

## **Officers Report**

### **Planning Application No: 140416**

**PROPOSAL:** Planning application to erect 14no. grain storage silos, 1no. dryer, associated structures and conveyor.

**LOCATION:** Land adj Woldgrain Storage Ltd Hemswell Airfield  
Hemswell Gainsborough DN21 5TJ

**WARD:** Hemswell

**WARD MEMBER(S):** Cllr P Howitt-Cowan

**APPLICANT NAME:** Woldgrain Storage Limited

**TARGET DECISION DATE:** 07/04/2020

**DEVELOPMENT TYPE:** Major - Manufacture/Storage/Warehouse

**CASE OFFICER:** Ian Elliott

**RECOMMENDED DECISION:** Grant permission subject to conditions

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#### **Planning Committee:**

This application is considered necessary to present to planning committee due to the nature of the application which is a large expansion to an existing commercial operation close to residential uses in Hemswell Cliff and the concerns raised by local residents, Parish Councils and Parish Meetings.

#### **Description:**

The application site is an area of triangular shaped grass land (1.29 hectares) currently owned by the neighbouring road haulage company (JS Highfield Ltd) to the west of the site. The site has a track which goes around the site by the boundaries. The site includes a grass bund in the north corner and is used to store items such as lorry trailers, storage boxes, a caravan and a shipping container.

The north, east, west and north west boundaries have green palisade fencing and wire fencing. Screening is additionally provided by high silos to the north, the stored lorry trailers and industrial building to the south west. A grass bund is adjacent to the east of the site. To the north of the site is Woldgrain Storage Limited (applicant) with JS Highfield Limited (current land owner) to the south and west. To the east is a building and storage area occupied by a separate business.

The site is part of the Hemswell Cliff Business Park and near the area of domestic residential use. The site is in a Limestone Minerals Safeguarding area and an HSE explosives safeguarding zone.

The application seeks permission to erect 14no. grain storage silos, 1no. dryer, associated structures and conveyor.

#### **Relevant history:**

JS Highfield Limited site:  
134705 - Planning application for proposed new office block – 26/09/16 -  
Granted time limit and other conditions

## **Representations**

**Chairman/Ward member(s):** No representations received to date

**Hemswell Cliff Parish Council:** Objection

### Noise

We would expect that a noise study to be complete over a reasonable period of time particularly to the south and east and monitoring different weather conditions to independently establish whether the 'humming' noise experienced by a number of local residents is as a result of this site and if it is so determined to assess the impact before any decision.

### Visual Impact

We object to the silos being left in an unpainted, bright galvanized state and would like to see a condition whereby the grain stores are painted and graduated to blend in with the surrounding landscape.

### Flooding

We would challenge the accuracy of the flood report included in the documents on the website. A number of properties were flooded in 2007 where the houses were uninhabitable. We would ideally like to see an attenuation pond to reduce any risk of flooding.

### Neighbourhood Plan development

We are in the process of producing a Regulation 14 NP by April 2020 which identifies nearby sites for housing development so we would like consideration of these proposals including the impact of this development on nearby sites in relation to flooding and visual amenity.

**Bishop Norton and Atterby Parish Council:** Objections

We object to this proposal on the grounds of:

- increase in noise level will also affect Bishop Norton
- visual amenity (particularly the bright metal exterior, perhaps a green coloured exterior might alleviate)
- flood risk to Hemswell Cliff and Spittle in the street
- Increased HGV traffic which affects the local and surrounding area especially the increasing problem of HGV incidents on the A15.

There appears to be no mention of negating the carbon produced on this project by planting trees, which would also help to alleviate some noise issues

**Harpwell Parish Meeting:** Observations

### Noise

The Woldgrain dryer noise will likely have more of an impact due to the dryers being in operation July to October (late summer–early autumn) when windows/doors are open and people are outside in their gardens.

The issue for residents will be the cumulative effect of all the noise pollution from the industrial activities on Hemswell Cliff, particularly as the area is further developed.

The residents of houses in Harpswell not sheltered by woodland do experience the noise.

Planners may like to consider the planting of banks of trees just outside the area of development to mitigate some of the noise.

### Highways

Increase in all traffic, but particularly Lorries will also have an impact.

### Visual Impact

- The colour of the 'silos' should be sensitive to the countryside setting - green/brown but not silver.
- Planners may like to consider the planting of banks of trees just outside the area of development to provide a degree of visual screening.

**Local residents:** Representations received from:

15 Lloyd Place, Hemswell Cliff  
48, 52 Canberra Crescent, Hemswell Cliff  
19 Anderson Road, Hemswell Cliff  
5, 11, 15A Lancaster Green, Hemswell Cliff  
31 Minden Place  
1 New Bungalows, Ermine Street, Spital in the Street  
The Cottage, Ermine Street, Spital in the Street  
Pear Tree House, 17a Brook Street, Hemswell

Objections (Summarised):

### Residential Amenity/Noise

- Increased noise pollution.
- Constant humming from existing dryer heard indoors when doors and windows closed.
- Noise is detrimental to quality of life.
- Considerable noise nuisance on clear nights and increase of silos by 14 will make it intolerable.
- Sleeping disturbance in the summer.
- Noise annoying at night from incessant motor sounds of the dryer.
- Comparable to jet engine warming up in the distance.

