

APPLICATION NO	PA/2017/1241
APPLICANT	Mr G Nettleton, L Nettleton & Son
DEVELOPMENT	Planning permission for a storage lagoon (re-submission of PA/2017/785)
LOCATION	Land to the east of Brigg Road, Barton upon Humber
PARISH	Barton upon Humber
WARD	Barton
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Paul Vickers, Keith Vickers and Jonathan Evison – significant public interest)

POLICIES

National Planning Policy Framework: Paragraph 7 states that there are three dimensions to sustainable development: economic, social and environmental.

Paragraph 11 states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 14 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay

Paragraph 17 states that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking.

Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 120 states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural

environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

North Lincolnshire Local Plan:

RD2 (Development in the Open Countryside)

RD7 (Agriculture, Forestry and Farm Diversification)

LC7 (Landscape Protection)

DS1 (General Requirements)

DS11 (Polluting Activities)

DS13 (Groundwater, protection and Land Drainage)

DS15 (Water Resources)

SPG5 and 5b (Landscape Assessment Guidelines and Countryside Design Summary)

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)

CS16 (North Lincolnshire's Landscape, Greenspace and Waterscape)

CS19 (Flood Risk)

CONSULTATIONS

Highways: No objection.

Drainage: No objection subject to conditions.

Environment Agency: No objection as a cover is proposed on the lagoon.

Anglian Water Developer Services: No response.

Environmental Health: There are still uncertainties regarding whether the proposed lagoon may cause odour issues on nearby sensitive receptors. However, the lagoon should require an Environmental Permit issued by the Environment Agency which should control odour. Conditions in relation to a windbreak and cover system, and details of the waste types to be stored in the lagoon, are requested.

Ecology: No objection.

Natural England: Views awaited and will be reported verbally.

TOWN COUNCIL

Objection: environmental concerns regarding water quality/leakage and seepage. It is also in close proximity to other residential properties. Road safety concerns regarding large vehicles travelling through the narrow town centre to access the site and it is felt the application has serious inaccuracies with no consultation process.

PUBLICITY

The proposal has been advertised by site notice. Two letters of objection have been received raising the following issues:

- smells
- alternative location should be sought
- cover design and membranes should be approved by the Environment Agency
- installation should be supervised.

ASSESSMENT

The proposal is to install two storage lagoons on the site which comprises agricultural land. Liquid organic waste produced from the food/drinks production industry will be stored in the lagoons and then will be spread onto adjacent agricultural land as a replacement artificial fertiliser when ground conditions provide the greatest agricultural benefit for spreading. The waste material will be stored on a yearly basis, mainly in the winter during periods of inclement weather, before land spreading in the spring. This proposal prevents the food waste material being taken to landfill facilities.

The lagoons together will be 156 metres long and 42 metres wide, the banks being 4 metres high (highest point). They will be separated by an earth bund to create two separate lagoons next to each other. The lagoons will be covered with a polythene cover. A 2 metre high mesh fence will surround the lagoons to prevent wildlife and unauthorised personnel entering the site. The banks of the lagoons are formed from the material obtained during the excavation. When the lagoons are no longer required, the land can be returned to its former state. The access to the site is from an existing farm track leading from Brigg Road. A hardcore parking and turning facility for HGVs will be provided adjacent to the lagoons.

The main issues to be considered in the determination of this application are whether the proposed development is acceptable in principle, and if so, whether it is acceptable in terms of the impact on groundwater in the area, in terms of odours, in terms of the impact on the amenity of the locality and whether the storage lagoons will result in loss of amenity to neighbouring properties through odours.

The site and planning history

The application site is an isolated area of agricultural land in Barton that is accessed via a track from Brigg Road. The site is located within the open countryside and surrounded by agriculture land. The nearest dwelling is located over 500 metres away from the site. A

previous application (PA/2017/785) for a lagoon was refused due to concerns in relation to odours, the impact on the groundwater and the fact that no flood risk assessment or drainage strategy was submitted with the application so there was concern that the development could result in an increased risk of flooding in the area.

The principle of the proposal

In terms of the principle of the proposal, this type of application can be considered to be acceptable in planning policy terms as the waste product will be used on the land as fertiliser and therefore is related to the agricultural use of the land and accords with policies CS1, CS2, CS3 of the Core Strategy and policies RD2 and RD7 of the North Lincolnshire Local Plan.

