grid: Further consultation indicates that a protection agreement will be required for works that may impact on the pressure pipelines separate to the planning process.

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

National Planning Practice Guidance (NPPG)
<http://planningguidance.planningportal.gov.uk/>

West Lindsey Local Plan First Review 2006

STRAT1: Development requiring planning permission
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

STRAT12: Development within the open countryside
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

CORE10: Open space and landscaping within developments
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

NBE8: Historic Park & Garden
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe8>

NBE12: Development affecting locally designated nature conservation sites and ancient woodlands.
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe12>

NBE14: Waste Water Disposal
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>

NBE15: Water quality and supply
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe15>

NBE17: Control of potentially polluting uses
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe17>

Main issues

- *Principle of use in this location (STRAT1, STRAT12)*
- *Pollution and amenity (STRAT1, NBE14, STRAT15 and STRAT17)*
- *Character of area and landscaping (STRAT1, STRAT12, CORE 10 and NBE8)*

Assessment:

- *Principle of use in this location (STRAT1 and STRAT12)*

The NPPF seeks planning policies which support economic growth in rural areas in order to: create jobs and prosperity by taking a positive approach to sustainable new development. It notes in chapter that:

To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;

This proposal seeks to store digestate at the site as a by-product of the anaerobic digester which has previously been granted consent at Hemswell Cliff Industrial Estate. The capacity of the lagoon would be in excess of the annual production of the digestate in order to ensure any precipitation could be accommodated on site. The digestate would be transferred from the AD plant by pipe to the lagoon where it would be stored until spread upon the applicant's land as fertilizer. To reduce the need for vehicle movements the pipe network would extend to the south east of the A15 for onward movement to the applicant's fields by tractor and trailer. At times the digestate from the lagoon would also be pumped back into the AD plant as make up water to aid the AD process.

It is considered that the proposal is an integral part of the AD process which utilises existing waste to create energy and then create a useable by product which is fertiliser. Such a scheme would appear consistent with a rural area.

It is considered that the scheme would accord with saved Policy STRAT1 by assisting in the future generations to meet their own needs subject to more detailed considerations.

- *Pollution and amenity (STRAT1, NBE14, STRAT15 and STRAT17)*

Saved Policy STRAT1 makes it clear that development must reflect the need to safeguard and improve the quality of life of residents, conserve energy resources and protect the Plan area's character and be satisfactory with regards to (amongst others): viii) The impact of the proposal on neighbouring and; where relevant other uses; and xii) Any other material considerations properly relating to regulating the use and development of land, including:

- Protection of general water quality and the quality of ground water;
- Protecting air quality;
- Protecting land quality from contamination

Similarly, NBE15 indicates development will not be permitted which would constitute a risk to the quality and quantity of water resources or to fisheries, amenity and nature conservation by means of:

- i. Pollution from development or as a result of the disturbance of contaminated land;
- ii. Water abstraction unless adequate measures are taken to reduce this risk to an acceptable level.

This is supported by Saved Policy NBE14 which indicates that Development will not be permitted which would generate foul sewage or surface water run-off in excess of the capacity of the sewage system works or plant or ultimate receiving land drainage system.

This site is located within an area used by Anglian Water to extract drinking water and as a result the impact of any contamination could be considerable. Consideration should therefore be given to the potential for contamination any measures which would seek to limit this occurring.

The applicant has indicated that the lagoon would be lined and has provided details of the underground piped system proposed. These have been agreed with the Environment Agency which has removed its objection as a result of the details provided indicating that this would limit the potential for pollution and contamination sufficiently.

The digestate would be derived in part by waste food and animal waste. Such materials have the potential to create significant unpleasant odours which could affect nearby houses and communities. Significant and valid objections from some residents and the two Parish Councils have been raised on these grounds.

The matter stored within the lagoon would not be raw animal waste but digestate, i.e. matter which has been through the anaerobic digestate process. Evidence supplied from the applicant indicates that raw slurry emits methane and hydrogen sulphide (H₂S) which is extracted during the AD process. H₂S is highly odorous and as it is removed (along with methane) prior to combustion. As a result H₂S and methane levels are significantly reduced following the ADS process and odour would also be reduced significantly. It has been shown that the AD process and the creation of digestate can reduce odour by up to 90%, compared to slurry. The together with the physical location of the lagoon approximately 600m from the closest residential dwelling would reduce the impact of any potential odours emitted from the site. Although not strictly relevant to this application it is worth noting that an intensive livestock unit policy within the Local Plan (ECON5) recommends a minimum limit of 400m from the nearest dwelling for similar odour reasons. The applicant has confirmed that the proposal will seek to conform to PAS 110, an specific industry standard for digestate, but that the accreditation process for this does take time to complete.