- 5 Lancaster Green is 1200 metres from the site and can clearly hear machinery noise.
- Occasionally when the wind blows from the east there is an incessant pervasive noise more notable at night from Pear Tree House.

#### Visual Impact

- Industrial landscape already and 14 new silos will dominate the village long views.
- 2 metres higher than existing which will dwarf original silos.
- Silos will be seen from far and will ruin the skyline with more unsightly towers.
- Will be a blot on the landscape with strong glare when sun hits them.
- They are not painted and should be painted dark green.
- Impact on view and panorama from 1 New Bungalows, Ermine Street, Spital in the Street.

#### Highways

- Extra traffic and traffic movements from Heavy Goods Vehicles.
- Roads are at capacity and traffic will double because the silos are doubling.

#### Flooding

- Concrete bases cause a bigger risk to flooding.
- No intention to add attenuation ponds will mean more water run-off downhill.

#### Ecology

- Noise/humming has reduced bats in the village.
- Do not hear barn owls anymore.

#### Heritage

- There isn't a heritage statement or a report from the conservation Officer.
- 14 extra silos will undoubtedly have an impact on the setting of the nearby listed buildings

#### Other

- The silos are behind the Primary School which will be a distraction and produce dust. This will impact on the health of the children.
- Covers car in dust.
- If minded to approve should restrict hours of operation.

#### **Red Dragon Fireworks and Dracon Trading Limited: Objection**

It could have substantial financial implications to one or both of my clients. This view is supported by HSE (see letter enclosed). Both of the sites store quantities of Hazard Type 3 explosives and obtaining licence to store these items is a difficult and costly process — storage of this nature is at a premium and we do not want to see any reduction in the quantities that we could hold onsite.

I have instructed the Site Manager at Dracon Trading Ltd to contact Woldgrain to obtain additional information that both I and HSE can use in order to determine the potential impact on operations. It may well transpire that there is no impact, but only HSE can make that decision. Therefore until we have certainty our objection to the proposed development would remain.

**HSE Explosives:** No objection

**WLDC Environmental Protection:** No objection subject to conditions

Representation received 26th May 2020:

I refer to my previous email of 13 May 2020, and your email of 20th May with the revised noise report reference NIA/8960/20/9025/v4/Woldgrain, I am satisfied with the revised report therefore I would recommendation for members to support the application subject to the following conditions:-

- No deliveries shall be made to the site between the hours of 23:00 until 07:00 hours. Unless specifically agreed in writing by the Local Planning Authority beforehand.  
REASON: To protect the amenity of the occupants of nearby dwellings to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.
- The business outlined in red on location plan LDC2850-PL-01 shall only operate no more than 6 silo fans at any one time. In accordance with the Noise Report reference NIA/8960/20/9025/v4/Woldgrain;  
AND  
If requested by the Local Planning Authority, the applicant/operator shall submit digital/electronic records of the number and times of fans in use at any one time. This information shall be retained for 2 years.

Reason: To retain a low noise impact on the nearest occupied or potentially occupied uses in accordance with the conclusions of the noise report, during the operation of the business , to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

- Any plant hereby permitted shall operate in a way not to exceed the specified noise levels as measured at the specified measuring locations defined in Tables 4.5 and 4.6 of the ENS Noise Report referenced NIA/8960/20/9025/v4/Woldgrain dated 20th May 2020.

Reason: To retain a low noise impact on the nearest occupied or potentially occupied uses in accordance with the conclusions of the noise report during the operation of the business to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

Representation received 13th May 2020:

I refer to the above planning application, a proposal of this nature, to provide an increase in the number of fans and associated plant, has great potential to cause considerable noise problems at the nearest, offsite, noise sensitive development, if that noise is not effectively controlled to an acceptable standard.

In terms of traffic noise which has not been considered within the noise report(s), I understand through discussions with the applicant that this will be covered by a noise condition, should planning permission be granted.

There are a number of discrepancies within the noise report(s) that have led to further discussions. In essence, the report(s) predict noise levels which in the opinion of our officers will not actually be achieved, and in any event would lead to unreasonable noise disturbance. The predicted noise levels would be expected to give rise to justified complaints of nuisance at the nearest sensitive properties.