Groundwater

In terms of the impact the lagoons will have on the groundwater, the applicant has submitted additional information in relation to this issue. The lagoons will be fitted with a double liner made from polyethylene which is guaranteed for 20 years. The geotextile underlay will provide a puncture resistant layer onto which the geomembrane lining will be laid. The lagoons will also have a leak detection system and will be subject to a weekly auditing for leaks, and the structural integrity of the lagoons and their liners. The Environment Agency and the council's drainage team have raised no objection to the proposal and therefore the impact on the groundwater is considered to be acceptable subject to conditions. The proposal therefore accords with policies DS13 and DS15 of the North Lincolnshire Local Plan.

Odours

In terms of odours, this type of use has the potential to generate odours. The applicant has submitted an odour management plan and provided full details of the specification for a cover to be installed on the lagoons. The Environment Agency has raised no objection to the proposal. Environmental Health is still uncertain whether the lagoons will cause odours to sensitive receptors. However, the lagoons will require an Environmental Permit issued by the Environment Agency which should control odour. Environmental Health considers that conditions in relation to a windbreak and cover system, and details of the waste types to be installed in the lagoons, should be submitted to the council for approval. These conditions will be imposed on any grant of planning permission. On balance, as the Environment Agency is not objecting to the proposal and any odours will be controlled by the Environmental Permit issued by the Environment Agency, and planning conditions to limit odour emissions will be used, it is considered that the proposal is acceptable in terms of odours and accords with policies DS11, DS1 and RD2 of the North Lincolnshire Local Plan.

Impact on the amenity of the locality

In terms of impact on the landscape, the lagoons will be visible on the landscape but will be partially screened by the proposed bunding. The lagoons can be 'filled in' once they are no longer required and therefore may not be a permanent feature on the landscape. The lagoons are set back some distance from Brigg Road and will be partially concealed by hedging and trees around the site. Agricultural buildings and agricultural structures are a feature on the Wolds landscape and reflect the rural location of the area. The proposed lagoons will therefore not result in demonstrable harm to the visual amenity of the area and

therefore the proposal accords with policy CS16 of the Core Strategy and policies LC7 and RD2, and SPG:5, of the North Lincolnshire Local Plan.

Highways

The existing farm track leading from Brigg Road will be used by vehicles to deliver waste to the lagoons, the delivery vehicles exiting in a forward gear onto Brigg Road. The waste will be pumped over land from the delivery lorry to the lagoons by a pipe system. A hardcore parking and turning facility for HGVs will be provided adjacent to the lagoons. The applicant has also submitted a delivery management plan stating that the route of HGVs will be via the A15, B1206 and then along Brigg Road (B1218) and not through the town of Barton. This delivery management plan could be imposed on the planning permission by a planning condition. No objections have been received from the council's Highways team and the access and turning arrangements are therefore considered to be acceptable and accord with policies T2 and DS1 of the North Lincolnshire Local Plan.

Impact on the amenity of neighbours

In terms of impact on neighbours, the lagoons are over 500 metres from the nearest residential property. The neighbours may have a view of the lagoons but, due to the distance they will be from residential properties, no loss of residential amenity will be caused. In terms of odours, this has been discussed in the previous section of this report. It is considered that odours from the site can be controlled by the use of planning conditions and by the Environmental Permit required for the site. The other comments made by the objectors are noted, but the site is isolated and the materials stored in the lagoons will be spread on the farmland as fertiliser; the siting of the lagoons is therefore considered to be acceptable. The design of the lagoons is acceptable to the Environment Agency and will be subject to environmental controls. The proposal therefore accords with policies CS3 and CS5 of the Core Strategy and policies RD2, DS1 and DS11 of the North Lincolnshire Local Plan.

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: 1A, site location plan, site layout (drawing no 3) and the material specification for the lagoons.

Reason

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

3.
The development shall be carried out in accordance with the amended drawings numbered 3 received by the local planning authority on 23 October 2017 and site layout plan received by the local planning authority on 30 October 2017.

Reason

To define the terms of the permission and for clarity.

4.

The windbreak and cover system shall be installed in accordance with the information submitted and shall be maintained throughout the lifetime of the development.

Reason

In order to protect residents from odours in accordance with policy DS11 of the North Lincolnshire Local Plan.

5.

All the waste types that are to be stored on the site/in the lagoons shall be submitted to and approved in writing by the local planning authority. There shall be no deviation from the approved waste types without the prior approval in writing of the local planning authority.

Reason

In order to control odours from the site in accordance with policy DS11 of the North Lincolnshire Local Plan.

