APPLICATION NO	PA/2022/946
APPLICANT	Mr T Cook, T W Cook Ltd
DEVELOPMENT	Planning permission for change of use of piggery buildings to storage and distribution
LOCATION	Sandhouse Farm, Broughton Road, Appleby, DN15 0DA
PARISH	APPLEBY
WARD	Burton upon Stather and Winterton
CASE OFFICER	Daniel Puttick
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Appleby Parish Council
	Member 'call in' (Cllr Janet Lee – significant public interest)

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 4 Decision-making
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed and beautiful places
- 14 Meeting the challenge of climate change
- 16 Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

RD2 Development in the open countryside

RD6 Re-use and/or adaptation of rural buildings for industrial and commercial uses in the open countryside

T2 Access to development

T19 Car parking provision and standards

- **DS1** General requirements
- DS14 Foul sewage and surface water drainage
- DS16 Flood risk
- HE8 Ancient monuments
- HE9 Archaeological evaluation

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
- CS6 Historic environment
- CS11 Provision and distribution of employment land
- **CS17** Biodiversity
- CS18 Sustainable resource use and climate change
- CS19 Flood risk
- CS25 Promoting sustainable transport

Housing and Employment Land Allocations DPD:

Settlement boundary for Appleby

Appleby Neighbourhood Plan:

- AP1 Sustainable development
- AP2 Design principles
- AP5 Development of the rural economy
- AP6 Development of redundant buildings in the countryside
- AP11 Natural environment

AP13 Protection, conservation and enhancement of the Appleby conservation area

New North LincoInshire Local Plan Submission: The new North LincoInshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until late 2024.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

SS1 Presumption in favour of sustainable development

SS2 Spatial strategy for North Lincolnshire

SS3 Development principles

SS11 Development limits

DQE1 Protection of landscape, townscape and views

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

T1 Promoting sustainable transport

T3 New development and transport

DM1 General requirements

EC6 Supporting the rural economy

HE1 Conserving and enhancing the historic environment

CONSULTATIONS

Highways: There are no safety or capacity issues in the vicinity of the site so the traffic generated is not anticipated to have an adverse impact on the highway network. Concerns about potential conflicts between vehicles trying to exit the site and Demeter House School are unlikely to be an issue as there will only be a small number of vehicles leaving the application site in the morning peak hour. Vehicles departing from the school site in the afternoon will occur outside of the evening peak hour, and again departures from site during this time are predicted to be on the low side. Proximity of the site access to Santon Lane is not an issue. The highway authority recommends conditions be imposed in the event that permission is granted, including one to secure precise details for the vehicular access.

Environmental Protection: Following receipt of additional information to address concerns raised in relation to noise impacts of the development, the Environmental Protection team recommends conditions be imposed in the event that planning permission is granted. These include:

- the planning use class shall be restricted to B8 (Storage and distribution) only
- a written noise management plan to be submitted to include operational hours, hours of vehicle movements, vehicles to be driven in a quiet manner, road surfaces to be maintained and free from potholes, inclusion of white noise reverse alarms for vehicles operating on site and any other noise mitigation measures.
- restriction on vehicle maintenance on the site

- restriction on installation of fixed plant for extraction, refrigeration, ventilation, air conditioning and other uses unless details have been submitted to and approved in writing by the local planning authority, with such details to be accompanied by appropriate assessment of noise impacts
- restriction on storage of refuse derived fuel on the site.

Conditions are also recommended to deal with potential contamination found during the development of the site, to restrict working hours and secure a construction environmental management plan to address construction noise, vibration, light, dust and air quality.

LLFA Drainage: No objections subject to conditions to secure a detailed surface water drainage scheme for the site. Informatives are also recommended.

Anglian Water: As there is no connection to Anglian Water sewers, no comments.

Humberside Police: No objections.

Network Rail: No objections subject to conditions to secure details of boundary fences and vehicle incursion measures, and to control external lighting so as not to impact on the safety, operational needs and integrity of the railway.

Archaeology: An archaeological evaluation report has been submitted with field evaluation comprising excavation of sample trial trenches around the site. No significant archaeological features were identified within the excavated trenches, although a proposed trench adjacent to Roman Ermine Street was unable to be excavated due to overhead lines. Conditions are recommended to secure a programme of monitoring and recording during groundworks associated with the construction of the site access and road.

The application site is within the setting of Thornholme Priory Scheduled Ancient Monument and the previously submitted heritage statement confirms intervisibility from the monument to the site. The proposed development will give rise to traffic (HGV) movements and vehicle storage around the site as well as potential noise, odours and dust that may harm the ability to appreciate the setting and significance of the monument. These potential effects have not been fully assessed in the heritage statement, but any harm would be in the less than substantial category.

Ecology: The site comprises widespread and commonplace habitats. The ecology survey found no evidence of, and little potential for, bats, nesting birds, badgers, great crested newts and hedgehogs. Planning conditions are recommended to minimise harm to protected species and secure net gains for biodiversity.

PARISH COUNCIL

Appleby Parish Council objects to the application. Concerns are raised about the location of the proposed development, which they feel would be better sited in an urban environment and that the existing farm is intended to be sold on for this industrial process. The parish council considers that the increase in traffic at that location, where the new road is, exactly opposite the driveway into and out of Deter House, affecting their amenity and creating a possible accident zone, and very close to the T-junction for Santon Lane, would also create a hazardous situation.