Because of the above, further discussions with the applicant's Noise Consultants ENS concluded that the noise assessments would be revisited, to find a way forward. ENS, felt that the background noise levels undertaken on 2<sup>nd</sup>/3<sup>rd</sup> March 2020, did not represent the background noise levels at the newly identified noise sensitive receptor (160m) and, as such, intend to carry out a further assessment, and resubmit a further report, as soon as possible. In addition to this, I note there has been general comments and concerns raised by local residents as part of the consultation process related to noise from the existing plant. However, with reference to Environmental Health's files there is no evidence of any complaints having been received. In this situation I would support a recommendation that members consider either:-

1. Refusal of the proposal as noise would be unreasonable: or
2. Deferral of the proposal, to allow a revision of the submitted noise reports in liaison with Officers to define measures to control noise from the proposed fans in accordance with acceptable standards.

However, if the amended and revised noise report is received, prior to members considering the application at committee, I would suggest that, if officers are satisfied that the report defines proposals that would effectively deal with the noise the following text could form the basis of set of conditions:-

- No deliveries shall be made to the site between the hours of 23:00 until 07:00 hours. Unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason: To protect the amenity of the occupants of nearby dwellings to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

- The business outlined in red and blue on location plan LDC2850-PL-01 shall only operate no more than 6 grain dryer fans at any one time. In

accordance with the Noise Report reference NIA/8960/20/9025/v  
?/Woldgrain; and if requested by the Local Planning Authority, the  
applicant/operator shall submit digital/electronic records of the number and  
times of fans in use at any one time.

Reason: To retain a low noise impact on the nearest occupied or  
potentially occupied uses concluded in the noise report during operation of  
the business to accord with the National Planning Policy Framework and  
local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

- Any plant hereby permitted shall operate in a way that will achieve the  
specified noise levels as measured at the specified measuring locations  
defined tables xx and xx of the Noise Report referenced  
NIA/8960/20/9025/v/Woldgrain.

**Reason:** To retain a low noise impact on the nearest occupied or  
potentially occupied uses concluded in the noise report during operation of  
the business to accord with the National Planning Policy Framework and  
local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

Representation received 7th May 2020:

Please note the below response to my recommendation for addressing  
concerns should this application proceed and there be subsequent  
determination of Statutory Nuisance arising out complaint, ongoing concerns,  
indeed duty to monitor the district for Statutory Nuisance.

I have demonstrated proof of need to curb noise creep and Hemswell Cliff by  
way of measures already implemented and ongoing, and suggested they be  
mirrored. This appeared to have been accepted but only against monitoring  
data that wasn't representative of worst case existing or potential or  
consideration against nearest premises with established dwelling rights.

I believe I have offered a reasoned and apparently available opportunity with  
steps therein to assess and address concerns as regards this application,  
noise creep and the wider potential for enforcement action we would be  
legally bound to take should there be a subsequent determination of  
nuisance.

In view of the response I remain unable to recommend approval.

Representation received 4th May 2020:

Suggest you run existing plant for 15 minutes on basis of each of:

14 fans and 3 dryers

6 fans and 3 dryers

Measure at 160m from the existing plant and simultaneously measure at  
original monitoring location i.e. east of the school.

Measure sound output level from a sample of the fans being used to compare against new unattenuated fans. Assess for Tonality, Impulsivity and intermittency

Once results are obtained, assess against WHO, PPG and BS4142 the scenarios for impact from the existing plant to JMW (235m) and at 160m for the new plant for likelihood of nuisance and adverse effect and make comparison against existing results.

If there is likelihood of Nuisance with 14 existing fans then present a reasoned argument demonstrating that the 6 existing fans and 3 dryers are not cause for a likelihood of nuisance and/or that the 6 new fans plus new dryer would not exceed the levels set out in the Food Enterprise Zone and would mitigate impact from the existing plant.

Assurance will still be needed that the proposed plant can be sited without the silo proximity apparent creating its own problem from reflected noise.

#### Representation received 15th January 2020:

##### Noise:

- Noise assessment to BS4142 (2014) to establish existing and post development noise levels, to establish if mitigation is required to protect existing nearby sensitive receptors and to consider noise creep in the area as a whole.
- There is continued concern as regards increased and increasing noise levels and of noise creep at Hemswell Cliff. Concerns in the main are in relation to residential areas, most of which are affected and expectation is that there shall be no increase in respect of this application and that any increase in other areas i.e. the business park shall be appropriately justified against the more sensitive users.
- Previous contact with Woldgrain has established that fans do operate at night. This application includes one dryer amongst the intended 14 additional silos; grain dryers have significant potential for noise.

##### Contamination/Drainage:

- Findings (following the fire at the former Eco-Plastics) of contamination getting into watercourses (at Aisthorpe Springs) in as much as there are watercourses to which former MOD drainage infrastructure discharge.
- It is noted that intent is to discharge surface water by way of soakaway. Whatever the means, there ought to be sequential justification and assurance that the potential from what is High Risk MOD land in terms of potential for contamination is not exacerbated by putting controlled waters (including groundwater) at risk.
- There is history of flooding in the vicinity.