6.

The delivery route for HGVs to the site shall be as specified in the delivery statement submitted by the applicant dated 30 October 2017. There shall be no deviation from the approved delivery route (A15, B1206 and then B1218, Brigg Road) without the prior approval in writing of the local planning authority.

Reason

In order to avoid additional congestion to Barton town centre in accordance with policy T2 of the North Lincolnshire Local Plan.

7.

No development shall take place until a strategy for the management of the maintenance and inspection of the lagoon has been submitted to and agreed in writing by the local planning authority. The document shall include details of an inspection regime and the location of these records. It shall also include contingency arrangements for a breach failure.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the lagoon in accordance with policy DS16 of the North Lincolnshire Local Plan and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

8.

When the lagoons are no longer required they shall be removed from the site and the land restored to its former condition in accordance with details to be submitted to and agreed in writing by the local planning authority. Thereafter only the approved scheme shall be carried out on the site.

Reason

In order to safeguard the visual appearance of the landscape and the amenity of the locality.

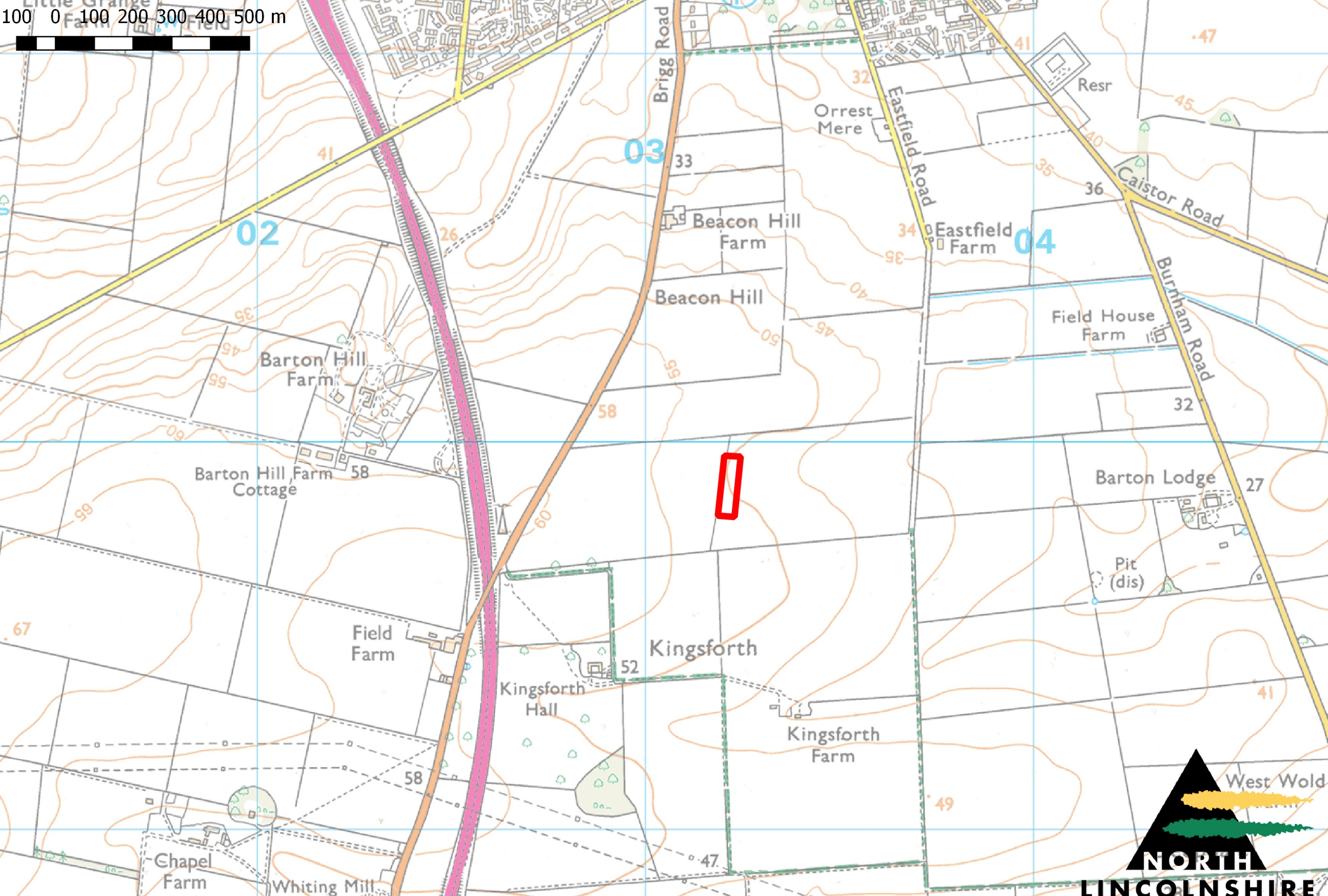
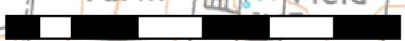
Informative 1

The applicant's attention is drawn to the informative comments made by the council's drainage team dated 27 September 2017.

