

<b>APPLICATION NO</b>	<b>PA/2010/0865</b>
<b>APPLICANT</b>	Axgro Foods Ltd
<b>DEVELOPMENT</b>	Planning permission to retain change of use of barn to B8 food storage and distribution (renewal of planning permission PA/2009/0701)
<b>LOCATION</b>	Barn at Hall Farm, West Street, West Butterwick
<b>PARISH</b>	<b>WEST BUTTERWICK</b>
<b>WARD</b>	Axholme South
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Officer discretion

## **POLICIES**

**North Lincolnshire Local Plan:** Policy ST3 (Development Limits) – the barn lies outside the development boundary of West Butterwick yet the access to the site is located within the development boundary.

Policy RD2 (Development in the Open Countryside) states that development should be strictly controlled and lists the type of development that is considered to be acceptable within the open countryside.

Policy RD3 (Industrial & Commercial Development in Minimum & Medium Growth Settlements) – industrial and commercial development, including extensions to buildings, limited infilling between buildings, redevelopment of existing sites and conversions of rural buildings, will be permitted subject to strict criteria being fulfilled.

Policy RD6 (Re-use and/or Adaptation of Rural Buildings for Industrial & Commercial Uses in the Open Countryside) allows re-use providing various criteria are fulfilled.

Policy LC14 (Area of Special Historic Landscape Interest) – development will not be permitted which would destroy, damage or affect the character, appearance or setting of the historic landscape and its features.

Policy DS1 (General Requirements) provides general design guidance in relation to all new development.

## **CONSULTATIONS**

**Highways:** No objections subject to temporary permission being granted subject to conditions (1) and no articulated lorries entering/leaving the site (5).

**Environment Agency:** No response.

## **PARISH COUNCIL**

No objection.

## **PUBLICITY**

Advertised using three site notices and neighbouring properties have been notified. Three letters of objection and three letters of support have been received. The three letters of objection raise the following material planning issues:

- creation of an additional industrial site
- other planning applications for industrial development may be submitted
- increase in traffic
- other companies use the facility
- conditions should remain the same as PA/2009/0701
- limited consultation
- the applicant has not used the site in the past year
- contrary to policy.

## **ASSESSMENT**

This proposal is to retain the current use of the barn for a B8 (Storage and Distribution) use for a further five years. Members may recall that planning permission was granted for a temporary period of one year on 19 August 2009 in order to assess the impact of the proposal on the surrounding area.

The site is located within a complex of other farm buildings. The access to the site is via West Street. A large concrete area is located centrally within the site providing car parking and turning for HGVs for the uses carried on from the site.

The company processes local crops for the food market and operates from other sites within West Butterwick, namely School Farm and Red House Farm. The company employs 180 people. Due to increased demand more storage space is required which the sites at School Farm and Red House Farm cannot provide. The application site enables vehicular movements to be reduced whilst maintaining a close relationship between the factory (School Farm) and storage site (Red House Farm).

The processing and production of food products is carried out at School Farm. Once the products are packed they are transported by mini-tractor and trailer to Red House Farm. The application site can then be used for transit storage. The products are moved in small loads to the application site in a mini-tractor and trailer. Stock stored at Hall Farm is collected in bulk by HGVs. The applicant claims that two HGVs leave the Hall Farm site every week. To date, the council has received no complaints in relation to the operations being carried out from the site.

**The main issues associated with this case are whether, in planning policy terms, the use is acceptable in this location. The impact the proposal has on the amenity of residents and the locality must be assessed. The impact on the highway network and on the landscape must also be addressed.**

The building itself lies outside the development boundary of West Butterwick. The other farm buildings on the site also lie outside the development boundary but the access is located within it. In terms of policy ST3, it can be argued that there is no alternative site for this part of the business within the development boundary. Without additional storage accommodation the business would have to move elsewhere which would affect the local economy and threaten local jobs. The local planning authority is satisfied that the proposal does meet a special need associated with the countryside, being a food processing facility.

In terms of policy RD2 the site, in conjunction with the two other sites in the village, do provide employment and an existing building will be re-used. The proposal therefore accords with policy RD2 of the North Lincolnshire Local Plan.