Comments highlight discrepancies between the Transport Statement and Air Quality Assessment, and indicate that the additional traffic movements would increase Santon traffic by some 30%, with traffic through Appleby village increased too. The parish council highlights that the Transport Assessment fails to mention a fatal accident on Dawes Lane and therefore believes the assessment is flawed.

They highlight that they have already negotiated a traffic management plan with local industries from the steelworks to alleviate traffic through the parish, and indicate that this development proposal increases the potential traffic.

The parish council considers the proposals are contrary to policies AP5, AP6 and AP7 of the Appleby Neighbourhood Plan.

PUBLICITY

A site notice has been displayed and one letter of objection has been received from Demeter House School, raising safety concerns about the increase in traffic volumes associated with the development. The objection identifies that the school caters for students with special educational needs from seven different local authority areas, and as such all the students are brought into the site by taxis.

The comments from the school highlight that there have been issues associated with limited site space for taxis to use during drop off/pick up times, resulting in the school having to build additional parking space for staff and implement a one-way system onto and off the site. The exit point for this system would be directly opposite the proposed new access road which the school considers poses a collision risk for taxis and staff leaving the site.

Concerns are also raised in relation to potential impacts upon pupils with sensory difficulties, the objection indicating that the increase in additional noise and sensory stimulation would be difficult to manage.

The school urges that the additional needs of students and the traffic flow to and from the school site are taken into account before a decision is made.

ASSESSMENT

This application was deferred at a previous meeting of the planning committee to allow members to visit the site before making a decision.

Planning history

7/1981/0581:	Change the use of existing agricultural buildings and erect new buildings in connection with an intensive pig breeding unit – approved 27/08/1981
7/1984/0311:	Erect extensions to existing pig breeding unit – approved 05/07/1984
7/1989/0989:	Erect a portal frame building to house pigs – approved 06/04/1990
7/1990/0572:	Erect two farrowing houses one flat-deck house, covered sow yards and one covered grower yard house for pig farming – approved 10/11/1994
PA/2009/0865:	Application for determination of the requirement for prior approval for an agricultural building – prior approval not required 17/08/2009

- PA/2014/0813: Planning permission to replace four existing portable pig houses with three new portable pig houses approved 03/11/2014
- PA/2019/1203: Application for prior notification for the erection of an agricultural building prior approval not required 07/08/2019

Site characteristics

The application site comprises the existing piggery buildings at Sandhouse Farm, situated in the countryside to the south of the settlement of Appleby. The farm is accessed via a track leading from the B1207, and measures approximately 250 metres in length. The farm incorporates a number of substantial agricultural buildings used for the rearing of pigs, with the site containing ancillary feed equipment, hoppers and other agricultural apparatus.

The site is bounded by agricultural fields to the west set behind mature hedgerows lining the B1207, and the railway line to the east. A large area of woodland lies immediately south, with a mature row of trees lining the driveway from the adopted highway to the farm.

Demeter House School lies immediately west of the B1207 and directly opposite the existing access to the site. A collection of properties lies approximately 300 metres northwest of the site, with a farm beyond the woodland to the south-east.

Thornholme Priory, a scheduled ancient monument, is located beyond the railway line in fields approximately 800 metres to the east of the site. The site is in an area of archaeological interest associated with this feature.

The application site is wholly within flood zone 1 and is therefore at a low risk of flooding.

Proposal

Planning permission is sought for the demolition of existing barns at the site and the change of use of retained barns to provide storage and distribution warehousing, with associated parking. A total of 11 buildings are identified for demolition, with 10 barns retained on site. A new access is proposed to serve the proposed development which would be to the north of the existing access into the site, slightly offset from Santon Lane.

The development would provide a total of 7234 square metres of storage and distribution warehousing with associated access and 7.3 metre wide roadway leading into the site enclosed by 1.2 metre high post and rail fence.

Material considerations

Planning permission is sought for the demolition of buildings on the site and the change of use of those retained from agricultural use to storage and distribution warehousing, with associated hardstanding, parking and turning areas, and construction of a new access road leading from the B1207.

The main issues in the determination of this application are:

- principle of development
- highway safety

- amenity and public safety
- design and heritage impacts
- ecological impacts
- flood risk and drainage.

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, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Appleby Neighbourhood Plan also forms parts of the development plan for applications in this area.

Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

The application site comprises existing farm buildings within the open countryside to the south of Appleby. Policy RD2 of the local plan seeks to restrict development in the open countryside. The policy identifies a limited number types of development for which planning permission will be only be granted, one of which is for employment-related development appropriate to the open countryside.

Policy RD6 of the local plan supports the change of use and/or adaptation of rural buildings in the open countryside for industrial and commercial uses subject to a number of criteria, including:

- (i) The building is of substantial and permanent construction and is capable of conversion without major alteration; and
- (ii) The proposal will not create a need for new buildings to house those activities displaced by conversion; and
- (iii) The conversion does not lead to dispersal of activity on such a scale as to prejudice settlement vitality; and
- (iv) The general design of the conversion is in keeping with the buildings and any extension should respect the scale and appearance of the original building; and
- (v) The development will not lead to the loss of habitat for protected species.

Policy CS1 of the Core Strategy provides the spatial framework for the distribution of development throughout North Lincolnshire, and indicates that in the countryside support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings.