#### **WLDC Conservation Officer (CO):** No objections

I can confirm that there are a number of listed buildings in the distance including:

- a) A cluster of listed buildings noting group value at Spital in the Street,



- b) Norton Place and its parkland
- c) Hemswell Court.

The proposed development is an extension of what we can already see and experience, and I can confirm that the proposals will not harm the settings of any of the above. There are no clear views of these structures that affect how the settings of these listed buildings are experienced. Hemswell Court has no visual link between the two sites, nor is this building seen in the same vista on approach to Hemswell. The proposal is at sufficient distance from listed buildings in Spital in the Street and the lodge to, Norton Place and its historic parkland not to have any impact on how these settings are experienced. There are no key views that will be impacted. The site is shown below from the A15 close to the Lodge at Norton Place (red arrow shows the existing development to assist).

**Environment Agency:** No objections subject to a condition

The previous use of the proposed development site as a former RAF airfield presents a potential risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 2 and located upon a principal aquifer. The application's desk study report demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy.

The use of infiltration SuDS may not be appropriate in this location if ground investigations identify contamination at the site as a result of the former use of the site as an RAF airfield. Using soakaways or other infiltration methods on land affected by contamination carries groundwater pollution risks.

**LCC Highways/Lead Local Flood Authority:** No objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

**LCC Minerals and Waste:** No objections

**Natural England:** No objections with advice

**LCC Archaeology:** No representations received to date

**MOD Safeguarding:** No representations received to date

**National Grid:** No representations received to date

**Lincolnshire Wildlife Trust:** No representations received to date

**IDOX checked:** 27th May 2020

### **Relevant Planning Policies**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

#### **Development Plan**

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

Relevant policies of the CLLP include:

LP1 A presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP5 Delivering Prosperity and Jobs

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP16 Development on Land Affected by Contamination

LP17 Landscape, Townscape and Views

LP25 The Historic Environment

LP26 Design and Amenity

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

- ***Neighbourhood Plan (NP)***

West Lindsey District Council has approved the application by Hemswell Cliff Parish Council to have the parish of Hemswell Cliff designated as a neighbourhood area, for the purposes of producing a neighbourhood plan. To date there is no draft neighbourhood plan to consider.

- ***Lincolnshire Minerals and Waste Local Plan (LMWLP)***

The site is in a Limestone Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

#### **National policy & guidance (Material Consideration)**

- ***National Planning Policy Framework (NPPF)***

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in February 2019.

Paragraph 213 states:

*"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

- **National Planning Practice Guidance**
- **National Design Guide (2019)**

<https://www.gov.uk/government/collections/planning-practice-guidance>

<https://www.gov.uk/government/publications/national-design-guide>

#### **Main issues:**

- Principle of the Development  
*Site Background and proposal*  
*Central Lincolnshire Local Plan 2012-2036*  
*National Planning Policy Framework*  
*Assessment of local policy LP5 (Local Employment Site) of the CLLP*  
*Concluding Statement*
- Minerals Resource
- Surface Water Drainage/Water Contamination
- Contamination

#### **Assessment:**

##### Principle of the Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

##### Site Background and proposal:

The submitted design and access statement states that *"Woldgrain Storage Ltd was established in 1980 and is currently an 85,000 tonne Grain Storage facility"*. It carries on to clarify that *"the primary function of the business is to operate as a 'Farmers' Co-operative', with the storage space being owned by the shareholding membership"*

The submitted business case states that *"this expansion would increase our workforce and create additional harvest employment. It will also provide local farmers with greater opportunities to add value to their crops and thereby increase their revenue and profitability. The wider supply chain, particularly hauliers, will also benefit."*

The 85,000 tonnes of grain is collected from the members and delivered by local hauliers. The proposal will provide an additional 60,000 tonnes of grain storage which is aimed to be delivered in the next 10 years and provide storage for local farmers that currently store their grain outside of Lincolnshire.

It is understood that Woldgrain Ltd has applied for a substantial sum of money to help fund the proposed development. This funding is dependent on the disclosure of a planning permission by Woldgrain in its funding application. The timescale of the funding application are relatively tight with the funding decision at the end of June. The position and importance of this funding to the business is acknowledged, however this funding position is not a material consideration in the determination of the application.

*Central Lincolnshire Local Plan 2012-2036:*

Local policy LP5 (Local Employment Site) of the CLLP sets out the criteria for the acceptability of new B1/B2/B8 employment development/and or redevelopment of sites on non-allocated but existing local employment sites.

*National Planning Policy Framework:*

Guidance within paragraph 80 of the NPPF states that '*Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*'.

Paragraph 213 of the NPPF states that '*However, existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*'.

