

<b>APPLICATION NO</b>	<b>PA/2015/0204</b>
<b>APPLICANT</b>	Clarkeson Recycling Ltd
<b>DEVELOPMENT</b>	Planning permission to demolish existing structures, retention of farm shop and erection of new buildings, and use of the site as a materials recycling facility, including the provision of a waste transfer station and realigned access
<b>LOCATION</b>	Poplar Farm, Ulceby Road, South Killingholme
<b>PARISH</b>	<b>SOUTH KILLINGHOLME</b>
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Mark Beevers
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Significant public interest

## **POLICIES**

### **National Planning Policy Framework:**

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 34 states that plans and decisions should ensure developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm cannot be avoided or adequately mitigated. Opportunities to incorporate biodiversity in and around developments should be encouraged.

Paragraph 128 requires applicants to describe the significance of heritage assets and the contribution setting makes to this significance. The level of detail required should be proportionate to the assets' importance and no more than is necessary to understand the potential impact upon significance. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities can require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a

balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

### **National Planning Policy for Waste:**

Only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date local plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.

Recognise that proposals for waste management facilities such as incinerators that cut across up-to-date local plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the local plan, will not undermine the objectives of the local plan through prejudicing movement up the waste hierarchy.

Consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies.

Ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.

Concern themselves with implementing the planning strategy in the local plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

Ensure that land raising or landfill sites are restored to beneficial after-uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.

### **North Lincolnshire Local Plan:**

ST3 Development Limits

IN1 Industrial Development Location and Uses

RD2 Development in the Open Countryside

RD5 Alternative Uses of Industrial and Commercial Sites in the Open Countryside

RD6 Re-Use and/or Adaptation of Rural Buildings for Industrial and Commercial Uses in the Open Countryside

RD7 Agriculture, Forestry and Farm Diversification

RD14 Agricultural and Forestry Buildings

T1 Location of Development

T2 Access to Development

T6 Pedestrian Routes and Footpaths

T7 Development of a Cycle Network

T8 Cyclists and Development

T9 Promoting Buses and Trains

T18 Traffic Management

T19 Car Parking Provision & Standards

LC5 Species Protection

LC6 Habitat Creation

LC7 Landscape Protection

LC12 Protection of Trees, Woodland And Hedgerows

LC20 South Humber Bank – Landscape Initiative

W1 Applications for Waste Management Facilities

W2 Groundwater Protection

W4 Waste Management Facilities and the Best and Most Versatile Agricultural Land

W6 Transportation of Waste

W7 Waste Management Facilities and Humberside International Airport

W8 Protection Zones and Waste Management Facilities

W9 Handling of Waste

W13 Waste Transfer Stations

DS1 General Requirements

DS7 Contaminated Land

DS11 Polluting Activities

DS12 Light Pollution

DS13 Groundwater Protection and Land Drainage

DS14 Foul Sewage and Surface Water Drainage

DS15 Water Resources

**North Lincolnshire Core Strategy:**

CS1 Spatial Strategy for North Lincolnshire

CS2 Delivering More Sustainable Development

CS3 Development Limits

CS5 Delivering Quality Design in North Lincolnshire

CS11 Provision and Distribution of Employment Land

CS12 South Humber Bank Strategic Employment Site – A Broad Location

CS16 North Lincolnshire's Landscape, Greenspace and Waterscape

CS17 Biodiversity

CS18 Sustainable Resource Use and Climate Change

CS20 Sustainable Waste Management

CS25 Promoting Sustainable Transport

## **CONSULTATIONS**

**Highways:** No objection to the application subject to conditions.

**Highways England:** No objection.

**Ecology:** No objection subject to a condition to secure ecological enhancements.

**Environmental Health:** Initially objected to the application due to the potential for odour and noise to harm the amenity afforded to the nearest residential properties. Since this initial objection was raised Environmental Health has discussed this scheme at length with the Environment Agency and the applicants to clarify the nature of development proposed and the Environmental Permitting regime. This has allowed Environmental Health to remove their initial objection subject to a number of conditions which control the nature of operations on the site and secure appropriate mitigation.

**Environment Agency:** No objection subject to two conditions which secure details of foul and surface water drainage.

**Historic Environmental Record:** No objection to the application subject to conditions which secure the implementation of an archaeological mitigation strategy and the deposition of material with the North Lincolnshire Historic Environmental Record.

**Health and Safety Executive:** The HSE does not advise, on safety grounds, against the granting of planning permission in this case.

**National Grid:** Plan submitted identifying apparatus to the south-west of the application site, however this apparatus is beyond the site boundary and no objections have been raised.

**Humberside Police:** No objections raised.

## **PARISH COUNCIL**

Objects to this planning application for the following reasons:

1. The additional traffic generation will generate highway safety concerns.
2. The visual appearance of this proposed development will be detrimental to the landscape and the village in general.
3. There are pollution concerns due to noise, dust and odour along with a risk of pollution to the local water courses, dykes and drains.
4. The proposed development is located close to residential dwellings which will suffer an impact upon their quality of life. The impact level of a development such as this, on such a small village, is extremely high.
5. The proposed development will lead to an adverse effect on wildlife.
6. Health and safety concerns for local residents due to a gas pipeline being close to the proposed development thereby creating a risk of fire and explosions.