Through policy CS3 of the Core Strategy the council has identified development limits for settlements across North Lincolnshire. The policy states that development outside these

defined boundaries will be restricted to that which is essential to the functioning of the countryside, and that this will include uses such as those related to agriculture, forestry or other uses which require a countryside location or that will contribute to the sustainable development of the tourist industry.

Policy AP5 of the Appleby Neighbourhood Plan indicates that proposals promoting the sustainable diversification of the rural economy will be supported through:

- a. the retention or expansion of existing agricultural and other businesses;
- b. the re-use of suitable buildings for employment generating uses in villages, and their reuse in the countryside in accordance with the provisions of policy AP6;
- c. the provision of live-work units and small-scale business units;
- d. the construction of well-designed new buildings in association with existing buildings to assist in the diversification of the agricultural holding to sustain its viability, or to assist in the expansion of an existing business;
- e. appropriate tourism-related initiatives;
- f. recreation uses appropriate to a countryside location; and
- g. new specialist and leisure-related retail businesses, including farm shops and artisan craft units, will be supported where such developments would provide support for the rural economy and could not reasonably be expected to locate within the development limits.

Policy AP6 of the Neighbourhood Plan supports proposals for the conversion or re-use of redundant or disused buildings in the countryside for:

- a. a farm shop selling locally produced or manufactured produce;
- b. a restaurant or café;
- c. artisan-style food or traditional rural craft workshops (including live-work units);
- d. artist studio and gallery;
- e. the diversification of agricultural or other land-based rural businesses; or
- f. the provision or expansion of tourist and visitor facilities.

It goes on to state that the buildings to be converted or re-used should be of a construction suitable for the proposed development without the need for major, additional construction works, and that any proposals should:

- g. lead to the enhancement of the immediate setting;
- h. be in keeping with the scale, form and character of its surroundings paying close attention, where practicable, to policy AP2;
- i. provide adequate car parking for the enterprise; and

j. provide safe and suitable access to the site.

The development involves the demolition of a number of buildings on the site and change of use of those retained to provide storage and distribution warehousing, a use which is supported through policies RD2 and RD6 of the local plan.

Policy RD2 of the local plan is explicit in the extent of support for certain forms of development within the countryside, one of which is for employment-related development appropriate to the open countryside.

The supporting information provided with the application demonstrates that the buildings are of permanent and substantial construction, and through discussions with the applicant it is apparent that the proposals will not displace current activities and will therefore not impose pressure on the countryside to accommodate the existing uses on the site. Other technical matters raised through policy RD6 are considered elsewhere in this report; however, in terms of establishing whether or not the principle of the development is acceptable, it is officer's advice that the proposed re-use of the buildings for commercial use would comply with the aims of policies RD6 of the local plan and CS1 of the Core Strategy.

Policies in the Appleby Neighbourhood Plan support small-scale proposals for the re-use of buildings for commercial purposes. Unlike the wording of policy RD2 of the local plan, the policy does not limit support to those uses referred to within the policy, and as such those uses should not be treated as forming a closed list. It is considered that the intention of the policy is to encourage certain forms of development in rural areas which would be of benefit to the neighbourhood area, rather than prevent certain forms of development from taking place. This view is supported by the wording of policy AP5 of the neighbourhood plan, which indicates that the re-use of suitable buildings for employment-generating uses in villages and their re-use in the countryside in accordance with the provisions of policy AP6 is acceptable.

On this basis, members are advised that the re-use of existing buildings for commercial use to provide storage and distribution warehousing would be acceptable. The development would provide employment opportunities which the neighbourhood plan recognises at paragraph 5.43 are likely to be limited to development utilising redundant agricultural buildings given proximity of the parish to major centres of employment.

The principle of the development is therefore considered to be acceptable in accordance with policies RD2 and RD6 of the North Lincolnshire local plan, policies CS1 and CS11 of the North Lincolnshire Core Strategy, policies AP5 and AP6 of the Appleby Neighbourhood Plan and the aims of the NPPF.

Highway safety

Policy T1 of the North Lincolnshire Local Plan is concerned with the location of development and aligns with the spatial strategy of the Core Strategy. Policy T2 of the local plan states that all proposals should be provided with a satisfactory access. Policy T19 relates to car parking provision and standards, and in summary requires developments which result in additional parking needs to incorporate proposals to fully meet that demand.

Policy CS25 of the Core Strategy is also relevant and seeks to support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes

and reduces the need to travel through spatial planning and design and by utilising a range of demand and network management tools.

Paragraph 114 seeks, amongst other requirements, that developments ensure safe and suitable access to the site can be achieved for all users. Paragraph 115 of the NPPF makes clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

One of the main concerns raised in respect of this application is the potential impact on highway safety, primarily from the anticipated increase in vehicular movements to and from the site, and the proposed construction of a new access to serve the completed development.

The highway authority has been consulted on the application and highlights that there are no safety or capacity issues in the vicinity of the site. In light of this, whilst it is acknowledged that the change in the use of the site for storage and warehousing would be likely to increase movements to and from the site, the increased traffic is not anticipated to have an adverse impact upon the highway network.

A new access is proposed to serve the development. This would be located north of the existing access to the farm, which would be retained for use by the farmhouse. The new access would be situated in a position offset to the south of the junction between Santon Lane and the B1207.