*Assessment of Local Policy LP5 (Local Employment Site) of the CLLP:*

Local Policy LP5 (Local Employment Site) states that "*Appropriate proposals for new B1/B2/B8 employment development and/or redevelopment of sites for B1/B2/B8 uses on non-allocated but existing local employment sites will be supported where:*

- *they do not conflict with neighbouring land uses;*
- *their scale does not harm the character of the locality and/or the amenities of neighbouring occupiers; and*
- *they will not impact unacceptably on the local and/or strategic highway network."*

*They do not conflict with neighbouring land uses:*

The proposed site is adjacent the existing business and on a local employment site comprising a number of commercial/industrial businesses with large buildings.

Initially there were concerns raised from the Explosives Inspectorate that the business to the east of the site would be affected in terms of its licensed storage capacity due to the proximity and the potential serious consequence to people. However this concern has now been removed due to the fact there will be no inhabited buildings on the site, workers will not be in the area on a typical day and that the traffic will be limited to 2 vehicles per day.

It is therefore considered that the proposed development would not conflict with neighbouring uses.

*Their scale does not harm the character of the locality and/or the amenities of neighbouring occupiers:*

Local policy LP17 and LP26 also apply to the visual and residential amenity impacts of the development.

Local Policy LP17 states that *'To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements'*.

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

*c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;*

Local Policy LP26 additionally states that *"the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development."*

Paragraph 180 of the NPPF states that *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life"*

The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

The proposed development is not within an area designated for its special landscape or scenic beauty.

A number of objections have been received in relation to the visual harm caused by the type and scale of the structure. Comments have been received in relation to the colour of the structures.

The proposed silos would be located adjacent to the south east of Woldgrains existing silos and would be sited on an industrial/commercial section of Hemswell Cliff Business Park. They will be approximately 2 metres higher than the existing silos and be finished in galvanised sheeting which will dull in colour over time.

The officer's site visit included viewing the site from the residential area of Hemswell Cliff, the A631, Dog Kennel Road, Middle Street (B1398), Old Leys Lane, the A15 and Spital Lane. Views of the site using the existing silos as a reference are mixed from not in view, partially in view to fully in view. The differences were very much dependant on local screening and land levels from the highway.

The nearest public right of way is the east entrance point to Hems/787/2 which is 1,500 metres away and gradually goes downwards as you travel west along it. Public right of way Gltw/91/1 is to the south of the site but is a considerable 1,700 metres from the site.

Due to the position of the proposed silos the cumulative impact of the additional silos is not viewed from the east (A15) or the west (Middle Street) although the development does push the silos closer to areas to the east. The view of the silos from the south (A631/Spital Lane) is mixed due to the built form at Hemswell Cliff. The clearest view of the site from the south is from Spital Lane and the A631 between the south junction with Spital Lane and the junction with Dog Kennel Road.

The same can be considered of the views of the site from the residential area of Hemswell Cliff. Most views will be blocked off or reduced by the existing residential built form and Business Park to the north/north west. The clearest view of the silos would be from the residential dwellings near to the school and from the school and its external playing field.

The proposed development will cumulatively increase the number of silos on the site but not to a degree that would completely overtake and dominate the area or the landscape. The cumulative impact will primarily only be seen from the south (A631/Spital Lane) as stated above. All of the views of the silos would be observed in its context on a commercial business park next to existing silos constructed from galvanised steel.

It is therefore considered that the proposed silos would not have a significant harmful visual impact on the site or the surrounding area.

The proposed silos would be approximately 40 metres from the commercial building to the east, approximately 50 metres from the nearest commercial building to the south west and over 400 metres from the nearest residential

dwelling to the south. The proposed silos would not have an overbearing impact or cause a significant loss of light on any neighbouring uses.

The main consideration on residential amenity is the impact of noise disturbance on the neighbouring uses of residential, commercial/business and educational. The authority's Environmental Protection Officer (EPO) has raised concerns over noise impacts of the site and the potential for an increase from this development. Objections have been received in relation to existing noise disturbance from the site. The EPO has acknowledged the concerns raised by local residents however there is no evidence of any complaints having been received.

The application has included the submission of a Noise Impact Assessment (NIA) dated 11th March 2020 by Environmental Noise Solution Ltd. This was then superseded by an amended NIA dated 30th March 2020, then by amended NIA dated 21st April 2020 and finally by amended NIA (version 4) dated 20th May 2020. In summary the latest NIA stated the following:

The four nearest noise sensitive receptors (NSR) were assessed. These are:

- Hemswell Cliff Primary School, approximately 400m to the south of the site (NSR1)
- Dwellings on Capper Avenue, approximately 450 metres to the south of the site (NSR2)
- Blenheim House and Blenheim Lodge approximately 340 metres to the south of the site (NSR3)
- Residential unit above commercial unit on Gibson Road approximately 160 metres to the south of the site (NSR4)

It is acknowledged in the NIA that Blenheim House and Blenheim Lodge are currently unoccupied but have the potential to be occupied in the future and the first floor of the commercial unit on Gibson Road could be occupied as a potential residential unit.

