

<b>APPLICATION NO</b>	<b>PA/2021/2228</b>
<b>APPLICANT</b>	Mr Nick Marsh, Urban Arborist
<b>DEVELOPMENT</b>	Planning permission for change of use to open log/timber storage with occasional sale of surplus, retention of paths, tracks and drainage and irrigation pond, and associated works
<b>LOCATION</b>	Holme Tree Farm, Access road to Holme Tree Farm, Haxey, DN9 2NP
<b>PARISH</b>	Haxey
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Jennifer Ashworth
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Haxey Parish Council

## **POLICIES**

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

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 6 – Building a strong competitive economy

Paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity and take into account local business needs and wider opportunities for development.

Paragraph 81 – Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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 83 supports a prosperous rural economy and planning should enable the sustainable growth and expansion of all types of businesses in rural areas, both through the conversion of existing buildings and well-designed new buildings.

Paragraph 84 – Planning policies and decisions should enable:

- (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- (b) the development and diversification of agricultural and other land-based rural businesses.

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment.

**North Lincolnshire Local Plan:**

RD2: Development in the Open Countryside

RD7: Agriculture, Forestry and Farm Diversification

DS1: General Requirements

DS11: Polluting Activities

DS14: Foul Sewerage and Surface Water Drainage

DS21: Renewable Energy

T2: Access to Development

T19: Car Parking Provision and Standards and Appendix 2

LC4: Development Affecting Sites of Local Nature Conservation Importance

LC5: Species Protection

LC7: Landscape Protection

LC12: Protection of Trees, Woodland and Hedgerows

**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

CS17: Biodiversity

CS18: Sustainable Resource Use and Climate Change

CS19: Flood Risk

**Housing and Employment Land Allocations DPD:** The site lies within the open countryside as shown on the main Proposals Map. The site lies to the east and south of a Site of Importance for Nature Conservation and south of LC14 – Area of Special Historic Landscape Interest.

## CONSULTATIONS

**Highways:** No comments or objections.

**Network Rail:** No objection, but advise an informative.

**Environment Agency:** No objection, but offer advice to the applicant.

**Environmental Protection:** No comments or objections.

**LLFA Drainage:** No objection.

Initial comments from the team dated 05/01/2022 requested details in relation to the pond in respect of incoming and outgoing connections. The team at the time did not object but did recommend a condition. Given this application is retrospective the applicant has sought to work with the team to agree all matters prior to determination.

Following submission of further information (May 2022) and a site visit on 03/08/2022 the LLFA drainage team confirmed that they are satisfied that the proposals do not warrant any surface water drainage conditions being placed on the development and that they have no further comments on the matter.

**Tree Officer:** No objection.

The Initial consultation response (22/12/2021) confirmed that as this is a retrospective application, any incursions within root protection areas around any trees would already have occurred. Further information about the species and planting would be required in order to comment further on the planting/landscaping scheme submitted. Ecology would also need to comment on this proposal.

Given this application is made retrospectively the applicant has sought to work with the local authority to provide detailed information regarding the planting and landscaping scheme, including the mix of planting on the site. The tree officer has reviewed this information and confirmed that the proposals are acceptable.

**Ecology:** No objection subject to a condition to secure sensitive working methods.

**Community Safety, Humberside Police:** No comments or objections.

**Humberside Fire & Rescue:** Provides advice on access and water supplies for fire-fighting.

**Archaeology:** No objection.

The site lies just outside the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14) in the Recent Enclosed Land character zone. I do not consider that this proposal would adversely affect the character of the locally designated landscape heritage asset or its setting at this location provided that the tree planting is of the appropriate native species. This retrospective proposal does not adversely affect any known heritage assets of archaeological interest recorded on the database.

## PARISH COUNCIL

Objected to the application initially and following reconsultation.

They noted that the application was prompted following a visit by the council's enforcement team and are concerned that the proposals do not accord with policy RD2 in that development in the countryside should be strictly controlled. The parish council sees no need for the change of use of land to be populated by trees, wildflowers and grass. They are concerned that the change of use would grant an extension of the domestic use of the land as a private garden and not a commercial use, and it is unnecessary to the functioning of the open countryside.

They consider it is unclear what the level of storage is on the site and that this extension would be damaging to the environment. They raise concerns regarding the terms 'surplus and occasional storage'.

The bunds created, whilst they do screen the storage areas, are damaging to the character of the area.

They have concerns that the land is being used for motorcycle/quad track and private recreational use which is not appropriate within the countryside and conflicts with policy R10 (vi).

The parish council is also concerned about allegations in relation to the burning of waste material within the open air and question the use of the biomass boiler.

## **PUBLICITY**

Advertised by site and press notice, initially and following receipt of further information. Objections have been received from two neighbouring properties, to the initial submission and following reconsultation. The comments are summarised below:

- concerned that the proposal is a front for the storage and disposal of commercial waste from the applicant's tree management business
- the land does not have a history of commercial use
- concerned about the quantities of commercial waste being stored and methods of disposal
- by-products from the business are returned to the proposed site on a daily basis (Monday–Friday)
- burning of materials on site, increased smoke and fumes – significant and detrimental impacts on the health of residents
- smoky environment created by a biomass
- open storage means logs are wet when they are burnt which is contrary to government mandate May 2021
- The planning proposed is for 'open', not undercover storage, which is not conducive to the burning of dry material in the biomass. The biomass is already producing great quantities of dark grey smoke. Previous planning is conditional on correct use and the manufacturer highlights that 'wet coal and wood are the two most polluting fuels with air pollution posing a great public health risk' and 'wet wood creates more smoke; tar build up and harmful particles than dry wood'.