The objection from Demeter House School notes the implementation of a one-way system, which officers understand involves vehicles entering the school site from Santon Lane and exiting onto the B1207. The location of this access point from the school onto the B1207 is opposite the existing access into the farm. The new access to the development would be opposite and a short distance north of the school exit point. As a result, the development would give rise to a series of access points along the highway in succession. Concerns are raised about possible conflicts with vehicles trying to exit from these points simultaneously.

The highway authority notes that the number of vehicles leaving the application site during the morning peak hour is predicted to be low, and that vehicles leaving the school site would be outside the evening peak hour when vehicular movements from the site are also predicted to be low. As a result, the potential for conflicting vehicular movements is unlikely, with supporting information suggesting that as few as 10 HGV trips would be made daily to the site amongst the 363 anticipated two-way vehicle trips from the site.

The access benefits from good visibility to the north and south, and vehicle speeds in this section of the highway are restricted to 40mph. Santon Lane leads to High Santon and continues all the way to Scunthorpe via Dawes Lane; however, only a short section of the route is adopted highway and the route is therefore not always accessible to all road users. Vehicular movements along this route are generally low and therefore potential for conflicts between users of this junction and traffic associated with the development is unlikely.

The highway authority advises that design guidance has changed and now allows more flexibility on spacing between junctions, rather than rigidly adhering to stopping sight distances. In this instance, for reasons set out above, on the advice of the highway authority the succession of accesses and junction between Santon Lane/B1207 would not give rise to adverse safety risks for road users. In addition to the visibility along the highway

from the accesses in this location, vehicles attempting to enter the adopted road network from the site would have good visibility of those seeking to undertake similar manoeuvres on the opposite side of the road. With the low number of movements during times when vehicles will be entering/leaving the school site, the overall safety risk is considered to be low.

Having regard to the above, it is considered that the development would be served by a suitable access in accordance with the requirements of policy T2 of the North Lincolnshire Local Plan. Adequate parking would be provided within the site to accommodate the parking requirements of the proposed storage and distribution warehousing. Subject to accordance with conditions as recommended by the highway authority, the proposed development would not be considered prejudicial to road safety and would be acceptable in accordance with policies T1, T2 and T19 of the North Lincolnshire Local Plan, policy CS25 of the North Lincolnshire Core Strategy and the aims of the NPPF.

Amenity and public safety

Policy DS1 of the local plan seeks to secure a high standard of design in new developments, and states that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking and overshadowing.

Policy DS11 of the local plan indicates that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise do not pose a danger by way of toxic release; result in land contamination; pose a threat to current and future surface or underground water resources; or create adverse environmental conditions likely to affect nearby developments and adjacent areas.

Paragraph 135 of the NPPF seeks to ensure that new developments will function well, are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.

The application proposes the change of use of the buildings to storage and distribution warehousing, a use which has the potential to increase noise and disturbance primarily associated with large vehicular movements to and from the site. In doing so, the change would result in the loss of a use which can give rise to adverse impacts from noise and odour, as well as potential for some disturbance from vehicles travelling to and from the site.

The council's Environmental Protection team has carefully considered the proposed development and during the course of the application has sought the submission of additional information, particularly in relation to noise. The noise assessment has been updated during the course of the application process to address concerns raised by officers, and undertakes noise modelling at the closest receptors, including the school. The report confirms that acceptable internal noise levels can be achieved at these receptors in respect of suitable sleeping conditions and sound levels for schools.

In recognising the potential for disturbance associated with the development, the Environmental Protection team has recommended that conditions be imposed on the development to minimise noise disturbance. This would primarily be in the form of a noise management plan secured by conditions. The noise management plan would include details of timings on deliveries/collections at the site, opening hours and methods to reduce and minimise noise disturbance, incorporating mitigation measures recommended within the noise assessment.

Subject to accordance with such a condition and upon submission of satisfactory details outlining measures to control noise from the site, it is considered that noise would not give rise to adverse impacts upon nearby receptors, including the school. In addition to this, the change from agricultural use comprising of pig farming would see the cessation of a noise and odour generating use which would potentially be beneficial for nearby residential receptors, including students at the school. The proposals are considered acceptable in respect of noise and odour issues in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

Network Rail have been consulted on the application and highlight potential safety considerations which should be taken into account in the determination of this application. These include a need to ensure adequate safety measures are in place to prevent vehicles inadvertently accessing the railway line and ensure light pollution does not pose a risk for train drivers. These measures are capable of being controlled by means of an appropriately worded condition, accordance with which would ensure public safety for operatives on the site and the safety and integrity of the rail network nearby.

Design and heritage impacts

Core Strategy policy CS5 states, '...all new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

Policy DS1 of the local plan states that a high standard of design is expected in all developments in both built-up areas and the countryside. Amongst other requirements, policy DS1 states that development must ensure the retention of those existing site features that make an important contribution to the character or amenity of the site or the surrounding area.

Policy RD2 of the local plan states that with regard to developments which are considered suitable within the open countryside, permission will be granted provided that, amongst other requirements, 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. Policy RD6 of the local plan also requires that the general design of the conversion is in keeping with the buildings and any extension should respect the scale and appearance of the original building.