With regard to policy RD3, the application site and the two other sites in the vicinity that the company operates from are all primarily located outside the development boundary of West Butterwick, but are immediately adjacent to the development boundary. The site does lend itself to opportunities for any local workforce to walk or cycle to it but there are limited opportunities for public transport to be used. The building is located within a complex of other farm buildings within the open countryside. The impact on the countryside is minimal as the building is a rural building located already on the site. Highways have raised no objections to the proposal and it therefore accords with policy RD3 of the North Lincolnshire Local Plan.

The proposal complies with the criteria set out in policy RD6 of the North Lincolnshire Local Plan which permits the re-use of rural buildings for industrial/commercial uses in the open countryside.

The site is located within a collection of farm buildings adjacent to the village of West Butterwick. The building is already on the site and the impact on the area of special historic interest is minimal. In terms of policy DS1, the building is a fairly typical rural building located within the open countryside. The proposal therefore accords with policies LC14 and DS1 of the North Lincolnshire Local Plan.

In terms of traffic movements, Highways have raised no objections to the proposal. A condition on planning permission PA/2009/0701 restricts articulated lorries delivering to and from the site. This condition was placed on the permission to reduce noise and disturbance to neighbours and to ensure the free flow of traffic along West Street, which is narrow in places. There have been no complaints in relation to articulated lorries accessing the site and no complaints in relation to noise and disturbance. It is therefore considered that the proposal is acceptable in highway terms and does not result in demonstrable harm to the amenity of residents in terms of additional noise and disturbance. The impact the use has on the highway network is also considered to be acceptable. The proposal therefore accords with policies DS1 and T2 of the North Lincolnshire Local Plan.

The fact that it has been alleged that Axgro Foods have not been using the site is noted. No evidence of this allegation has been submitted to the local planning authority. However, the applicant has confirmed that the site has been used by Axgro Foods over the past year and has submitted diary entries for the past year specifying the first trailer load time and the

lock-out time. As the use has only been carried out for a year, it is prudent to limit the use to a five-year temporary period to ensure the amenity of neighbours and the impact on the highway network is protected, should operations increase from the site.

Concerns that limited consultation has been carried out are noted. Neighbouring properties have been notified together with the parish council, and three site notices have been displayed adjacent to the site. It is therefore considered that consultation has been carried out in accordance with council procedure.

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

1.

The use of the building for food storage and distribution (B8) shall be discontinued on or before 20 October 2015.

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: 001.

Reason

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

3.

The use for food storage and distribution (B8) shall be carried out only by the applicant company (Axxgro Foods Limited) and by no other person or company without the prior permission in writing of the local planning authority.

Reason

Permission has been granted taking into account the manner in which the premises are operated by the applicant company in this rural location which is close to residential properties with access along West Street which is a narrow road.

4.

The use hereby permitted shall be for food storage and distribution (B8) and for no other purposes, whether or not permitted by the Use Classes Order (as amended) 2005, without the prior permission in writing of the local planning authority.

Reason

In order to reduce the impact on the adjoining residential properties and on the highway network in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

No deliveries or collection of products to or from the site shall be carried out outside the hours of 8am to 6pm Monday to Friday, outside the hours of 9am to 12 noon on Saturdays, with no workings on Sundays, Public or Bank Holidays and no machinery, equipment or mobile plant (including forklift trucks) shall be operated on the site outside the hours of 8am to 6pm Monday to Friday, outside the hours of 9am to 12 noon on Saturdays, with no workings on Sundays, Public or Bank Holidays.

Reason

In order to reduce the impact on adjoining residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

No articulated lorries shall deliver to or enter or leave the site for loading or unloading or for any other purpose(s) without the prior permission in writing of the local planning authority.

Reason

In order to reduce the impact on adjoining residential properties and on the highway network in accordance with policies DS1 and T2 of the North Lincolnshire Local Plan.



--- NLLP development boundary

Drawing Title: 2010/0865

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Drawn by: KC

Scale: 1:2500

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**Highways and Planning Service**

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