- the changes have led to major changes to the local character of the area and scarring on the landscape
- introduction of hard-standing/piles of waste and excavation of pasture land
- impacts on biodiversity
- design, appearance and layout of these major works is detrimental and creates a loss of visual amenity to their close neighbours
- The 'tracks' include steep dips and mounds that have been used for the purposes of motorbike racing. This is not appropriate given the extremely close proximity of grazing for horses and the equestrian nature of the neighbouring property, in addition to the noise nuisance that this type of activity creates.
- concerned the existing biomass is already in breach of its capacity for a single dwelling
- concerned regarding drainage
- concerned regarding the type and level of machinery to be used on site and the associated noise
- the development would be an eyesore within the landscape which is characterised as being low-lying and flat
- concerned about the level/amount of material that will be allowed to be stored on site
- The application pays no reference to use of machinery which impacts neighbouring equestrian businesses. Tarpaulin sheeting has been used to try and dry some of the piles. However, even in light winds, the flapping of the plastic causes a scare hazard for the horses.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

No statement of community involvement has been submitted with the application and the case officer is unaware of any consultation by the applicant, who has sought to address concerns raised by members of the local community through an additional statement which was submitted to the local planning authority.

## **ASSESSMENT**

### **Planning history (relevant to the wider site)**

PA/2018/1573: Planning permission for change the use of agricultural land to residential garden – approved 06/11/2018.

The officer's delegated report stated:

'Planning permission is sought to change the use of a parcel of agricultural land to garden. The small parcel of land is an irregular shape and is inaccessible to large, modern agricultural machinery and is therefore left underutilised. The site is isolated and remote in the countryside, and surrounded by agricultural land, therefore, it is considered that the use of this land as garden, will not have a significant adverse impact on the character of the open countryside. The land will

be enclosed by a post and rail fence which is appropriate in this location and reflects the design of the existing fencing.'

- PA/2019/697: Planning permission to install biomass boiler, convert stable to office, extend roof to form covered store and associated alterations – approved 05/08/2019
- PA/2008/1444: Planning permission to erect two-storey and single-storey rear extensions to dwelling, erect a swimming pool and gym, erect an agricultural barn and new wall – approved 16/12/2008
- PA/2007/0662: Planning permission to erect a single-storey extension to the front elevation and a second-storey extension to the rear elevation, and erect a detached double garage and stable block – approved 30/05/2007
- PA/2003/1063: Planning permission for proposed conversion of existing barns to 2 dwellings with garages – approved 06/10/2004.

### **Enforcement action**

Past records indicate that enforcement action has previously been taken on the site and there appears to be a level of dispute regarding the lawful use of the land.

It is my understanding that the land has always been identified as agricultural land. A small triangular section of the land on the wider site changed the use to residential garden on 06/11/2018.

The applicant argues that the site has historically been used for commercial purposes.

The applicant states that 'if the land is agricultural land then it will attract Permitted Development rights under the GPDO 2015 Part 6 Class B as it is a unit of less than 5ha, the land in question, outside the residential curtilage of the dwelling, is 1.2ha.

Class B (d) gives rights for the provision of a private way (or track) such as has been carried out on site.

Class B (e) the provision of a hard surface – such as that for the storage of logwood.

Class C gives rights for excavation on the land as long as excavated material is not moved to any place outside the land from which it was excavated, which is the case in question. This obviously infers that the level of the surrounding land will have to be raised.'

Class B states, however, 'where the development is reasonably necessary for the purposes of agriculture within the unit.' It goes on to state that development would not be permitted where:

- b) the external appearance of the premises would be materially affected;
- c) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;
- f) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit.
- Development is not permitted by Class B(e) if the area to be covered by the development would exceed [F41,000 square metres] calculated as described in paragraph D.1(2)(a) of this Part.

It is understood that the proposed use would relate to a forestry business.

### **Site designations/constraints**

The site lies within the open countryside as shown on the proposals map.

The site is not within a conservation area and there are no listed buildings or tree preservation orders on or within close proximity of the site.

The site is within SFRA flood zone 2/3 (a) tidal, meaning a higher flood risk.

The site is not within an air quality management area.

The site is identified as Grade 2: Very Good on the Agricultural Land Classification Yorkshire and The Humber (ALC003) (Updated 2011/11/18).

### **The site and proposals**

The site is within the open countryside to the west of Haxey Gate Road (A161) and is accessed via a track which leads to the application site, a few other residential properties and agricultural land.

The site is to the north-east of Holme Tree farm (a residential property). To the north of the site is the railway line which runs east to west and further north is the warping drain. To the west of the site is a residential property, stable block and manege (PA/2007/1277 – planning permission for the retention of a stable block with tack room and manege). Langholme Farm is to the south.

The applicant seeks the change of use to open log/timber storage with occasional sale of surplus, retention of paths, tracks and drainage and irrigation pond, and associated works.