The proposed development concerns only the change of use of the buildings to be retained on the site. Supporting information demonstrates that they are of permanent and substantial construction and suitable for conversion to provide storage and distribution warehousing. In the absence of any external alterations to buildings retained at the site, design considerations are limited to the impacts arising from demolition of the existing buildings and the overall use of the site, taking account of proposed areas of hardstanding within the development to facilitate vehicle parking and turning areas. The council's HER officer has been consulted on the application and has considered the potential impacts on archaeological remains and the wider setting of the nearby Thorneholme Priory, a scheduled ancient monument and designated heritage asset.

Paragraph 203 of the NPPF states that in determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). The demolition of existing buildings would reduce the number of large agricultural buildings on the site.

Through policies DS1 and HE5 of the local plan, the council is seeking to ensure good design and the preservation, restoration and continued use of buildings of special architectural and historic interest. Policy CS6 of the Core Strategy promotes the effective management of North Lincolnshire's historic assets, and seeks to protect the character and setting of historic buildings.

Some concerns have been raised about the potential for the use of the site to impact upon the enjoyment and appreciation of the nearby heritage asset, with the heritage statement acknowledging intervisibility between the site and the monument. The HER officer notes that HGV movements and vehicle parking around the site, as well as potential noise, odours and dust, may harm the ability to appreciate the setting and significance of the asset.

Officers consider that, through the imposition of conditions to manage noise disturbance and restrict operational hours, the use of the site for storage and distribution warehousing would have no greater impact than the current use of the site for the rearing of pigs. A number of buildings are proposed to be demolished at the site which will increase its openness. As car parking is generally located close to existing buildings, it is likely that they will provide a backdrop in views. Given the topography of the area and screening from vegetation, it is unlikely that vehicles would be visible in views from the heritage asset, and as a result the changes are unlikely to give rise to adverse impacts upon its setting, or enjoyment and appreciation of its significance. For these reasons the proposals are considered acceptable in accordance with policies DS1 and HE5 of the local plan, CS5 and CS6 of the Core Strategy, AP6 of the Appleby Neighbourhood Plan, and the aims of the NPPF.

The site is in an area of archaeological interest. Policy HE9 of the local plan indicates that where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment should be submitted prior to the determination of a planning application.

The application has been accompanied by an archaeological assessment which has been informed by on-site archaeological investigations through trial trenching in areas where the development would affect unmade ground. No features of archaeological interest were found during these investigations, however a proposed trench adjacent to Roman Ermine Street was unable to be excavated due to the presence of overhead lines.

The archaeological potential of the area closest to the Roman road therefore remains unknown; however, given the lack of any features elsewhere, it is considered that these risks can be mitigated through a programme of monitoring and recording during groundwork associated with the construction of the site entrance and access road. This is capable of being secured by means of an appropriately worded condition.

Subject to accordance with such a condition, the proposed development is considered to be acceptable in terms of its design and would not result in harmful impacts upon the setting or significance of nearby heritage assets, or on archaeological remains in the area. The development is in accordance with policies DS1, HE5 and HE9 of the local plan, CS5 and CS6 of the Core Strategy, AP6 of the Appleby Neighbourhood Plan, and the aims of the NPPF.

Ecological impacts

Policy CS17 of the Core Strategy states that the council will promote effective stewardship of North Lincolnshire's wildlife in a number of ways, including through ensuring development retains, protects and enhances features of biological and geological interest, and by ensuring development seeks to produce a net gain in biodiversity and ensuring any unavoidable impacts are appropriately mitigated for.

Policy AP11 of the Appleby Neighbourhood Plan seeks to ensure proposals for new development do not harm the existing network of local ecological features and habitats. It states that new development will be expected to maintain and enhance existing ecological corridors and landscape features for biodiversity.

The application has been supported by an ecological appraisal and biodiversity net gain metric. The survey results have been considered, with the council's ecologist noting that no evidence of, and little potential for, bats, nesting birds, badgers, great crested news and hedgehogs was found during survey efforts.

The application site is immediate north of Keb Wood Local Wildlife Site (LWS); however, habitats recorded on site were all widespread, commonplace and of low biodiversity value.

The ecologist notes that, as with the above conclusions on odour, the cessation in the use of the site would be seen as a benefit in ecological terms. This stems from the cessation in the release of ammonia emissions from the piggery which would impact upon the nearby LWS.

The supporting ecological appraisal indicates that the development would result in net gains for biodiversity in the region of 30% for habitat units, and 184% for hedgerow units. With these measures in place, and through the use of appropriately worded conditions, the proposed development is capable of delivering net gains for biodiversity and would not impact upon protected species of wildlife.

Subject to accordance with a condition requiring the submission of a biodiversity management plan to deliver mitigation and biodiversity enhancement measures, the

proposed development is considered to be acceptable in accordance with policies CS5 and CS17 of the Core Strategy, and policy AP11 of the Appleby Neighbourhood Plan.

Flood risk and drainage

The application site is within flood zone 1 and is therefore at a low risk of flooding. The development comprises major development, and would see the demolition of existing buildings and the creation of areas of hardstanding providing parking for vehicles including HGVs.

Collectively, policies DS16 of the local plan and CS19 of the Core Strategy, which concern flood risk, seek to direct new development to areas at lower risk of flooding by avoiding areas of current or future flood risk, and seek to ensure proposals do not increase the risk of flooding elsewhere. Policy DS14 of the local plan also seeks to ensure that adequate drainage provision is made for new developments.