South Killingholme Parish Council requests that the concerns raised above are considered seriously and that this planning application is refused.

## **PUBLICITY**

The application has been advertised by means of neighbour notification letters, site notices and a press notice.

## **Neighbours**

519 letters of objection have been received to this application from local residents raising the following concerns:

- too close to private dwellings
- prevailing wind is from the east so odour will often travel towards the nearest dwellings
- no knowledge of what will be recycled on the site and where it is coming from
- why have new roofs been put on existing structure when the permission proposes the demolition of existing buildings?
- concerns regarding flies, smells and fumes
- gas line too close to the site
- effect on house prices
- effect on people's health and wellbeing
- increase in traffic

- junior school close to the site
- I drive daily past the recycling plant in Riby and can smell the odour generated and do not want this to happen on this site
- blight on the village and the surrounding area
- dangerous vehicle manoeuvres into the site following road improvements and the increase in vehicle speeds – when the sun is low the traffic lights are difficult to read
- increased traffic generation will result in highway safety concerns
- risk of pollution to the local watercourses
- adverse effect on wildlife
- this is not an industrial area, the site is close to people's houses and the village
- existing trees have been cut back
- there is enough industry in this area and we do not need any more generating pollution
- increase in vermin and insects
- village will be surrounded by industry
- we all have a basic human right to breath clean air
- EU Directive states that any recycling plant must be at least 250 metres from any dwelling or workplace
- threat from asbestos recycling
- the site is contaminated due to its previous use as a pig and chicken farm; future run-off from the site could therefore pollute ground and surface water
- 143 people in the village have breathing difficulties (12% of the population), these will be the first people affected by this development
- long opening hours
- disturbance to normal life
- recent fire at a recycling plant in Ancaster near Grantham highlighted the risks associated with this use
- 58 fires occurred at recycling plants in Manchester over the last year alone
- fire at this plant would be catastrophic at this location so close to South Killingholme, refineries and the A160

## **Killingholme First Group**

Correspondence was received from the Killingholme First Group on 2 April 2015 asking 32 questions. The applicant's agent responded to this correspondence on 4 May 2015.

Killingholme First Group then made a formal objection to the application on 12 June 2015, raising the following concerns:

- concerned that ribbon development could take place adjacent to the A160 making the village an island with industry on three sides
- site lies within 250 metres of sensitive residential properties and there are a further 600 properties in the village itself and others in the surrounding area as well as a nursery and primary school
- there are major industries in the area which means EU pollution standards have been breached in the past; this scheme will add to vehicle movements and air pollution
- the site is contaminated due to its previous use as a pig and chicken farm; future run-off from the site could therefore pollute ground and surface water
- the waste transfer station will be uncovered and operations carried out in the open air
- dangerous substances could be brought onto the site, eg asbestos
- crushed aggregates will cause dust, vibrations and noise to further pollute the atmosphere
- green waste will be stored on the site awaiting composting which will cause odour
- road sweepings will contain a large amount of contaminants
- plasterboard will be converted to gypsum for use in agriculture, plasterboards in old buildings can contain asbestos which brings a health risk for the workforce and local people
- 143 people in the village have breathing difficulties (12% of the population), these will be the first people affected by this development
- 70% of the wind blows across the village from the west which puts the village and school in direct line of the contamination and poor air quality
- the proposed hours of operation are too long (6am to 6pm Monday to Friday and 7am to 6pm on Saturdays), resulting in operation in a night-time situation
- can the council guarantee that the site owner will fully comply with the Environmental protection Act 1990?

## **ASSESSMENT**

### **Site assessment**

The application site is located to the south-west of South Killingholme, approximately 300 metres from settlement limits and 190 metres from the nearest properties facing Ulceby Road.

The site is currently accessed directly from the A160; however, once road improvements on the A160 (currently ongoing) are complete, access will be via a new spur created from the A160/Top Road/Harborough Road roundabout.

There are a number of existing outbuildings on the site used to store machinery and items incidental to the existing residential property and farm store; others are empty and have fallen into a state of disrepair. Historic aerial photographs show that the site previously hosted more buildings and these have been demolished. Historically the site and buildings have been in use as a single intensive livestock unit.

The majority of development and hardstanding on the site is located in the south-eastern corner of the site closest to the A160. The north-western half of the site is currently unused scrub land.

### **Proposed development**

the application seeks full planning permission for the use of the site as a materials recycling facility, taking a variety of construction wastes into the site in order to produce reusable products. This will involve the use of crushing and shredding machinery on the site and the storage of construction wastes and final products. Some new buildings are proposed and some will be converted to provide storage for machinery and products.

Two existing freshwater lagoons will be retained and a new lagoon created; these lagoons provide surface water storage and an on-site source of water to extinguish fires.

A large glasshouse will be constructed in the north-western half of the site; this will be used as a nursery to grow plants using the compost created at Riby and heat generated by onsite operations.