The applicant is the owner of UAL (Urban Arborist Ltd) and operates his business from the site. The previous owner based his construction business from the site (Dowling Construction); however, there is no evidence of a change of use of the land taking place. The applicant is seeking to formalise his business operations at the site. Planning permission was granted in 2019 for the installation of a biomass boiler, conversion of the stable to an office and to provide a covered store. The committee report at the time clearly set out that the intended use of the site was related to the arboricultural business:

‘An existing business operates from the site, which is considered to be related to agriculture and appropriate to this open countryside location. The conversion of a stable block to an office in connection with this business, which is considered to be a forestry business, is considered to comply with policy RD7 of the North Lincolnshire Local Plan, which relates to diversification of such operations’

The proposal was considered to be acceptable in principle and assessed as not having any adverse impact on the character of the open countryside or on the amenity of any neighbouring properties.

This new application seeks to allow the storage of logs on the site which are related to the arboricultural business. The applicant has confirmed that the open log store is vital for the storage and seasoning of timber. The product is sold on as biomass fuel and transported to local power stations. UAL carry out the felling, extracting and chipping as part of their daily

activities/services. The vehicles operate from Holme Tree Farm. The combination of logwood, chippings and trimmings brought back to the application site annually is approximately 310 tonnes. The area of hard-standing created for the storage (including sufficient space for access, deposit and collection) is approximately 2000 square metres. Vehicle movements depend on workloads and types of jobs. The average daily operation is two vehicles leaving the site at approximately 8am, returning at 4pm. The start and finish times are 7.30am to 4.30pm with 30 minutes to load the tools and allocate jobs in the morning and 30 minutes to unload the tools and logs/trimmings/chippings at the end of the day Monday to Friday.

UAL operates the main tree felling/arborist works/activities away from the application site. The majority of chipping and chainsaw work is undertaken off site. Timber is occasionally transported back to the application site in larger pieces when access permits. This timber is seasoned prior to cutting up with chainsaws as biomass fuel and accounts for 20–30 tonnes per year. There is the occasional use of a chainsaw on the site for this work.

The hard-standing storage area has been dug out to a depth of 300 millimetres. The soil bunds around the wider site are created using the excavated soil. The applicant has confirmed that the bunds control the mitigation of surface water and protect the log storage area from surface water flooding. The maximum height of the bunds is 1.5 metres and they have been constructed wide enough to operate a mower to maintain the grass. The applicant has provided a detailed plan of the types of trees and vegetation to be planted and trees have been planted to assist in screening the activities at the site.

The applicant has confirmed that the area will be used by employees based at the site: two full-time and one part-time during lunch and other break times. This land will also be used for education and training purposes, including pruning techniques, planting and staking, as well as practical climbing and aerial rescue techniques.

The applicant has also created a range of drainage channels around the site, including a pond to allow for more sustainable methods of drainage – the pond seeks to aid the migration of surface water.

**The following considerations are relevant to this proposal:**

- **principle of development**
- **appearance/quality of design**
- **residential amenity**
- **highway safety**
- **environmental protection.**

**Principle of development**

Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the development plan comprises the North Lincolnshire Local Plan 2003, the Core Strategy 2011 and the Housing and Employment Land Allocations DPD.



The application site lies outside the villages of Westwoodside and Graizelound and is in the open countryside as set out by the Housing and Employment Land Allocations Development Plan Document (DPD) where sustainable development is supported under the provisions of saved policy CS3. As the remainder of the site is outside the settlement framework set out in the DPD, for policy purposes this would constitute development within the countryside and therefore the provisions of saved policy RD2 and RD7 are applicable.

The combined effect of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is that a planning application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Policy CS2 states, 'any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.'

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP.

Local plan saved policy RD2 restricts development in the open countryside but does allow development which is essential to the efficient operation of agriculture or forestry, and employment-related development appropriate to the open countryside provided that:

- (a) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries;
- (b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan;
- (c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials; and
- (d) the development would not be detrimental to residential amenity or highway safety; and
- (e) account is taken of whether the site is capable of being served by public transport; and
- (f) the development is sited to make the best use of existing and new landscaping.

Policy RD7 of the local plan states that proposals for agriculture, forestry and farm diversification will be acceptable in principle provided that:

- (i) the proposal does not conflict with the operational requirements of the agricultural or forestry enterprise;

- (ii) there is no adverse impact on high quality agricultural land;
- (iii) the proposal should, wherever possible, re-use existing farm buildings, or if new building is necessary, should be sited in, or adjacent to, an existing group of buildings and be of a design, scale and construction appropriate to its surroundings; and
- (iv) the likely level of traffic generated by the proposal is acceptable taking account of the suitability of existing access and approach roads; and
- (v) any parking associated with the proposal would not be visually intrusive.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.'

One of the main issue in determining this application is whether the use of the land for open log/timber storage with the occasional sale of surplus, retention of paths, tracks and drainage and irrigation pond, and associated works are considered acceptable in principle.

The site relates to an existing business which operates from the site. This existing business is and was considered appropriate for this countryside location (previous application PA/2019/697). The business operations as stated above relate to arboriculture, including the need for storage of logs prior to them being sold. In the past the applicant has stored the logs at various farm locations which has resulted in increased vehicle movements and no one central location. Locating the logs at the site of the existing business will allow the business to be more fluid and sustainable. Policy RD2 allows development which is considered essential to the efficient operation of agriculture or forestry, and employment-related development appropriate to the open countryside. It is considered that the proposed development meets the tests of policy RD2 in that the use is suitable in this location. Further assessment in relation to character and appearance, as well as highway safety and residential amenity, will be assessed in more detail.