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.

0 100 200 300 400 500 m



PA/2017/1241

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West Wold

PA/2017/1241 Proposed site plan - Not to scale

All Dimensions Shall be Checked on Site by the Contractor Prior to Commencement of Work on Site. Do Not Scale If in Doubt Ask.

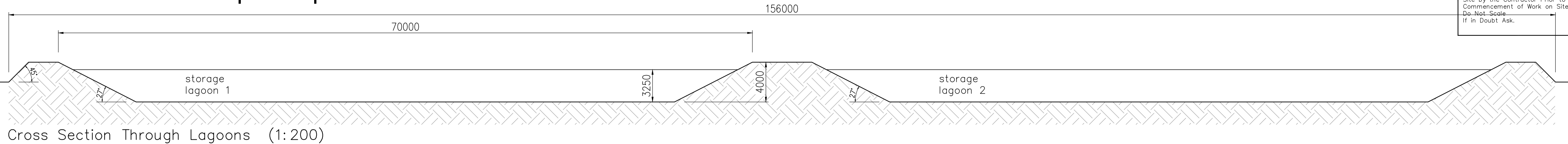


Revisions		Date	
Robert Farrow (Design) Ltd Architecture : Planning : Construction Topographical Surveys Millar House, 32 Northgate, Hessle, East Riding of Yorkshire, HU13 9AA Tel: 01482 640699 E-mail: rfd@farrow.karoo.co.uk			
Client: L Nettleton & Son			
Title: <u>Site Layout</u> Proposed Storage Lagoons on land to the East of Brigg Road, Barton. DN18 6DE.			
Scale	Drawn by	Drg no.	Date
1:1250	R	3	May17
Contract no.		17032	

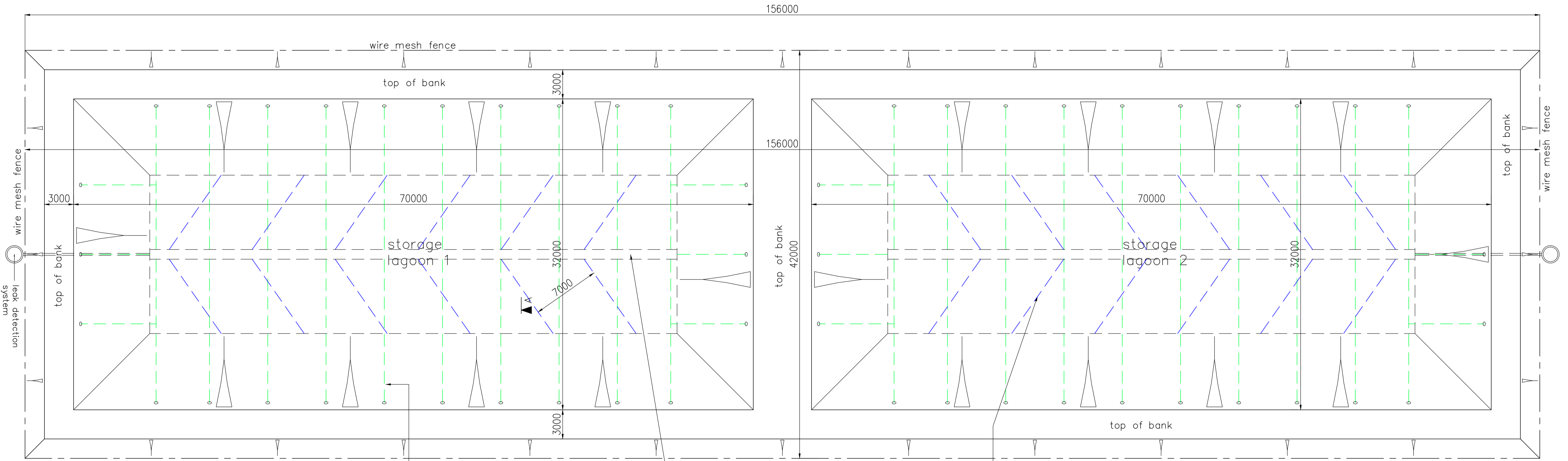
Scale correct when printed at A1

PA/2017/1241 Proposed plan - Not to scale

All Dimensions Shall be Checked on Site by the Contractor Prior to Commencement of Work on Site. Do Not Scale. If in Doubt Ask.