A new access will be created at the south-western corner of the site.

### **Planning history**

Planning application number PA/2012/1444 was approved in January 2013 for the construction of a landscape bund with associated fencing. This bund has now been implemented on the site and acts to screen the proposed development.

### **Pre-application consultation**

The applicants have submitted a Statement of Community Involvement which details the level of community involvement prior to the submission of the application. The applicants confirmed that they held a drop-in session which was well attended by in excess of 130 people. 10 people formally objected to the scheme raising the following concerns:

- affect the quality of life of local residents

- create a problems with insects, smells, litter and vermin
- make the village an island within an industrial estate.

The applicants were also handed a petition on the day of the drop-in session containing 86 signatures objecting to the scheme. One person supported the proposals due to the creation of jobs and environmental benefits.

The applicants have also met with the parish council and North Lincolnshire Council officers. Most pre-application discussions appear to have been held during the first eight months of 2013.

## **Main issues**

**The main issues to be considered in the determination of this planning application are:**

- **principle of development**
- **public amenity**
- **highway safety**
- **ecology**
- **archaeology and heritage**
- **drainage and flood risk**
- **landscape impact.**

## **Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG). Supplementary Planning Guidance titled Landscape Character Assessment and Guidelines is also relevant.

Emerging policies are capable of carrying weight in the determination of this application in accordance with paragraph 216 of the NPPF. The Housing and Employment Land and Allocations Development Plan Document (HELADPD) is an emerging document assessed in the determination of this application.

Core Strategy policy CS20 is directly relevant to the determination of this application and is considered to be the primary policy which guides waste management in North Lincolnshire. The policy first identifies the 'broad strategic areas' within which waste management

facilities may be appropriate; included within this list is the South Humber Bank Employment Area. The application site is not located within the South Humber Bank Employment Area; it is, however, located at the gateway to this area, close to the junction of the A180 and the A160. It is therefore concluded that the site is located to comply with this element of policy CS20 as it falls within the broad strategic area of the South Humber Bank Employment Area.

Policy CS20 also applies a sequential test to consider the suitability of a chosen location. In the first instance waste should be managed where it arises (The Proximity Principle), wastes can be managed on a site but are unlikely to be recycled unless they can be reused or the amount of waste makes it viable. It cannot be expected that all wastes are managed and recycled where they arise so some capacity must be provided.

This application aims to provide a waste management facility in a location which benefits from the anticipated future growth of industrial uses in the area, waste generated by industrial processes and its proximity to the regional road network. It is therefore considered that this site is well located in terms of the Self Sufficiency Principle as it manages waste close to where it is generated. The Self Sufficiency Principle is second in the sequential hierarchy.

It must also be noted that locations at established and proposed industrial and business sites and within redundant farm buildings are also considered to be sequentially acceptable locations for the proposed use. The site has been historically used for agricultural operations including use as an intensive livestock unit. Although the site is not industrial in nature there is heavy industry clearly visible in the surrounding area which contributes significantly to the character and appearance of this site.

The site is therefore considered to be sequentially acceptable and complies with the second element of policy CS20.

Policy CS20 finishes by outlining how sustainable waste management will be promoted within North Lincolnshire; this includes the integration of facilities for waste recycling in association with the planning, construction and occupation of new development. Given the close proximity of this development to significant new and existing developments in the area it is considered that such integration will be promoted by this development. Policy CS20 also states that potential social, environmental and economic impacts must be minimised, it is considered that the principle of this development can be accepted subject to satisfactory resolutions on social, environmental and economic considerations.

Policies within the NLLP must also be given weight; the justification to policy W1 identifies a waste hierarchy which places an emphasis on waste management options such as materials recycling facilities. Policy W1 then sets the parameters within which such proposals can be considered acceptable in principle; these are summarised below:

- adequate access
- highest practicable standard of siting, design and landscaping and appropriate to location
- technically feasible
- appropriate and adequate provision for gas or leachate control systems

- no unacceptable visual or other impacts
- no unacceptable impact upon ecology and archaeology interests
- no significant risk of pollution, danger to public health or reduction in air and water quality
- appropriate aftercare provisions
- no adverse cumulative environmental effects
- located close to strategic road network.

The above are all material planning considerations which are considered in greater detail, under separate headings, in this report.

Policy W2 seeks to protect groundwater from adverse effects. Policy W4 seeks to direct new waste management facilities away from the best and most versatile agricultural land (Grades 1, 2 and 3a). The site is currently occupied by large areas of hardstanding and disused buildings, undeveloped areas are not farmed, they are now enclosed by bunding, contain lagoons and are overgrown. The site is not considered to provide a high grade of agricultural land and the application therefore complies with policy W4 of the NLLP. Policy W6 promotes waste transportation by rail and water, however this is not always possible and this does not justify refusal of this application.

Policy W8 recommends protection zones around waste management facilities but falls short of specifying acceptable buffer zones. The justification to policy W8 identifies guidance which suggests a minimum buffer zone of 250 metres; such a distance is not adopted as no two sites are the same and each application/site should be judged on its own merits. Waste processes are proposed to be undertaken within approximately 190 metres of the nearest residential properties and just over 300 metres from South Killingholme. Given that no distances are set within the policy the council's Environmental Health team and the Environment Agency must consider the acceptability of the proposed use in this location.