It is considered that, in principle, the proposal represents appropriate development within the countryside, subject to consideration of its siting, design, scale, massing and materials as well as residential amenity and highway safety.

### **Residential amenity**

Policies DS1, RD2 and RD7 refer to residential amenity.

The development is already in place and the site has been visited by the case officer on several occasions throughout the year, both unplanned and planned visits. The site is accessible and the access track leading up to the site is used by a range of private vehicles as well as agricultural machinery and vehicles.

The proposed site is set back from the main highway and is visible from the neighbouring property and highway embankment. The bunds act to screen the log piles which are on the site. As set out within the applicant's supporting information, the log area is largely used around 4pm–4.30pm for the unloading of logs/chippings etc which have been removed from the site they have been working on. The logs are then stored until such time as they are sold and then collected and moved off the site. These collections occur around four times a

year once enough material has been gathered. It is recommended that the business operations on the site be restricted to between the hours of 7am to 5pm with no activity to take place outside these hours, and no operations to take place at weekends or on public/bank holidays.

The proposed earthworks, which have formed the storage space and wider bunding, whilst altering the landscape are not highly visible from further afield and are self-contained within the site. The railway embankment to the north acts as a good buffer and there is evidence of tree planting and a dense woodland further east, and as such the development is not considered to be out of place. Whilst concerns have been raised regarding the biomass boiler, this is secured under a separate planning application and is not for consideration at this time. These comments are therefore not considered relevant to this application. The biomass boiler is dealt with under separate legislation and a separate planning application.

Concerns have also been raised regarding the use of the bunded areas for motorbikes/quad bikes. This does not form part of the planning application and the council is not assessing the use of the land for recreational purposes. The applicant has clearly set out that the bunds have been created following the removal of material to provide a levelled area for the storage of logs. This allowed the material to be retained on site. The applicant has provided a clear landscaping plan for the site and this plan will be conditioned. This will ensure the site is used for the proposed purpose.

The case officer has visited the site while logs have been present, which were well arranged and the overall site was tidy. There was no evidence of waste material on the site and it was clear the materials were related to the existing forestry business. On another occasion the site was clear of all logs and the case officer saw how the site looked when empty. Over time the site fills with logs and once full they are removed off site and the process begins again.

Whilst the site is near existing residential properties, the activity undertaken at the site is considered to be in keeping with this countryside location. The proposed works will allow an existing business to continue and become more sustainable in its methods of working.

Concerns have also been raised regarding the conflict of the land use with the neighbouring manège; however, reading into these comments these relate to the use of the land by motorbikes and quad bikes and the smoke from the biomass boiler. It is not for this application to address those issues. The site will be used for log storage, education and training, as well as land drainage. It is not considered that the use of land for log storage, educational or training purposes would result in an unacceptable loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisances, or through the effects of overlooking or overshadowing. Any activities outside of this will be subject to enforcement.

It is therefore considered that the proposal would not be detrimental to the residential amenity rights of adjoining neighbours and aligns with policies DS1 and RD2.

### **Character, design and appearance**

Policies DS1 and RD2 seek to deliver quality design in North Lincolnshire. Policy DS1 requires designs and layouts to respect, and where possible retain and/or enhance, the existing landform of the site. Policy RD2 requires developments not to be detrimental to the

character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials.

This development is primarily for an area to store logs from the applicant's existing arborist business at the site. The office relating to the business has already been granted planning permission. The storage area would allow the applicant to consolidate all their business operations on one site and no longer have to store logs at different farms across North Lincolnshire. The works have already been undertaken. The case officer has visited the site and in the summer months the site was in full bloom providing evidence of the wildflowers which had been planted.

Whilst the land in this area is largely flat and agricultural in nature, the storage of logs is not uncommon within the landscape. The business is considered appropriate within this countryside location. The surrounding landscape does include areas which are not flat, including the railway embankment and an established woodland to the east of the site. With these in mind and the close relationship with the railway embankment, the development is not considered to be out of character. The HER has considered the proposals and does not consider that this proposal would adversely affect the character of the locally designated landscape heritage asset at this location or its setting provided that the tree planting is of the appropriate native species.

The applicant has sought to provide detailed landscaping proposals to demonstrate and provide a commitment to the long-term planting plans for the site.

Overall, the works undertaken are considered to be of high quality and in keeping with the countryside location. It is therefore considered that the proposal is in accordance with policies DS1 and RD2.

### **Drainage and flood risk**

The site is within SFRA flood zone 2/3 (a) tidal, meaning a higher flood risk. The Environment Agency has commented and has no objection, but provides the following advice to the applicant which is considered suitable to be applied as an informative:

“We note the application document highlights that a Waste Carrier's Licence is registered and used to bring wood produced in the daily operations of the company back to site for storage and predominantly burning as fuel in a boiler.

If materials that are potentially waste are to be used on site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular

function, or waste being prepared to fulfil that function, in the plant or in the wider economy.”

The LLFA Drainage Team have considered the proposals and have visited the site. They have no objection to the proposal and do not consider any surface water drainage conditions are needed.

## **Highways**

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 of the local plan is concerned with parking provision as well as general safety and is also considered relevant.

The site lies to the south of the existing railway line. Network Rail have commented and have no objection. They do, however, require the following informative be included should the authority be minded to grant permission:

**'Heaping of materials:** It should be noted that because of the nature of the proposals we would not want to see materials piled against our boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching our boundary.'