Cross Section Through Lagoons (1:200)



Proposed Plan of Lagoons (1:200)

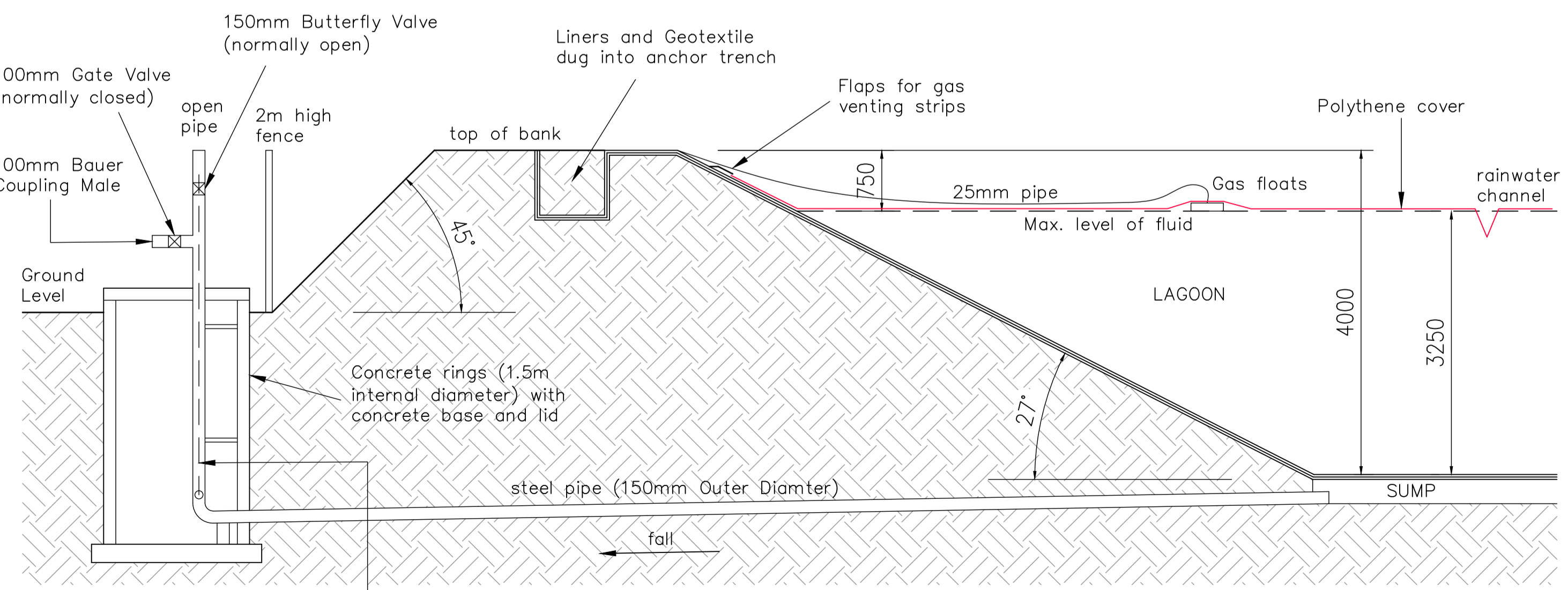
1m x 12mm gas vent strips @ 6m crs.
 300mm x 300mm sump with fall to leak detection
 80mm \varnothing polypipe perforated land drain @ 7m crs.
 wooden posts 2m high @ 4m crs



Proposed Fence Detail (1:50)