Although not specifically noted to be included within the application development, colleagues within the Environmental Protection team have recommended that the scheme be conditioned to ensure that a floating cover is utilised to limit odour levels further.

Concerns have been raised over the spreading of the digestate on surrounding fields but this is not a matter under consideration and can already take place without the need for planning permission. It is, however, controlled by the Environment Agency.

The pipe network from the lagoon continues to the east of the A15 close to Home Farm. It is noted that this would be used as a loading point for tailors spreading only and as a result would not be used to store digestate on a regular basis and that spreading would only occur during specific periods of

the year controlled by the Environment Agency. As a result of this the proposal is deemed, subject to conditions to protect residential amenity issues.

It is considered, therefore, that contamination and odour would be successfully dealt with.

The proposed digestate pipework which would cross the A15 would also cross over/ under two high pressure gas pipelines. National Grid has been contacted and although no objection has been received a separate agreement, independent of the planning system, will be required. This is to agree the position of the both the gas and digestate pipework and how the new pipe will be installed in a safe and satisfactory manner so as not to affect these important pipelines. This also has significant safety considerations.

A condition is also required to agree details of construction of the pipework under the A15. This again will ensure that the development can proceed in a safe manner would significant impact on the highway either structurally or from a safety perspective.

- ***Character of area and landscaping***

The site is located within the open countryside and is clearly visible from the A15. The site is not designated as being of specific importance i.e. AONB, AGLV and falls with the Limestone Dip Slope within the West Lindsey Character Assessment.

The development is considerable in scale and would be visible from the A15 due to the roads elevated nature. The proposal therefore has the potential to have a detrimental impact on the character of the area. The development, however, would be sunk into the ground with only a 1m bund visible above ground levels. This would reduce the impact but the scale of the lagoon would still make it highly visible from the A15. As a result of this the applicant has agreed to a 5m wide landscaped strip of trees and hedges to be planted parallel to the full length of the eastern edge of the lagoon screening it from the road. Such a character would be similar to the copse to the west of the site which is an existing feature in the area. The proposed landscaping would also conform with the character assessment for the area which notes that lines of trees are important landscape features within the area and that any existing planting around air bases (such as Hemswell) should be strengthened. Such planting would need to be conditioned to ensure implementation.

The site is opposite a historic park and garden and an area of local nature importance (an ex SNCI) but it is located sufficient distance away which with the landscaped screening proposed would be sufficient to protect the quality of this assets in accordance with saved Policies NBE8 and NBE12.

The copse to the west would protect views of the site from this direction whilst the 1.5 – 2m high field boundary would protect views from the south. Further planting to the east is also proposed to screen views from the north.

Other matters

The site is with 500m of an ex SNCI but its loss of designation, the intervening distance and the planted screen would ensure nature conservation interests were not impacted upon.

The site would be accessed off the A15 for construction by an existing access but otherwise any activity would be sporadic on account of the piping of the digestate but the main way of filling the lagoon.

The pipe network proposed also allows discharge to the east of the A15. This is another way which the applicant seeks to limit impact on the highway as any tractor movements to fill up tankers before spreading would not need to utilise the public highway.

Conclusion

Although large and located within the open countryside the application is linked to an existing AD plant being constructed at Hemswell Cliff which would effectively re utilise a by-product of this process namely agricultural fertilizer for the applicant's own land. It is considered therefore that the proposal would be a positive benefit to the area in principle.

The proposal would, however, be large and its visual impact could have a detrimental impact on the character of this area. The applicant however has agreed to mitigate any impacts through a landscaping scheme which would reduce any impacts once it matures. This can be conditioned.

Similarly, significant concerns over odour and contamination have been raised by objectors. The applicant has, however, addressed this through additional detail and data which shows that digestate is less odorous than animal waste. This together with the intervening distances to existing residential properties would be sufficient to protect residential amenities. Conditions are, however, also recommended to ensure a floating lid is included upon the lagoon to further reduce any potential odour. Contamination concerns has also been addressed through the provision of additional details over the construction of the lagoon and piping.

Similarly, the distance to former local nature reserve is sufficient to limit any impacts to a minimum.

The impact upon highway safety would be minimal whilst conditions would also be required for the design of the pipework around the A15 and the two high pressure pipelines to be agreed before work commences.