One of the objectives of the Appleby Neighbourhood Plan is to ensure that development is acceptable in planning terms with reference to design, scale, access, and drainage amongst other matters.

The development involves the provision of a package treatment plant to treat foul sewage from the development. The site is a considerable distance from the public sewerage network and given the relatively low levels of employees anticipated to be at the site at any one time, the Environment Agency considers this arrangement to be acceptable and raises no objections to the proposed development.

The LLFA/Drainage team has been consulted on the application and notes that detailed arrangements for the drainage of hard paved areas within the site have not been provided. However, no objections are raised and it is considered that these details can be secured by means of an appropriately worded condition attached to any permission granted. Subject to accordance with such a condition, the proposed development would not be considered to be at risk of flooding or give risk to potential flooding issues, and would make adequate provision for drainage and foul sewage in accordance with the requirements of policies DS14 and DS16 of the local plan, CS19 of the Core Strategy and the aims of the NPPF.

Conclusion

The principle of the development is considered to be acceptable and would re-use redundant buildings at the site. The proposed provision of storage and distribution warehousing is an employment use which is supported by policies RD2 and RD6 of the North Lincolnshire Local Plan. policies in the neighbourhood plan are also supportive of employment uses within the countryside, and whilst policy AP6 provides a range of uses which are specifically supported, it does not seek to restrict or limit other uses for rural buildings within the neighbourhood area.

The proposed development has been assessed for its impact upon the safety of the highway network. There are no known safety issues in the vicinity of the site, and as such there are no objections raised by the highway authority in their response to this application, subject to the imposition of a number of planning conditions.

Similarly, noise, odour and disturbance issues have been assessed by the council's Environmental Protection officers and there are no objections raised on these grounds.

Conditions are recommended to secure a noise management plan to ensure minimum disturbance for nearby receptors, including the school.

The development would deliver net gains for biodiversity, a matter which weighs in favour of the application. The development would also avoid harm to protected species, with conditions recommended to secure enhancement and mitigation measures outlined in supporting surveys.

There are no flooding risks associated with the site, and conditions can be imposed to secure adequate drainage arrangements to serve the development. In addition, the development would preserve the setting of nearby heritage assets, and conditions are recommended to secure a watching brief over excavations close to the nearby Roman road. Conditions are also recommended to protect the integrity of the adjacent railway line in the interests of public safety and operation of this infrastructure.

Subject to accordance with the conditions outlined below, members are advised that planning permission be granted. The pre-commencement conditions contained within the recommendation have been agreed with the agent/applicant.

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:

Drg No. 3 – Location Plan Drg No. 2 – Proposed Site Layout.

Reason

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

3.

No development shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

Noise and vibration – The CEMP shall set out the particulars of:

- (a) the works, and the method by which they are to be carried out;
- (b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
- (c) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light – The CEMP shall set out the particulars of:

- (a) specified locations for contractors compounds and materials storage areas;
- (b) areas where lighting will be required for health and safety purposes;
- (c) the location of any temporary floodlights;
- (d) the identification of sensitive receptors likely to be impacted upon by light nuisance;
- (e) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.
- Dust The CEMP shall set out the particulars of:
- (a) site dust monitoring, recording and complaint investigation procedures;
- (b) the identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) the provision of water to the site;
- (d) dust mitigation techniques at all stages of the development;
- (e) the prevention of dust trackout;
- (f) communication with residents and other receptors;
- (g) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (h) a 'no burning of waste' policy.

Network Rail Asset Protection – The CEMP shall set out the particulars of:

- (a) construction methodology demonstrating consultation with the Asset Protection Project Manager at Network Rail;
- (b) measures to prevent impacts on operational railway safety;
- (c) details of earthworks and excavations required during the construction phase;
- (d) types of crane, plant and machinery to be used during construction;
- (e) confirmation of the requirement to enter into Basic Asset Protection Agreement (BAPA) with Network Rail to ensure safety of the operational railway during construction works.

Reason

To protect the amenity of nearby receptors and railway infrastructure during construction, in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

4.

Construction, demolition, site clearance operations, site set up and equipment installation shall be limited to the following days and hours:

- 8am to 6pm Monday to Friday
- 8am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public holidays.

No HGV movements shall be made to or from the site outside of these hours during the construction phase of the development.

Reason

To protect the amenity of nearby receptors during construction, in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

5.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved by the local planning authority. The approved method statement shall be implemented in full prior to any further development commencing on the site.

Reason

To protect human health and the amenity of nearby receptors during construction, in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

6.

No development shall take place until a construction phase traffic management plan showing details of:

- (i) a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;
- (ii) all associated traffic movements, including delivery vehicles and staff/construction movements;
- (iii) any abnormal load movements;
- (iv) contractor parking and welfare facilities;
- (v) storage of materials; and

 (vi) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway, as may be required;

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.

Reason

In the interests of highway safety, in accordance with policies T2 and T19 of the North Lincolnshire Local Plan, policy CS25 of the North Lincolnshire Core Strategy and the aims of the National Planning Policy Framework.

7.