At the top of page 6 the NIA explains the method of assessing the impact and the ratings attached when compared to background noise levels. The timings of noise readings are listed below:

- 1 hr during the day (between 07:00 - 23:00 hrs)
- 15 min during the night (between 23:00 - 07:00 hrs)

The NIA on the requirements of the authority's Environmental Health Department has considered the consented but to date not operational Food Enterprise Zone to the north and west. The NIA states that "*It is understood that the consented Food Enterprise Zone (FEZ) has the following operational noise limits at receptors relevant to this assessment (replicated from Table 7.17 of the Environmental Statement 'Hemswell Cliff FEZ LDO' prepared by Aecom for West Lindsey District Council.*" which are:

	Day	Night
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Blenheim Care Home	45dB	39dB
Hemswell Village	36dB	32dB
Gibson Road	52dB	38dB

Page 9 of the NIA states that the typical background noise level recorded from day and early morning monitoring is around:

- 42 dB LA90,15min during the day and 36 dB LA90,T at night at Position 1 (representing Hemswell School and Hemswell Village)
- 42 dB LA90,15min during the day and 41 dB LA90,T at night at Position 2 (representing the Blenheim Care Home)
- 49 dB LA90,15min during the day and 48 dB LA90,T at night at Position 3 (representing the JMW Centre)

The NIA lists the silos and associated fans making it clear on page 10 that the assessment is based on the fitting of fan silencers.

The NIA (page 11) is based on the fact that due to power constraints, it is not possible for all 14 no. silo fans to be in operation simultaneously and that only 6 fans would ever be in use at any one time. This has been confirmed by the agent in an email dated 31st March 2020.

Section 4.2 and table 4.4 of the NIA lists the noise levels on the NSR's. These are:

NSR1	30dB
NSR2	29dB
NSR3	32dB
NSR4	38dB

With the +3dB penalty included the NIA assessed daytime and night impacts as:

Daytime Impact				
Parameter	NSR1	NSR2	NSR3	NSR4
Background sound (dB)	42dB	42dB	42dB	49dB
Noise Level (dB)	30dB	29dB	32dB	38dB
Acoustic Correction +3dB	33dB	32dB	35dB	41dB
Compared to Background	-9dB	-10dB	-7dB	-8dB
Impact Rating	Low	Low	Low	Low

Night time Impact				
Parameter	NSR1	NSR2	NSR3	NSR4
Background sound (dB)	N/A	36dB	41dB	48dB
Noise Level (dB)	N/A	29dB	32dB	38dB
Acoustic Correction +3dB	N/A	32dB	35dB	41dB
Compared to Background	N/A	-4dB	-6dB	-7dB
Impact Rating	Low	Low	Low	Low



N/A – Night time impact on The Primary School (NSR 1) has not been considered as it would be closed and not in operation.

The NIA goes on to state that the “*It can be seen that the rating level of the proposed plant is expected to be below the background noise level during the day and night at all NSRs resulting in a low impact.*”

Section 4.4 of the NIA assesses the cumulative impact of the development on noise including consideration of the Food Enterprise Zone (FEZ). Table 4.8 and 4.9 of the NIA confirms the noise restrictions of the FEZ. These are:

	Day	Night
Blenheim Care Home (dB)	45	39
Hemswell Village (dB)	36	32
Gibson Road	52	38

The FEZ does not include a noise restriction for the Primary School. Based on the FEZ restrictions and noise levels recorded the day and night time use of the proposed site will have the following cumulative noise levels:

Daytime Impact			
Parameter	NSR2	NSR3	NSR4
Consented FEZ Limits	45dB	36dB	52dB
Noise from proposal	32dB	35dB	41dB
Cumulative Noise	45.2dB	38.5dB	52.3dB
Increase	0.2dB	2.5dB	0.3dB
Impact Rating	Negligible	Negligible	Negligible

Night time Impact			
Parameter	NSR2	NSR3	NSR4
Consented FEZ Limits	39dB	32dB	38dB
Noise from proposal	32dB	35dB	41dB
Cumulative Noise	39.8dB	36.8dB	42.8dB
Increase	0.8dB	4.8dB	4.8dB
Impact Rating	Negligible	Small	Small

The NIA concludes on page 14 that the noise impact on all the NSR’s will be low during the day and at night. The cumulative effect of noise from the development when considered “*alongside potential additional commercial/Industrial noise from a nearby consented local development*” is:

- “*Negligible during the day at all NSRs*”
- “*Negligible to Small, depending on location, at night.*”

*Such increases in cumulative noise levels are not considered to be significant.*”

The Authority’s EPO has throughout the time of the application raised a number of concerns with the detail of the submitted NIA’s (version 1, 2 and 3).

These concerns were relayed to the applicant by the case officer and EPO leading to the submission of version 4 of the NIA.