The planning balance therefore whilst noting the concerns raised indicates that the proposal would be of benefit and the impacts could be mitigated sufficiently through conditions. The proposal would therefore accord with Saved Policies STRAT1, STRAT12, CORE10, NBE8, NBE12, NBE14 and NBE15.

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

2. No development shall commence until a scheme detailing the disposal of surface water drainage from the site (including the results of soakaway tests) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment in accordance with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006

3. No development of the pipe network between the lagoon and land to the south east of the A15 shall commence until full details, including construction details, depths and relationship to high pressure pipelines and the A15 highway, of this piped network has been submitted to and agreed in writing with the Local Planning Authority. The pipework shall be completed in strict accordance with the approved plans before the lagoon is first brought into use.

Reason: To ensure the proposed pipe network does not have an adverse impact on the safe operation of two high pressure gas pipelines and the A15 highway in accordance with Saved Policy STRAT1 of the West Lindsey Local Plan.

4. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted within a 5m wide 130m long landscaping strip parallel to the eastern edge of the lagoon and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1 and CORE 10.

Conditions which apply or are to be observed during the course of the development:

5. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings & documents: A2187-002 Rev B, A2187-003, Pipework Map, Pipework supporting document, Archaeology Report, Bentofix Fibre Detail, Reinforced Geosynthetic Clay Liner detail, Carbofol Technical Data, Leakage Detection Standard Detail Plan (Enviroseal), Design & Access Statement, Additional Information including Map of Route of Pipework and emails from Graeme Perry dated: 15th June 2015, 7 Aug 2015 and 10th August 2015. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved Policy STRAT 1, STRAT12, CORE 10, NBE8 and NBE12, NBE14 and NBE15 of the West Lindsey Local Plan First Review 2006

6. Prior to the lagoon being first brought into use details of a floating cover shall be submitted to and agreed in writing with the Local Planning Authority and the approved cover shall be installed and be used thereafter.

Reason: to reduce the potential for odours to maintain residential amenity and in accordance with Saved Policies STRAT1 of the West Lindsey Local Plan.

7. Prior to the lagoon being first brought into use the location, technical details and elevations of the discharge point of the piped network to the east of the A15 shall be submitted to and approved in writing by the Local Planning Authority and constructed in accordance with the approved details.

Reason: To ensure the impact of the proposal is fully assessed in accordance with Saved Policies STRAT1 and in particular the potential for odour nuisance.

Conditions which apply or relate to matters which are to be observed following completion of the development:

8. Prior to the development being first brought into use detail of the pumping engines proposed shall be submitted to and agreed in writing by the Local Planning Authority. Details shall include their position and acoustic performance and any noise mitigation measures. The discharge point shall be constructed in accordance with the approved details thereafter and the point only be used for the discharge of digestate for spreading on fields only.

Reason: to reduce the potential for noise nuisance in accordance with Saved Policy STRAT1 of the West Lindsey Local Plan.

9. The lagoon hereby approved shall only be used for the storage of digestate generated from the AD plant at Hemswell Cliff and for no other material or from no other source.

Reason: To reduce the potential for odours/ contamination and in accordance with Saved Policy STRAT1 of the Local Plan.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first operation of the lagoon or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, STRAT 12 and CORE 10.

Informatives

The proposed pipeline will cross two high pressure gas pipelines and the A15 highway. Separate consent from National Grid and the Local Highway Authority will be required to ensure the safety and operation of these networks are maintained and the construction of this development is done in a manner which will not cause harm to workers, residents and users of these networks. You are advised to contact National Grid as a matter of urgency on (01XXX) XXXXXX and the Local Highway Authority on (01507) XXXXXX.

Reason for approval

This proposal will aid the use of a by-product of an approved anaerobic digestion unit at Hemswell Cliff without significant impact on the character of the area, residential amenity, contamination potential, highway safety nor nature interests and is in accordance with Saved Policies STRAT1, STRAT12, CORE10, NBE8, NBE12, NBE14 and NBE15 of the West Lindsey Local Plan and the provisions of the National Planning Policy Framework.

Working Practice Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a

result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

Representors to be notified -
(highlight requirements):

Standard Letter **Special Letter** **Draft enclosed**

Prepared by : Jonathan Cadd

Date : 7 September 2015

Signed:

Authorising Office 

Date: 10 September 2015

Decision Level (tick as appropriate)

Delegated

Delegated via Members

Committee x