The Highways team have assessed the proposals and do not have any comments in relation to the overall design. It is considered that the development would not result in a significant impact in terms of highway safety and the nature of the access into the site would naturally slow vehicles.

Given the scale of the proposed development it is not considered that the scheme would result in a significant or unacceptable increase in vehicular movements in the locality. Adequate space within the site allows for the collection and drop-off of logs/materials. With these factors in mind, and in the absence of an objection from the council's Highways team, it is considered that the proposal, with the recommended conditions, would be acceptable in highway terms.

It is considered, subject to the aforementioned conditions, that the proposal is in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

## **Environmental protection**

Policy DS7 of the North Lincolnshire Local Plan is concerned with land contamination. It states that in the case of proposals for development on land known or strongly suspected as being contaminated, applicants will be required to demonstrate that the level of contamination can be overcome by remedial measures or improvements. DS11 also relates to polluting activities.

The Environmental Protection team have considered the proposals and have no comments or objections to make at this time. It is considered that the development is compatible with the countryside location and would not lead to any polluting activities.

## **Ecology and landscape**

Policy LC4 relates to development affecting sites of local nature conservation importance. Any development or land use change which is likely to have an adverse impact on a Local

Nature Reserve, a Site of Importance for Nature Conservation or a Regionally Important Geological Site will not be approved unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the intrinsic nature conservation value of the site or feature. In all cases where development is permitted which may damage the nature conservation value of the site, such damage shall be kept to a minimum. Where development is permitted the use of conditions or planning obligations to ensure the protection and enhancement of the site's nature conservation value and other appropriate compensatory measures will be considered.

Policies CS16 and LC7 refer to landscape protection and seek the protection of scenic quality and distinctive local character in countryside locations as well as requiring the protection of trees, hedgerows and historic landscape where appropriate.

Policies LC6 and CS16 refer to biodiversity and require new development to retain, protect and enhance biological and geological interest, produce a net gain in biodiversity by designing in wildlife and ensuring any unavoidable impacts are appropriately managed.

The initial consultation response received from the landscape team (22/12/2021) confirmed that as this is a retrospective application any incursions within root protection areas around any trees would already have occurred. Further information about the species and planting were requested. The applicant has sought to work with the local authority to provide detailed information regarding the planting and landscaping scheme, including the mix of planting on the site. The tree officer has reviewed this information and confirmed that the proposals are acceptable.

Any impacts on protected or priority species during creation of the paths, tracks and pond will already have occurred. However, the ongoing use of the site for open storage of logs could create habitat for nesting birds, grass snakes, common toads, newts, hedgehogs etc which could then be disturbed upon removal of the logs for sale or chipping. Sensitive working methods will therefore be required.

The application site lies close to the Warping Drain Corridor Local Wildlife Site (previously Site of Importance for Nature Conservation), which is protected by saved policy LC4 of the local plan. To protect the local wildlife site, biosecurity measures will be of key importance here, in particular:

- Invasive non-native plants must not be introduced to, or permitted to colonise, the pond. Examples include parrot's-feather, water fern, New Zealand pigmyweed etc.
- Plants such as Japanese knotweed, Indian (Himalayan) balsam and giant hogweed must not be brought onto the site with logs, brash or other waste from tree surgery operations.

The applicant is now proposing locally native broadleaved trees, which is considered acceptable in both landscape and biodiversity terms. A suitable mixed native hedgerow is also proposed.

The applicant is proposing annual wildflowers, which the team do not consider are likely to thrive. However, whilst the team would not recommend this, they do not see it as a reason for refusal of the planning application.

It is therefore considered that the proposals are in keeping with the requirements of policies LC4, LC6, LC7, CS16 and CS17.

## **Conclusion**

It is considered, given the assessment above, that no adverse impacts related to the development exist that would significantly and demonstrably outweigh the benefits that would follow from a well-executed scheme in this location. The development will allow for an existing rural business to operate in a more fluid and sustainable way. Overall, it is considered that the proposal does represent appropriate development in the context of the NPPF, the North Lincolnshire Local Plan and the Core Strategy.

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

1.

The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plans - 1153 - Dwg 2 of 2
- Existing & Proposed Block Plan - 1153 - Dwg 1 of 2.

### **Reason**

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

2.

The hours of operation of the use hereby permitted shall be restricted to the following:

- 7am to 5pm Monday to Friday.

No operations, other than maintenance, shall take place on Saturdays, Sundays or public/bank holidays.

The site shall not operate outside these hours unless otherwise agreed in writing by the local planning authority.

### **Reason**

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

3.

The storage area shall be used for the storage of logwood, trimmings and chippings relating to the existing arborist business and at no time shall it be used for the storage of other materials unless otherwise agreed in writing by the local planning authority.

### **Reason**

To protect the amenity of the occupiers of nearby residential properties and to comply with policy DS1 of the North Lincolnshire Local Plan.

4.

The storage area as shown on the hereby approved plans (condition 2) shall be cleared of logwood, trimmings and chippings every six months or less. The landowner or successor in title shall maintain a clear log of events which sets out the dates and times, along with the amounts, that logwood, trimmings and chippings are brought to the site and subsequently removed from the site. The logbook shall be made available for the local planning authority at all times.

Reason

In the interest of residential amenity.

5.