Policy W9 supports applications which involve the handling of waste provided that they are located near to likely sources of waste and/or the markets for recycled or recovered materials. The application is supported by a report which identifies recycling opportunities in the area generated by existing and planned major industrial developments. This report concludes that there is a gap in the local market for a company which will provide an innovative outlet for recyclable waste streams. Officers cannot contest this conclusion given the clearly industrialised nature of the South Humber Bank and planned development in the local area which includes:

- Able Marine Energy Park
- Able Logistics Park
- Immingham Renewable Fuels Terminals
- Real Ventures – Biomass Powered CHP
- Abengoa Bioenergy UK – Bioethanol production

- RWE Innogy – Biomass Powered CHP
- Vireol Bio-Industries plc – Bioethanol production
- Brigg Biomass Power Plant
- A160/A180 road improvements
- Hornsea Offshore Windfarm Substation and cable routes
- C-Gen North Killingholme Power Project.

It is therefore concluded that the application complies with policy W9 as it will provide support for local businesses in the area.

Policy W13 aims to provide an integrated and adequate network of appropriate waste transfer stations and sets three criteria for this. The development complies with the first criteria because the application site has already been 'disturbed by permanent development'. The second criterion is not entirely relevant to this application because the waste transfer element is ancillary to the wider use of the site as a materials recycling centre. The final criterion aims to protect the amenity afforded to local communities and the environment; these matters are considered under separate headings below.

For the above reasons it is concluded that the principle of developing the site for a waste transfer station complies with the development plan subject to the scheme having an acceptable impact upon local amenity, environmental considerations and highway safety.

National Planning Policy for Waste (NPPW) and the NPPG are material planning considerations in the determination of this application. These documents highlight a planned approach where need is quantified and suitable sites identified. Such an approach is not yet adopted by North Lincolnshire Council; as such the application must be assessed against development plan policies and the need for the proposed new facility considered.

The NPPW also states that '*waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced*'. The Environment Agency applies the pollution control regime and has not objected to this application. Notwithstanding this, the council's Environmental Health team have held extended discussions with the applicants in order to establish the extent of their operations, the likely impact and appropriate controls.

Both documents identify the need to move waste up the waste hierarchy; top of this hierarchy is 'prevention', which can only be achieved at source. 'Preparing for re-use' and 'Recycling' are the next two elements on the waste hierarchy and both these processes will be achieved at this site. Therefore, in terms of developing a standalone facility, the proposed use is near the top of the waste hierarchy and will have a positive impact upon North Lincolnshire in terms of reducing reliance on landfill.

The greenhouse facility, although it makes effective use of the recycling process, is an agricultural building and therefore needs to be assessed against policy RD14 of the NLLP. This policy supports the construction of new agricultural buildings where they are sited close to existing buildings and utilise land forms and vegetation to minimise their visual impact.

## **Public amenity**

The environmental impact of this scheme has raised significant local opposition to this project with residents raising concerns regarding the potential for noise, odour, vermin, dust and pollution to reduce the level of amenity afforded to them. Comparisons have been made between this site and the existing Woodrow Composting operations at Riby which are operated by the same applicant. It should also be noted that the applicants have historically considered the consolidation of all operations on the application site; it needs to be clarified that Woodrow Composting is not proposed to take place on this site and any commencement of this operation would need to be the subject of a separate planning application.

The aim of this application is to establish a materials recycling facility which will recycle a variety of construction wastes, including wood, aggregates, gypsum, cardboard, road sweepings and inert materials. These waste streams do not generate significant odour and are less likely to attract vermin. There is still the potential for small quantities of other waste to enter the site, for example a construction skip may contain tree branches (green waste); any such waste will be separated, stored in a covered container and removed from the site within three days.

The Environment Agency will regulate the proposed use and the applicants will need to obtain an Environmental Permit from the Environment Agency to operate this facility. The Environmental Permitting regime will consider mitigation for dust, noise, odour and bioaerosols. It is clear that strict controls will be put into place in terms of ensuring waste brought onto the site is well managed. Odorous materials will not be allowed to enter the site and green waste will not be processed within the application boundary. If planning permission is granted then green waste will not be prevented from entering the site but it will be managed and removed. Wastes will be watered down and covered to prevent dust and bioaerosols becoming air-borne. Noise will be controlled by limiting hours of operation (planning condition) and via noise attenuation, both at source and via physical boundaries. The Environment Agency has not objected to this application subject to two conditions which seek to secure drainage details prior to development commencing.

If local residents experience an adverse impact upon their amenity from the operation of the site, complaints will be made to the Environment Agency who then have the power to investigate and revoke an Environmental Permit and stop operations if the operator is found to be in breach.

The applicants have submitted a draft document entitled 'Management Systems – Poplar Farm' which details how environmental impacts will be managed. This will ultimately form part of the Environmental Permitting submission process to the Environment Agency.