The Authority's EPO is now satisfied that the information submitted in the Noise Impact Assessment is acceptable including considering a business with first floor residential accommodation around 160 metres from the site. The EPO therefore has no objections to the development subject to the conditions as recommended.

*They will not impact unacceptably on the local and/or strategic highway network."*

Objections have been received from residents and Parish Councils due to the increase in Heavy Goods Vehicle movement on an already busy road network.

Paragraph 109 of the NPPF states that "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"

The proposed 14 silos would when in full operation create an additional 4,276 lorry movements which would equate to 17 deliveries a day each year by heavy goods vehicles. However there would be a higher concentration of movements over the 12 week harvest period starting in July. Woldgrain is in a location off an 'A' road (A631) with good transport links to the A15 to the east. All deliveries made to the site are completed from a business park access which is separate to the highway access to the residential areas. The Highways Authority at Lincolnshire County Council have no objections to the development.

It is acknowledged that the proposal will increase lorry movements which will be more intensive during the harvest period but access to the site is off the A631 and does not include travelling through the main residential area. It is therefore considered that the development will not have a harmful impact on highway safety or significantly increase the amount of traffic movements on the local road network.

*Concluding Statement:*

The 14 silos will provide growth to a business on a local employment site and provide additional employment during the harvest season as well as benefiting local farmers and hauliers. The proposed development will not have a harmful visual impact or conflict with neighbouring land uses or the operation of their business. The application has demonstrated that the development is not expected to have a harmful impact on the living conditions of neighbouring residents, particularly in terms of additional noise generated from the proposal and cumulatively. The additional silos will not create unacceptable levels of traffic generation from heavy goods vehicles and will utilise an existing acceptable vehicular access away from the residential area.

The proposal will therefore accord with local policy LP13 and LP17 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

Therefore the principle of the development is acceptable and accords with local policy LP5, LP13, LP17 and LP26 of the Central Lincolnshire Local Plan and the provisions of the NPPF, particularly paragraph 180.

It is considered that policy LP5, LP13, LP17 and LP26 are consistent with the business growth, highway safety, visual impact and residential amenity guidance of the NPPF and can be attached full weight.

#### Minerals Resource

Guidance contained within paragraph 203-211 of the NPPF sets out the need to safeguard mineral resources through local plan policies *'to support sustainable economic growth and our quality of life'*.

Policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

*'Applications for non-minerals development in a minerals safeguarding area must be accompanied by a Minerals Assessment. Planning permission will be granted for development within a Minerals Safeguarding Area provided that it would not sterilise mineral resources within the Mineral Safeguarding Areas or prevent future minerals extraction on neighbouring land. Where this is not the case, planning permission will be granted when:*

- *the applicant can demonstrate to the Mineral Planning Authority that prior extraction of the mineral would be impracticable, and that the development could not reasonably be sited elsewhere; or*
- *the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or*
- *there is an overriding need for the development to meet local economic needs, and the development could not reasonably be sited elsewhere; or*
- *the development is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource; or*
- *the development is, or forms part of, an allocation in the Development Plan.*

The site is in a Limestone Minerals Safeguarding Area. The application is for 14 silos and associated structures. The application has included the submission of a Minerals Assessment and the Minerals and Waste team at Lincolnshire County Council have confirmed that they have no objections to the development. The development therefore does not have a harmful impact on a Minerals Resource and accords to policy M11 of the Lincolnshire Minerals and Waste Local Plan and the provision of the NPPF.

It is considered that policy M11 is consistent with the minerals guidance of the NPPF and can be attached full weight.

### Surface Water Drainage/Water Contamination

Objections and concerns have been received in terms of surface water drainage methods and flooding. The site is in flood zone 1 and has no risk of surface water flooding according to the governments flood map website<sup>1</sup>.

The application has included a Phase 1 Desk Study completed by TLP Ground Investigations dated 19th December 2019.

The application form states that surface water will be disposed to a soakaway, which is encouraged as a form of sustainable urban drainage system. No detail has been submitted to demonstrate that the ground conditions are suitable for infiltration, however during the site visit existing soakaways were observed at the foot of the existing silos.

Concerns around the use of soakaways has been submitted by the Authority's Environmental Protection Officer (EPO) and the Environment Agency (EA) in relation to the impact of contamination from the previous RAF airfield use on controlled waters. Controlled waters are particularly sensitive as the site is in source protection zone 2 and located upon an aquifer. The EA go on to say that "*The application's desk study report demonstrates that it will be possible to manage the risks posed to controlled waters by this development*".

It is considered and acknowledged by the EA that the disposal of surface water can be addressed by a condition to include the submission of a remediation strategy.

Therefore subject to a condition the development will accord with local policy LP14 and LP16 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

It is considered that policy LP14 and LP16 are consistent with the drainage and contamination guidance of the NPPF and can be attached full weight.