Notwithstanding the approved plans (condition 2 above), the landscaping works shall be carried out in accordance with the details submitted and hereby approved in the following plan and statement referenced 'Tree & Wildflower Planting Schedule'. The works shall be carried out within 12 months of the date of this permission (unless a longer period is agreed in writing with the local planning authority). Any trees or plants which die, are removed, or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

In the Interest of ensuring a high-quality landscape and achieving biodiversity at the site in accordance with policies LC4, LC6 and LC7 of the North Lincolnshire Local Plan, and CS16 and CS17 of the Core Strategy.

6.

Within three months of the date of this permission, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall include:

- (a) details of measures to avoid harm to amphibians, reptiles, hedgehogs, badgers and nesting birds during operation of the site;
- (b) details of measures to ensure that no invasive non-native species become established;
- (c) prescriptions for the planting and aftercare of native trees, shrubs and wildflowers of high biodiversity value, including details of numbers and species of trees and shrubs, and details of wildflower seed mixes.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

7.

The 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. Within 12 months of the grant of permission, the applicant or their successor in title shall submit a report to the local planning authority providing evidence of compliance with the biodiversity management plan.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.



8.

No external lighting shall be installed on site before details of its location, height and design have been submitted to and agreed in writing by the local planning authority. The lighting shall be installed in accordance with the agreed details.

Reason

To minimise light pollution in accordance with policy DS12 of the North Lincolnshire Local Plan.

### **Informative 1**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 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.

### **Informative 2**

The Environment Agency notes that the application document highlights that a Waste Carrier's Licence is registered and used to bring wood produced in the daily operations of the company back to site for storage and predominantly burning as fuel in a boiler.

If materials that are potentially waste are to be used on site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (Article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from the EA.

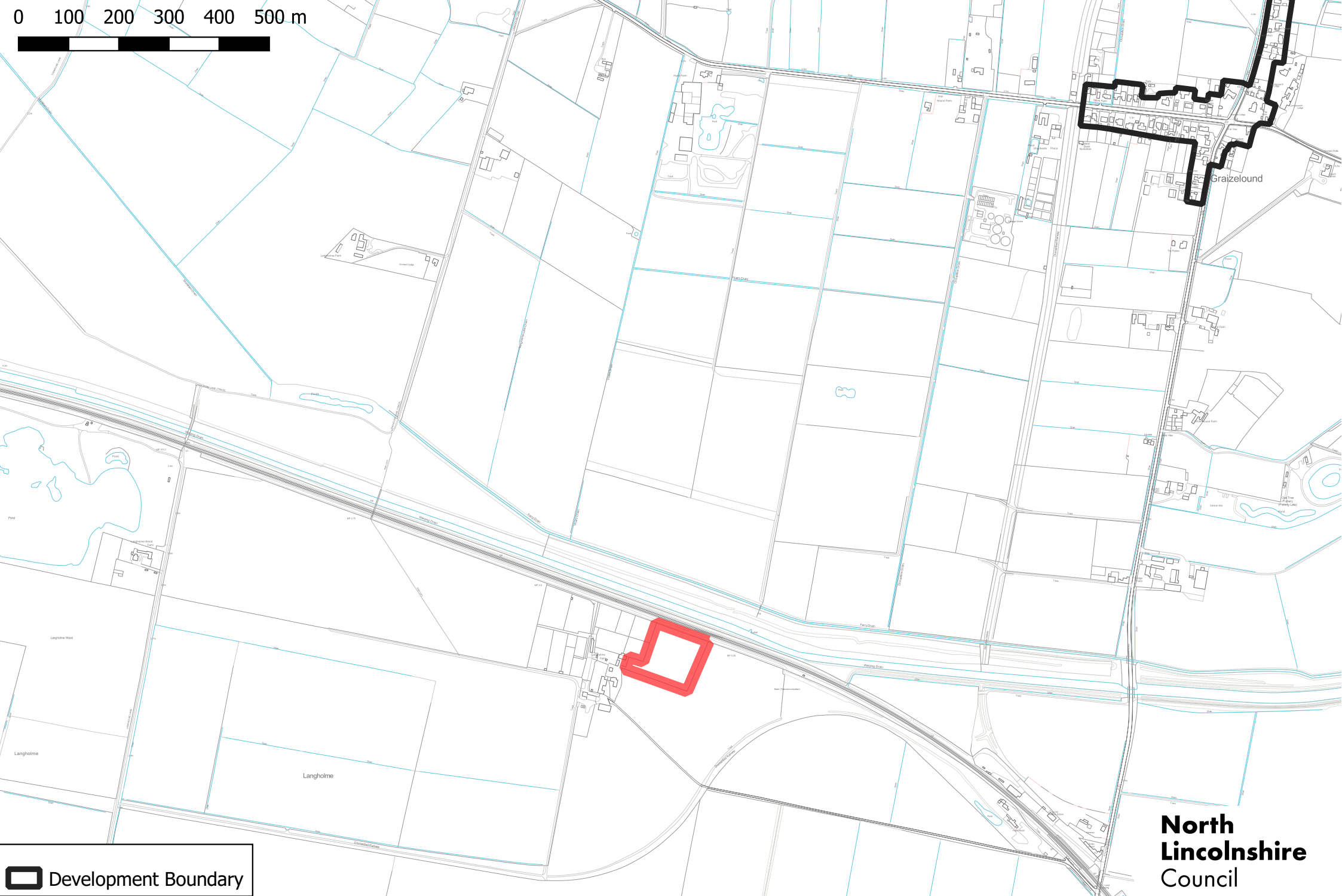
A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

### **Informative 3**

It should be noted that because of the nature of the proposals Network Rail would not want to see materials piled against their boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching their boundary.