The council's Environmental Health team has been heavily involved in discussions with the applicants in order to better understand their intentions and what operations will take place on the site. These discussions have resulted in no objection from the council's Environmental Health team subject to an extensive list of conditions which seek to clarify the types of waste entering the site, the amount of waste to be processed, the types of processes undertaken, set maximum acceptable noise emissions and hours of operation, and require the submission of details linked to contamination, light, vermin, air quality, dust, odour and noise.

Significant local objection has been raised by members of the public regarding the impact this development will have upon their amenity. These concerns have been taken into consideration and matters of residential amenity have been fully assessed.

Given that this application has raised no objection from the council's Environmental Health Officers and the Environment Agency it must be concluded that the impact of this development upon public amenity is acceptable. For this reason the application complies with criteria contained within policies CS20, W1 and W13 of the NLCS and NLLP respectively.

### **Highway safety**

The site is accessible from the A160, upon which major road improvement works have now commenced resulting in a number of highway alterations in the vicinity of the application site. The site currently accesses directly onto the A160 which is managed by the Highways Agency; however, once road improvement works are finished, the site will be accessed from a part of North Lincolnshire Council's adopted network.

The road improvement works will not change the piece of tarmac onto which the site accesses and egresses from, but it will significantly change the nature of this road. The existing A160 route will be retained adjacent to the application site eventually linking into Station Road which provides access into Ulceby. The existing roundabout to the east of the application site will be removed and replaced with a new roundabout to the south-west of its current position. The existing A160 will form a spur onto the new roundabout; it is anticipated that most traffic into the site will use this route.

The capacity of the road network is considered to be acceptable given that the A160 is in the process of being improved in order to accommodate higher vehicle movements in the area. This application will link with existing and proposed developments so many vehicle movements will not be new but will be redirected to the site.

Access is direct from the newly aligned A160 so there will be minimal disruption to residential properties from vehicle movements.

The proposed junction complies with modern standards in terms of its ability to accommodate the types of vehicle anticipated and the visibility provided. A condition is proposed which allows for the establishment of a ghost island to ensure traffic can wait safely before entering the site and to prevent traffic backing onto the newly proposed roundabout.

This application therefore complies with policies T1, T2, T6, T7, T9 and T19 of the NLLP and policy CS25 of the NLCS which all aim to support the use of sustainable transport nodes and reduce reliance on the private motor vehicle.

### **Ecology**

Ecological information submitted with the application has confirmed that the buildings on the site do not accommodate roosting bats, nor are any other protected species present within the application site. The approved application for the bund around the site included a condition which sought to secure ecological enhancements; these enhancements have now been agreed and are partially implemented on the site. Council ecologists have recommended a condition which seeks to ensure the Landscape and Biodiversity

Management Plan which was secured via condition on the bund application is fully implemented within six months.

Given that the condition on application number PA/2012/1444 requires timescales for implementation to be agreed it is considered that such a condition is unnecessary and just replicates powers on a previously approved planning decision.

Given that biodiversity enhancements have already been secured on this site and the application has no adverse impact upon biodiversity interests, the application is considered to comply with policies LC5 and LC6 of the NLLP, policy CS17 of the NLCS and Section 11 of the NPPF.

### **Archaeology and heritage**

The Archaeological Desk Top Assessment submitted with the application identifies that there is some potential for prehistoric activity and a high potential for Roman settlement activity to be found within the site. Given the nature and scale of the proposals it is not considered that the potential for impact would amount to a significant adverse effect on the below-ground heritage asset as a whole. The council's Historic Environment Record team has not therefore objected to the application subject to conditions which secure the appropriate level of recording during development.

There are no listed buildings affected by this application which generally takes place within a self-contained site.

For these reasons the application complies with policy HE9 of the NLLP, policy CS6 of the NLCS and Section 11 of the NPPF.

### **Drainage and flood risk**

The application site is located within flood zone one and is therefore not at risk from flooding from fluvial or tidal sources. Furthermore Environment Agency flood maps indicate that the site is not at any significant threat from surface water flooding.

Sustainable Urban Drainage Systems are promoted on all developments within North Lincolnshire and this site offers an opportunity to implement such systems. Three lagoons are proposed within the site (two existing); these lagoons will provide water to be used as part of processes to be undertaken within the application site.

The submitted Flood Risk Assessment is considered to be acceptable and it has not raised any objections from the Environment Agency or the council's Land Drainage Team; as such the application complies with policies DS16 and CS19 of the NLLP and NLCS respectively.

### **Landscape impact**

The site is self-contained by the bund now completed around much of the site boundary; however, two elements are likely to be most prominent from the surrounding area: the building proposed to the front of the site and the glasshouse to the rear of the site.

The building proposed to the front of the site will be visible from the current A160 and the new road once constructed. At 6.8 metres high it will be a similar height to the existing commercial building which fronts the A160, but it will significantly spread the width of the building facing the road by 33.2 metres. It should, however, be noted that there are existing

buildings further back into the site which are currently visible but will be screened by this structure.