The development hereby permitted shall not be brought into use until a written noise management plan (NMP) has first been submitted to and approved in writing by the local planning authority. Thereafter, the development shall operate in accordance with the approved NMP, unless otherwise agreed with the local planning authority. The NMP shall include as a minimum:

- (a) operational hours and opening times for all units;
- (b) restrictions on timings of deliveries and collections to units;
- (c) provision for inclusion of white noise reverse alarms for vehicles operating within the site;
- (d) provision to minimise noise from vehicles operating within the site, including provision for maintenance of road surfaces;
- (e) any other noise mitigation measures as appropriate.

Reason

To protect the amenity of nearby receptors, in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

8.

The development hereby permitted shall be restricted to uses falling within Use Class B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not be used for any other use unless planning permission has first been granted by the local planning authority.

Reason

To protect the amenity of nearby receptors, in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

9.

No vehicle maintenance or repairs shall be undertaken on site at any time.

Reason

To protect the amenity of nearby receptors, in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

10.

No goods, plant, machinery or other products associated with the development shall be stored externally at the site.

Reason

To protect the amenity of nearby receptors and the character and appearance of the area, in accordance with policies DS1, RD2, RD6 and DS11 of the North Lincolnshire Local Plan.

11.

No refuse derived fuel shall be brought onto or stored on the site.

Reason

To protect the amenity of nearby receptors, in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

12.

The development hereby permitted shall not be brought into use until a scheme for trespass-proof boundary treatments have first been submitted to and approved in writing by the local planning authority. Thereafter, the trespass-proof boundary treatments shall be maintained in accordance with the approved details and installed prior to the development being first occupied.

Reason

To protect the integrity of railway infrastructure.

13.

The development hereby permitted shall not be brought into use until a scheme for the inclusion of vehicle incursion measures to prevent vehicle incursion on operational railway lines have first been submitted to and approved in writing by the local planning authority. Thereafter, the vehicle incursion measures shall be maintained in accordance with the approved details and installed prior to the development being first occupied.

Reason

To protect the integrity of railway infrastructure.

14.

Notwithstanding the detail contained within the application, no external lighting shall be installed at the site unless details have first been submitted to and approved in writing by the local planning authority. Thereafter, any external lighting shall be installed and maintained in accordance with the approved details.

Reason

To protect the integrity of railway infrastructure, and the character and appearance of the area, in accordance with policy CS5 of the North Lincolnshire Core Strategy.

15.

The development hereby permitted shall not be brought into use until a scheme for the provision of surface water drainage has first been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. The scheme shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased.

The drainage scheme shall include details of measures to prevent surface water run-off from hard paved areas within the site onto the highway, and from the highway onto the site.

Once approved, the drainage scheme shall be implemented in full prior to first occupation of the buildings, and thereafter retained and maintained in accordance with the approved scheme.

Reason

To prevent the increased risk of flooding of the site, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policies DS14 and DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and the aims of paragraphs 165 to 175 of the National Planning Policy Framework.

16.

No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of an archaeological mitigation strategy. The strategy shall be defined in a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. The strategy shall accord with a brief provided by the North Lincolnshire Historic Environment Record and shall include details of the following:

- (i) measures to ensure the preservation by record of archaeological features within the application site (specifically at the site entrance and along the adjacent 50 metre length of the access road) and that may be affected by any BNG measures
- (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, including the ADS
- (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 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 subcontractors and specialists, their responsibilities and qualifications.

Reason

To comply with paragraph 211 of the National Planning Policy Framework, policy CS6 of the Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy. The implementation of the archaeological mitigation strategy is required to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding.

17.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least seven days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings. No variation shall take place without the prior written consent of the local planning authority.

Reason

To comply with paragraph 211 of the National Planning Policy Framework, policy CS6 of the Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan.

18.

The permitted operation of the site shall not commence until any post-investigation assessment has been commissioned in accordance with the programme set out in the approved written scheme of investigation, and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason

To comply with paragraph 211 of the National Planning Policy Framework, policy CS6 of the Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan.

19.

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 and the archive at the North Lincolnshire Museum within six months of commencement of the archaeological programme of work or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with paragraph 211 of the National Planning Policy Framework, policy CS6 of the Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan.

20.

No development shall commence on construction of the access road until precise details for the proposed vehicular access have first been submitted to and approved in writing by the local planning authority. Thereafter, the access shall be installed in accordance with the approved details prior to the development being brought into use.

Reason

In the interests of highway safety, in accordance with policy T2 of the North Lincolnshire Local Plan.

21.

The development hereby permitted 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, in accordance with policy T2 of the North Lincolnshire Local Plan.

22.

The final travel plan shall be submitted to and approved in writing by the local planning authority within six months of the proposed development being brought into use and all conditions and requirements of the plan, once approved, shall be implemented and retained at all times.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network, in accordance with policy CS25 of the North Lincolnshire Core Strategy.

23.

The travel plan, once approved and in place, shall be subject to monitoring on an annual basis for a period of three years from the approval date. The monitoring report on the impact of the travel plan shall be submitted to the local planning authority on the first of January each year following the grant of planning permission. All amendments to the approved travel plan identified as a result of the monitoring process shall be implemented and retained.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network, in accordance with policy CS25 of the North Lincolnshire Core Strategy.

24.

Within three months of the commencement of development, 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 bat roosting features to be installed;
- (b) details of nesting sites to be installed to support a variety of farmland birds;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;

- (d) prescriptions for the planting and aftercare of native trees and mixed native hedgerows of high biodiversity value;
- (e) prescriptions for the creation and ongoing management of at least 0.53 hectares of species-rich and structurally varied neutral grassland;
- (f) details of wetland habitat to be created as part of sustainable drainage;
- (g) details to confirm that the measures proposed will provide a measurable net gain in in biodiversity value of least 1% in accordance with the Defra biodiversity metric 3.1;
- (h) proposed timings for the above works in relation to the completion of the access road.