0 100 200 300 400 500 m

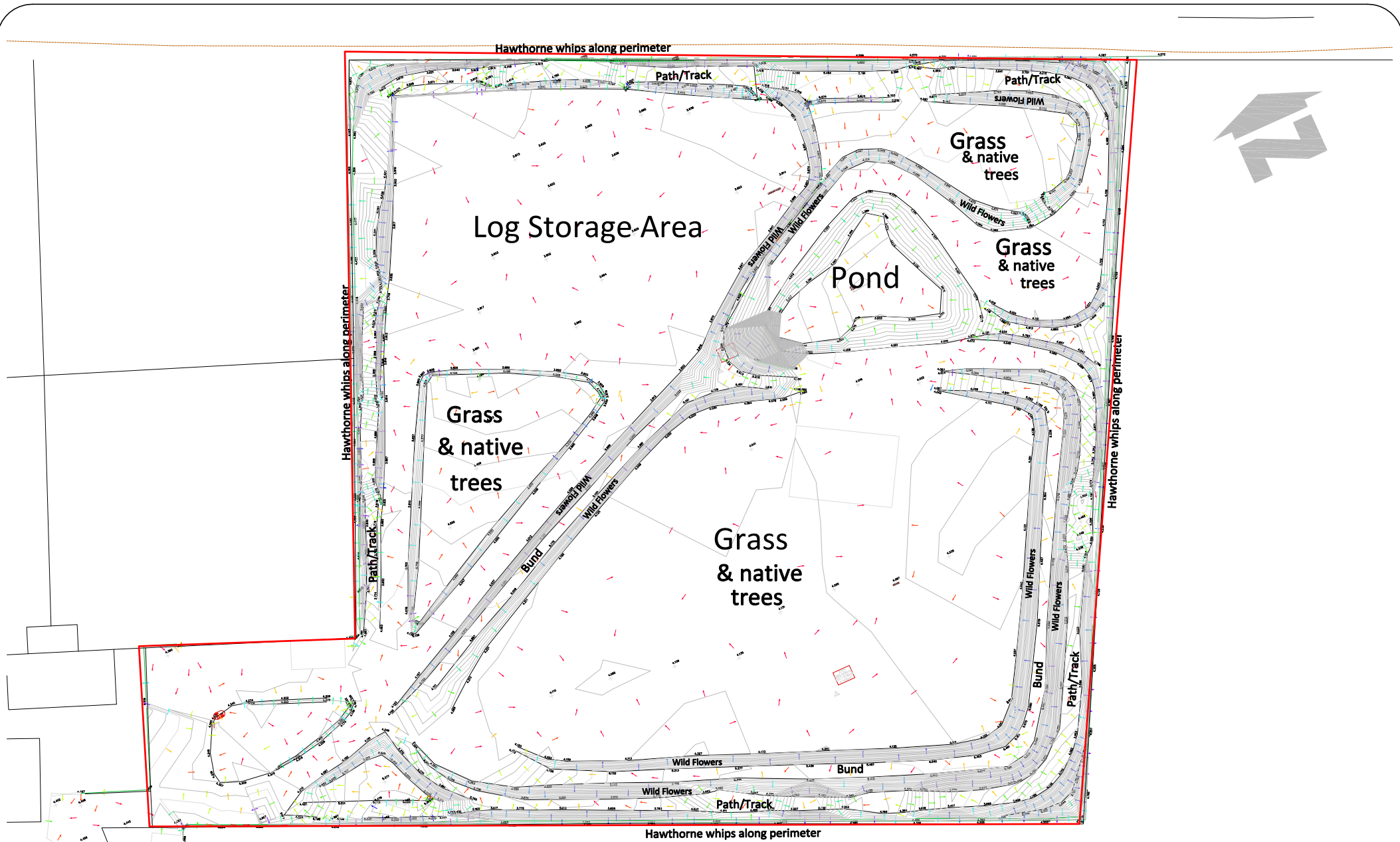


 Development Boundary

**PA/2021/2228**

**North  
Lincolnshire  
Council**

# PA/2021/2228 Proposed layout (not to scale)



Holme Tree Farm

Howard J Wroot BSc MRICS  
Chartered Surveyor  
240 Wharf Road, Ealand  
Scunthorpe DN17 4JN