The proposed glasshouses are 5.8 metres in height and will be visible over the top of the surrounding bund which measures 3 metres in height. The top 2.8 metres of the glasshouses will therefore be visible from the surrounding area. Policy RD14 states that agricultural buildings should be sited close to existing buildings and designed to utilise existing land forms and vegetation to minimise visual impact. It is considered that this site benefits from such features: there are existing buildings on the site and the bunding acts to provide a degree of screening; there is some vegetation to the front of the site and additional planting can be secured by condition to break up views of the proposed glasshouse.

The site is also designated under policy LC20 of the NLLP. This policy aims to enhance landscaping measures on the South Humber Bank. The aim of this policy is to improve the setting of settlements by softening industrial boundaries and reducing inter-visibility. Opportunities exist on the application site to promote the aims of policy LC20 and a condition is therefore recommended to secure new planting on the site. This planting will screen the site, soften the impact of existing and proposed buildings and provide ecological enhancement.

For the reasons outlined above the application complies with policies RD14 and LC20 of the NLLP.

## **Conclusions**

The application has been fully considered against policies and guidance contained within the NLLP, NLCS, NPPF, NPPG and NPPW. It is concluded that the principle of the proposed development can be accepted on this site given its proximity to existing and proposed waste generators, main transport routes and use of existing buildings and agricultural holding.

It is acknowledged that the proposed site is located approximately 190 metres from existing properties and clarity has been sought from the applicants to ensure appropriate conditions can be used to control the future use of the site and ensure appropriate mitigation is provided against environmental impacts. Subject to conditions it is considered that the application is acceptable given that its main focus will be on recycling waste streams which do not generate significant odour. Any odorous materials which do arrive at the site will be managed effectively to ensure they are quickly removed from site, or prevented from entering at all. The applicants will also have to obtain an Environmental Permit from the Environment Agency in order to operate the site. Any breaches of their permit can result in the permit being revoked and operation ceasing at the site; planning conditions will also be enforced by the council's Enforcement team.

The proposed development will effectively link into the local highway network which is currently in the process of being upgraded by Highways England in this location. The entrance will comply with highway safety standards and the road has sufficient capacity to accommodate the transport movements from this development.

Landscaping will be enhanced on the site; this will be secured by condition. New tree and hedge planting will screen views into the site and minimise inter-visibility between uses. New planting will also provide habitat and enhance biodiversity in the area.

No concerns have been raised regarding drainage, archaeology/heritage or ecological matters by relevant consultees.

The application is considered to comply with the development plan and there are no other material planning considerations, in the form of the NPPF and NPPW, which indicate anything other than the approval of the application.

**RECOMMENDATION: Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 11/1240 004 Rev C - Site Location Plan, 11/1240 003 Rev L - Proposed Layout, 11/1240 009 Rev A - Site Layout Plan Buildings to be demolished, 11/1240 013 Rev / - Building 1 Plans and Elevations as proposed and 11/1240 014 Rev - - Glasshouse Plans and Elevations.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by the North Lincolnshire Historic Environment Record, has been submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:

- (i) measures to ensure the preservation by record of archaeological features of identified importance
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record Office of the commencement of archaeological works and the opportunity to monitor such works

- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological significance.

4.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological significance.

5.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological significance.

6.

Only wastes as detailed in the Environment Agency Standard Rules Permit SR2008No1\_75kte Table 2.2 shall be accepted, stored and treated on site with the exclusion of the following waste codes:

- |          |  |
|----------|--|
| 02 02    | wastes from the preparation and processing of meat, fish and other foods of animal origin          |
| 02 04    | wastes from sugar processing   |
| 02 05    | wastes from the dairy products industry  |
| 02 05 01 | materials unsuitable for consumption or processing   |
| 02 06    | wastes from the baking and confectionery industry  |
| 02 06 01 | materials unsuitable for consumption or processing   |
| 02 07    | wastes from the production of alcoholic and non-alcoholic beverages (except coffee, tea and cocoa) |
| 02 07 01 | wastes from washing, cleaning and mechanical reduction of raw materials                            |
| 02 07 02 | wastes from spirits distillation   |

- 02 07 04 materials unsuitable for consumption or processing
- 04 01 wastes from the leather and fur industry
- 19 05 wastes from aerobic treatment of solid wastes
- 20 01 08 biodegradable kitchen and canteen waste
- 20 03 01 mixed municipal waste
- 20 03 02 waste from markets.

Reason

For the protection of residential amenity and public health as required by policies W1 and W13 of the North Lincolnshire Local Plan.

7.

In the event that wastes within the excluded wastes codes listed in condition 6 are brought on to site, they shall be placed into sealed containers and removed from site within three working days.

Reason

For the protection of residential amenity and public health as required by policies W1 and W13 of the North Lincolnshire Local Plan.

8.

The total quantity of waste received, treated and stored on site shall be limited to 100,000 tonnes per annum.

Reason

For the protection of residential amenity and public health as required by policies W1 and W13 of the North Lincolnshire Local Plan.

9.

No open window composting activities shall be carried out on the site.

Reason

For the protection of residential amenity and public health as required by policies W1 and W13 of the North Lincolnshire Local Plan.