### Contamination

Given the previous use of the site as an RAF airfield and its current use owned by a haulier there is the potential for the site to be contaminated. As discussed in the water contaminations section it is considered that further contamination investigation can be addressed through a condition on the permission. The Authority's Environmental Protection Officer has recommended a contamination condition.

Therefore subject to a condition the development will accord with local policy LP16 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

It is considered that policy LP16 is consistent with the contamination guidance of the NPPF and can be attached full weight.

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<sup>1</sup> <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>

## **Other Considerations:**

### Heritage

A comment has been received from a resident objecting to the lack of a heritage statement and consultation with the Authority's Conservation Area Officer (CAO).

As confirmed by the CAO "*there are a number of listed buildings in the distance including:*

- d) A cluster of listed buildings noting group value at Spital in the Street,*
- e) Norton Place and its parkland*
- f) Hemswell Court."*

The nearest of these Listed Buildings is Hemswell Court which sits approximately 850 metres to the south. The setting of Listed Buildings was not advertised on the site notice due to these significant separation distances. The CO has not requested the submission of a heritage statement and has described that the separation distances and/or the context the Listed Buildings sit in ensures that their settings or how they are experienced is not harmed.

### Ecology

Some comments have been received in relation to the impact of the development on local wildlife. The application site is covered by short grass, close to commercial uses and surrounded by a perimeter hardstanding track. Therefore it is not considered reasonable or necessary in this case to require an ecology survey to be completed.

### Pre-commencement Conditions

The draft pre-commencement conditions have been agreed in writing by the applicant/agent.

## **Conclusion and reason for decision:**

The decision has been considered against local policy LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP5 Delivering Prosperity and Jobs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP16 Development on Land Affected by Contamination, LP17 Landscape, Townscape and Views, LP25 The Historic Environment and LP26 Design and Amenity of the Central Lincolnshire Local plan 2012-2036 and policy M11 OF the Lincolnshire Minerals and Waste Local Plan (adopted June 2016) in the first instance. Furthermore consideration is given to guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of the above assessment it is considered that the development will provide growth to a business on a local employment site and provide additional employment during the harvest season as well as benefiting local farmers and hauliers. The proposed development will not have a harmful visual impact or conflict with neighbouring land uses or the operation of their business. The application has demonstrated that the development is not expected to have a harmful impact on the living conditions

of neighbouring residents, particularly in terms of additional noise generated from the proposal and cumulatively. The development would not have a harmful impact on highway safety, a minerals resource or drainage. The development is therefore considered acceptable subject to conditions.

**Recommendation: Grant of planning permission subject to the following conditions**

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

1. The development hereby permitted must 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 take place until, suitably qualified contaminated land assessments and associated remedial strategy with none technical summaries, conclusions and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. [Outcomes shall appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced]. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing
  - a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
  - b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
  - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
  - d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed

methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environment Agency and the Housing and Environmental Enforcement Manager in to accord with the National Planning Policy Framework and policy LP14 and LP16 of the Central Lincolnshire Local Plan 2012-2036.

3. No development must take place until details for the disposal of surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. Any infiltration system must be supported by an assessment of the risks to controlled waters. No operation must occur until the approved scheme has been completed in accordance with the approved scheme.

Reason: To ensure that the developments surface water drainage scheme does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants to accord with the National Planning Policy Framework and policy LP14 and LP16 of the Central Lincolnshire Local Plan 2012-2036.

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

4. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:
- P206650-500 issue 02 dated 3rd April 2020 – elevations
  - P206650-500 issue 05 dated 7th January 2020 – Site Plan

The works must 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 local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

5. No deliveries must be made to the site between the hours of 23:00 and 07:00.

Reason: To protect the amenity of the occupants of nearby dwellings to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

6. The business outlined in red on location plan LDC2850-PL-01 must operate no more than 6 silo fans at any one time. In accordance with the Noise Report reference NIA/8960/20/9025/v4/Woldgrain;  
AND  
If requested by the Local Planning Authority, the applicant/operator must submit digital/electronic records of the number and times of fans in use at any one time. This information must be retained for 2 years.

Reason: To retain the low noise impact on the nearest occupied or potentially occupied uses as concluded in the approved ENS Noise Report ref NIA/8960/20/9025/v4/Woldgrain dated 20th May 2020 during operation of the business to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

7. Any plant hereby permitted must operate in a way so as not to exceed the specified noise levels as measured at the specified measuring locations defined in Tables 4.5 and 4.6 (page 12) of the approved ENS Noise Report ref NIA/8960/20/9025/v4/Woldgrain dated 20th May 2020.

Reason: To retain a low noise impact on the nearest occupied or potentially occupied uses as concluded in the approved noise report during operation of the business to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

8. If, during development, any additional contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) must be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy must be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site to accord with the National Planning Policy Framework and policy LP14 and LP16 of the Central Lincolnshire Local Plan 2012-2036.



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

NONE