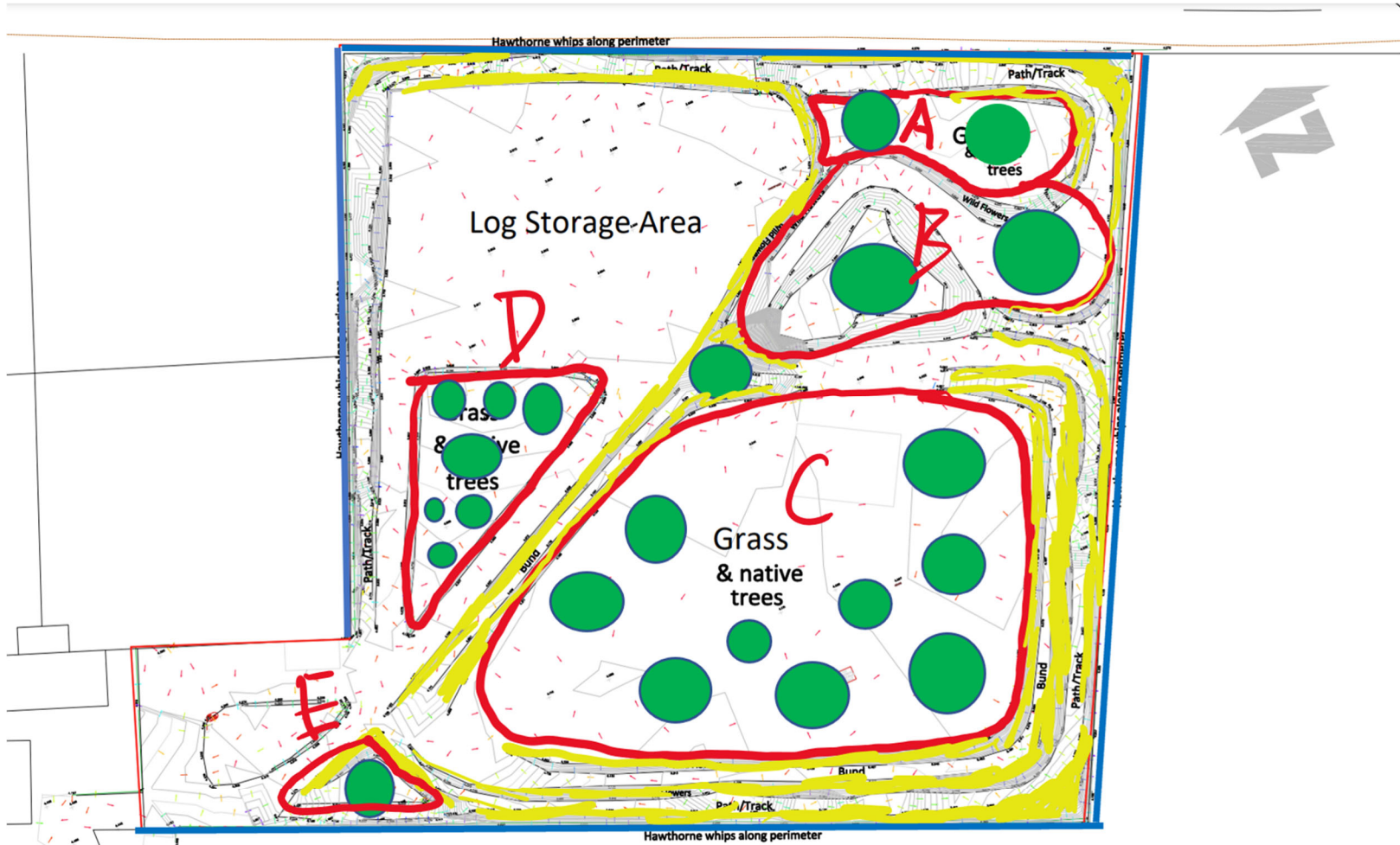
Tel 01724 711068  
Fax 01724 710174  
Mob 07947 226577

Client	Mr N Marsh - Urban Arborist
Date	13/12/21
Scale	1:500
Dwg No	1 of 2
Ref No	1153


Proposal	Change of use of land at Holme Tree Farm Langholme Lane, Haxey, Doncaster, DN9 2NP
Drawing	Block Plan



# PA/2021/2228 Proposed tree & wildflower plan (not to scale)



Holme Tree Farm

Howard J Wroot BSc MRICS Chartered Surveyor 240 Wharf Road, Ealand Scunthorpe DN17 4JN	Tel 01724 711068 Fax 01724 710174 Mob 07947 226577	Client	Mr N Marsh - Urban Arborist		Proposal	Change of use of land at Holme Tree Farm Langholme Lane, Haxey, Doncaster, DN9 2NP Block Plan		
		Date	13/12/21	Dwg No				1 of 2
		Scale	1:500	Ref No				1153

Area	Trees	Size/Type and staking method
A	Cedar, Fir	Select to heavy Standard root ball Sigle, double and triple staking
B	Poplar, Willow	Select to heavy Standard root ball Sigle, double and triple staking
C	Beech, Fir, Cedar, Maple, Oak, Cherry	Select to heavy Standard root ball Sigle, double and triple staking
D	Eucalyptus, Birch, Pine	Select to heavy Standard root ball Sigle, double and triple staking

Wild Flowers 20% & Grass Type 80%	Spread rate per mete
• Chewings Fescue 30%	1-5 grams per m2
• Browntop Bent 5%	1-5 grams per m2
• Slender Creeping Red Fescue 30%	1-5 grams per m2
• Hard Fescue 15%	1-5 grams per m2
• Corn Poppy 6%	1-5 grams per m2
• Corn Chamomile 5%	1-5 grams per m2
• Corncockle 5%	1-5 grams per m2
• Cornflower 4%	1-5 grams per m2

Native Hedging Type	Size and spacing
Hawthorn	60-80cm @ 3 per m

The trees to be planted marked green on plan are a mixture of native, ornamental and trees of scientific interest. They will be planted as select to heavy standard transplants and well-spaced to produce open grown trees. The different types of staking and tying are to demonstrate different methods for educational purpose of young apprentice Arborist along with identification of the trees and pruning styles as part of an ongoing maintenance plan.

The Wildflowers are marked Yellow on plan, and native hedging is marked blue. These will be annually flailed, cut and trimmed as part of an ongoing maintenance plan and training for apprentice Arborists.