10.

No Refuse Derived Fuel (RDF) shall be stored on site.

Reason

For the protection of residential amenity and public health as required by policies W1 and W13 of the North Lincolnshire Local Plan.

11.

Between the hours of 7am and 6pm the rating level of noise emitted from the site shall not exceed 50 dB, measured as LAeq, 1hour at any off-site residential boundary.

Between the hours of 6pm and 7am the rating level of noise emitted from the site shall not exceed 45 dB, measured as LAeq, 15 minutes at any off-site residential boundary.

The definition of rating level shall be as described in BS4142:2014.

Reason

For the protection of residential amenity and public health as required by policies W1 and W13 of the North Lincolnshire Local Plan.

12.

The operation of the site and transport of materials in and out of the site shall only take place during the following hours:

6am to 6pm Monday to Friday

7am to 6pm on Saturdays.

No site activities or transport of material in and out of the site shall take place on Sundays or public/bank holidays unless otherwise agreed in writing by the local planning authority.

Reason

For the protection of residential amenity and public health as required by policies W1 and W13 of the North Lincolnshire Local Plan.

13.

No development shall take place until a written scheme for noise management has been submitted to and approved in writing by the local planning authority. The noise management scheme shall include the installation of appropriate noise mitigation measures such as acoustic fencing as well as the control of activities to minimise noise impact for local residents. The operation of plant and all site activities shall take place in accordance with the approved noise management scheme. No changes shall be made to the approved noise management scheme unless agreed in writing by the local planning authority.

Reason

For the protection of residential amenity and public health as required by policies W1 and W13 of the North Lincolnshire Local Plan.

14.

No development shall take place until an odour management plan detailing mitigation methods to control odour has been submitted to and approved in writing by the local planning authority. The approved plan, including mitigation methods shall be implemented in full and retained thereafter, unless written approval is given by the local planning authority to any deviation.

Reason

For the protection of residential amenity and public health as required by policies W1 and W13 of the North Lincolnshire Local Plan.

15.

No development shall take place until a dust management plan has been submitted to and approved in writing by the local planning authority. The dust management plan shall include

site layout, details (including location) of processing, treatment and storage and mitigation methods. The approved plan, including mitigation methods, shall be implemented in full and retained thereafter, unless written approval is given by the local planning authority to any deviation.

Reason

For the protection of residential amenity and public health as required by policies W1 and W13 of the North Lincolnshire Local Plan.

16.

No development shall take place until a pest management plan detailing mitigation methods to control pests has been submitted to and approved in writing by the local planning authority. The approved plan, including mitigation methods, shall be implemented in full and retained thereafter, unless written approval is given by the local planning authority to any deviation.

Reason

For the protection of residential amenity and public health as required by policies W1 and W13 of the North Lincolnshire Local Plan.

17.

No development shall commence until an assessment of the potential for light impact has been undertaken, submitted to and approved in writing by the local planning authority. The assessment shall include:

- identification of sensitive receptors likely to be impacted upon by light nuisance; and
- a lighting scheme which proposes methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Once approved the agreed lighting scheme shall be implemented and permanently retained. Any deviation from the agreed lighting scheme shall require approval in writing by the local planning authority.

Reason

For the protection of residential amenity and public health as required by policies W1 and W13 of the North Lincolnshire Local Plan.

18.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

**Part 1: Site Characteristics**

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation

works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

### **Part 2: Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### **Part 3: Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

#### **Part 4: Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

#### **Reason**

For the protection of residential amenity and public health as required by policies W1 and W13 of the North Lincolnshire Local Plan.

19.

No development shall take place until a landscape and biodiversity management plan has been submitted to and approved in writing by the local planning authority.

#### **Reason**

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

20.

Once agreed in writing, the landscape and biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority.

#### **Reason**

To enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

21.

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The submitted information shall include:

- how the scheme will be maintained and managed after completion;

- detailed calculations of the proposed surface water network, including the means whereby the surface water will be transferred into the storage lagoons;
- details of exceedance flows, including the consequence of infrastructure failure such as pumping stations if required;
- details of how SuDS will be implemented within the site or detailed justification why SuDS are inappropriate.

#### Reason

To prevent the increased risk of flooding, both on and off site.

22.

The development permitted by this planning permission shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. If a cess pool is proposed, justification for this over environmentally preferable alternative means of disposal must be included.

#### Reasons

The use of cesspools is an option of last resort as set out in the non-mains drainage hierarchy of preference in DETR Circular 03/99/WO 10/99. This is echoed in the Building Regulations 2000 (approved document part H). The Circular notes at Annex A paragraph 8 that cesspools give rise to environmental, amenity and public health problems as a result of 'frequent overflows due to poor maintenance, irregular emptying, lack of suitable access for emptying and even through inadequate capacity'.

23.

The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the business which occupies the application site as shown on drawing number 11/1240 004 Rev C - Site Location Plan, or a widow or widower of that person, and any resident dependants.