Reason

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

25.

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. Prior to the operation of the approved access road, 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.

Informatives

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.

2.

The developer's attention is drawn to the advice and informatives provided in Network Rail's response dated 26 September 2022. The developer is advised to contact Network Rail prior to commencing any development on site. Useful contacts provided by Network Rail are listed below:

Asset Protection Eastern

For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) please email assetprotectioneastern@networkrail.co.uk.

Land Information

For enquiries relating to land ownership enquiries, please email landinformation@networkrail.co.uk.

Property Services

For enquiries relating to agreements to use, purchase or rent Network Rail land, please email propertyservicesIneem@networkrail.co.uk.

3.

Our records indicate that the proposed development site is bounded by a watercourse on the southern 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. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately to the LLFA Drainage email reported team. by to Ilfadrainageteam@northlincs.gov.uk prior to any further construction works being carried out. Please refer to North Lincolnshire Council's 'Guide to Watercourses and Riparian Ownership' detailing riparian rights and responsibilities. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

4.

Alterations and/or connections into the watercourse must be consented by North Lincolnshire Council's LLFA Drainage team, in their capacity as Lead Local Flood Authority through an ordinary watercourse consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team by email to Ilfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

5.

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

6.

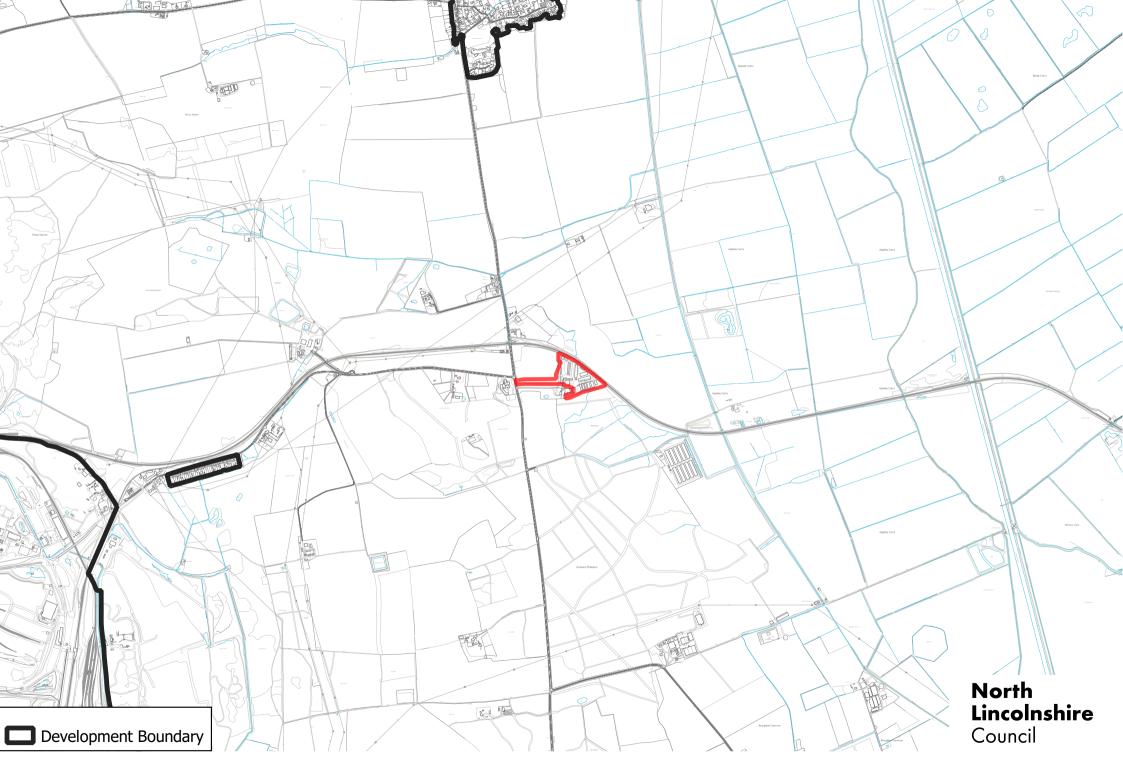
Access for the fire service

It is a requirement of approved Document B5, Section 15 Commercial Properties or B5, Section 13 for Domestic Premises that adequate access for fire-fighting is provided to all buildings or extensions to buildings. Where it is a requirement to provide access for high reach appliances, the route and hard standing should be constructed to provide a minimum carrying capacity of 24 tonnes.

Water supplies for fire-fighting

Adequate provision of water supplies for fire-fighting appropriate to the proposed risk should be considered. If the public supplies are inadequate it may be necessary to augment

them by the provision of on-site facilities. Under normal circumstances hydrants for industrial unit and high risk areas should be located at 90 metre intervals. Where a building which has a compartment of 280 square metres or more in the area is being erected more than 100 metres from an existing fire hydrant, hydrants should be provided within 90 metres of an entry point to the building and not more than 90 metres apart. Hydrants for low risk and residential areas should be located at intervals of 240 metres.



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