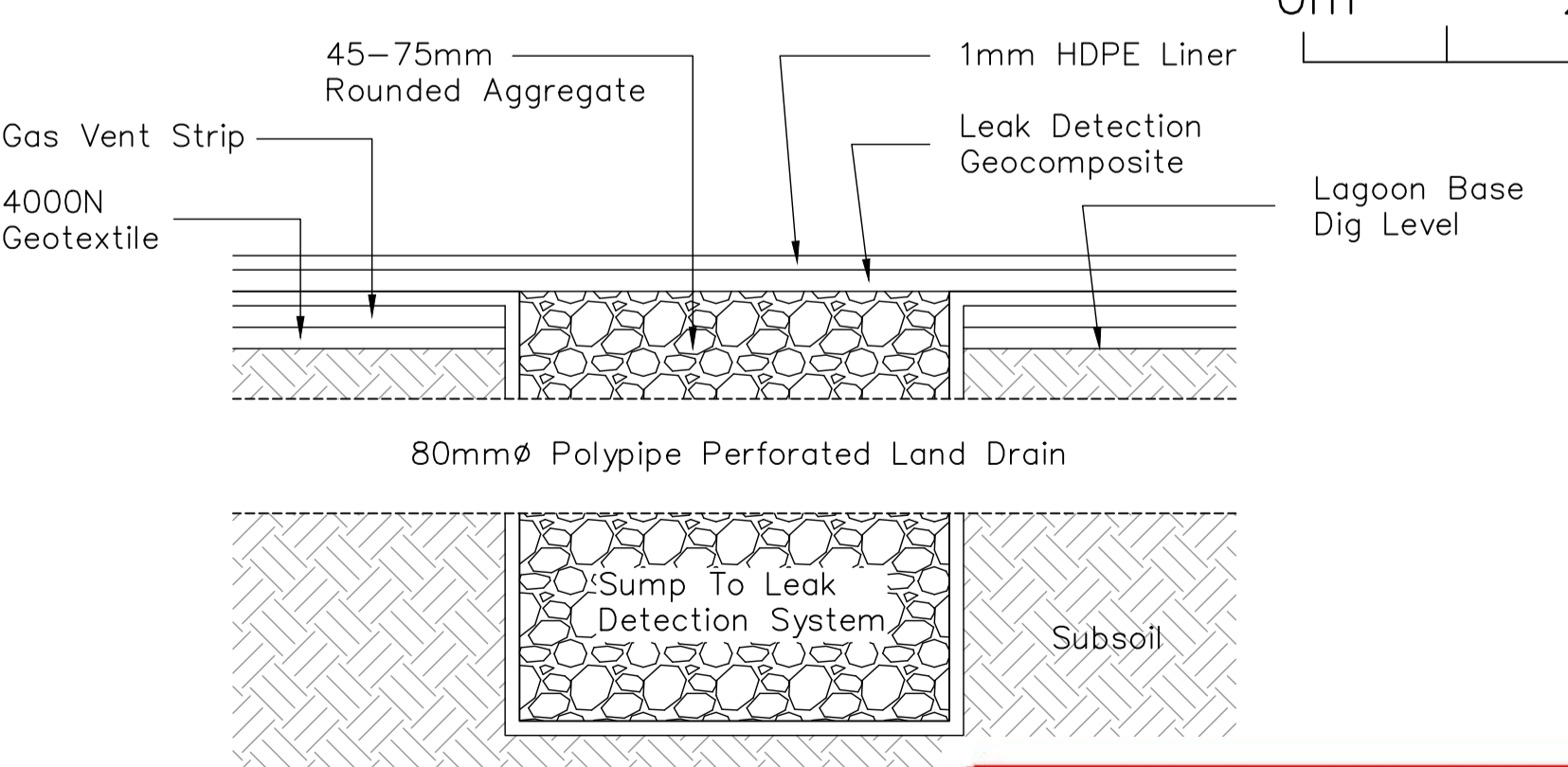
0m 2m 4m 6m

A: Lagoon cover added Oct 20th 2017



Section A-A: Proposed Lagoon Banking Detail (1:50)

Floatable plastic or stainless steel rod that passes through open butterfly valve. If leak occurs then rod floats up through open pipe and becomes visible. To empty lagoon, the rod is withdrawn and the butterfly valve is closed.



Section B-B
 Liner/Sump Detail (Scale 1:5)

AMENDED

Scale correct when printed at A1

Revisions	Date
Robert Farrow (Design) Ltd Architecture : Planning : Construction Topographical Surveys Millar House, 32 Northgate, Hessele, East Riding of Yorkshire, HU13 9AA Tel: 01482 640699 E-mail: rfd@farrow.karoo.co.uk	
Client: L Nettleton & Son	
Title: Lagoon Plan/Section Proposed Storage Lagoons on land to the East of Brigg Road, Barton. DN18 6DE.	
Scale 1:50 1:200	Drawn by R
Drg no. 1A	Date May17
Contract no. 17032	