#### Reason

The development of the site has been assessed on the basis that the on-site dwelling will be occupied by people associated with the business and use of this dwelling by individuals not associated with the business is likely to be unacceptable due to its close proximity and place restrictions upon the operation of the business. The need for this condition is justified by policy W8 of the North Lincolnshire Local Plan.

24.

No new access into the site shall be provided until exact details of the proposed new vehicular access to the site (including, if necessary, right-turn holding lane/ghost island) have been submitted to and approved in writing by the local planning authority.

#### Reason

In order to maintain highway safety on the highway network in accordance with policy T2 of the North Lincolnshire Local Plan.

25.

The proposed new unit shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it have been completed in accordance

with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

**Reason**

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

26.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

**Reason**

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

**Informative 1**

Our records show that the proposed development site is bounded by a watercourse along the western boundary. Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities.

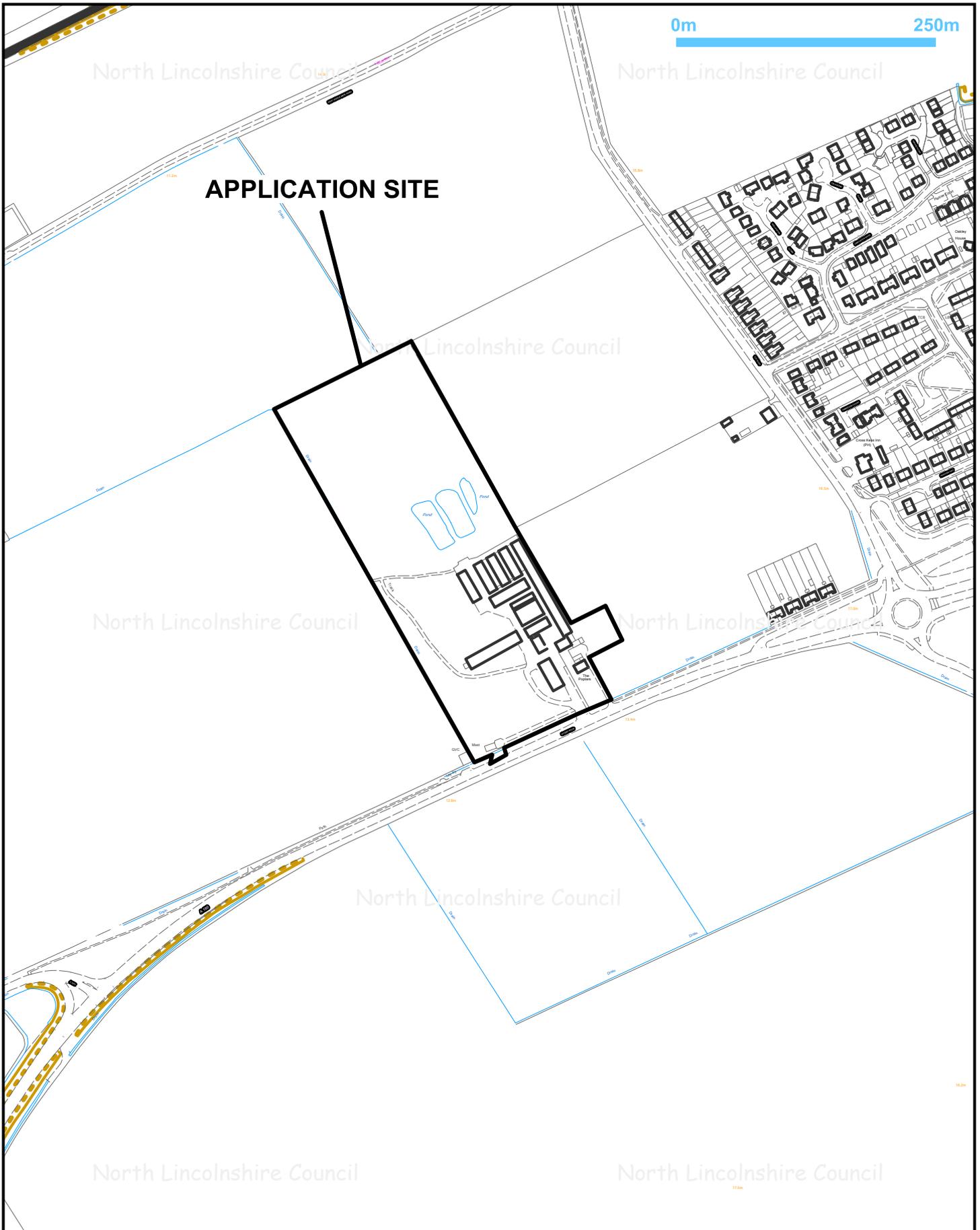
Please refer to link re riparian responsibilities:

<https://www.gov.uk/government/publications/riverside-ownership-rights-and-responsibilities>.

Any other drainage feature found during excavations must be immediately reported to the Drainage Team on 01724 297522, prior to any further construction works being carried out.

**Informative 2**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Title: PA/2015/0204			
Drawn by: Sue Barden	Date: 15/07/2015	Scale 1:5000	



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**Director of Places**  
**Peter Williams**  
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# PA/2015/0204 Proposed Layout Plan - Not to scale,

