

**APPLICATION NO** PA/2012/0818

**APPLICANT** Mr Wilfred Robinson (Pyewipe Farm) Ltd

**DEVELOPMENT** Planning permission for change of use of site area for open storage, car parking, loading and unloading; change of use of Building 3 to Class B1/B8; change of use of the annexe to Building 4 to B1/B8 and associated alterations to the buildings; upgrading existing farm track to form new access road

**LOCATION** Pyewipe Farm, access road to Pyewipe Farm, Redbourne

**PARISH** REDBOURNE

**WARD** Ridge

**CASE OFFICER** Andrew Law

**SUMMARY RECOMMENDATION** Grant permission subject to conditions

**REASONS FOR REFERENCE TO COMMITTEE** Third party request to address the committee

## **POLICIES**

**National Planning Policy Framework:** Paragraph 19 states that the planning system should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This paragraph goes on to state that local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings.

**North Lincolnshire Local Plan:** Policy RD2 (Development in the Open Countryside)

Policy RD6 (Re-use and Adaptation of Rural Buildings for Industrial and Commercial Uses in the Open Countryside).

Policy T2 (Access to Development)

Policy DS1 (General Requirements)

**North Lincolnshire Core Strategy:** Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS11 (Provision and Distribution of Employment Land)

## **CONSULTATIONS**

**Highways:** Advise conditions (3 to 6).

**Environmental Health:** Have concerns over the potential for nearby residential properties to be disturbed by noise from vehicles and activities associated with the proposed use and recommend a number of conditions designed to protect the amenity of neighbouring properties.

**Public Rights of Way:** Have concerns that the proposed development could have safety implications for users of Public Footpath 261 which crosses the site. Also offer informative comments stating that should the resurfacing of the farm track affect the footpath then the authorisation of the Highway Authority will be required before it can be carried out.

## **PARISH COUNCIL**

Raise a concern that if the application is approved it will create a heavy industrial area in one of the most rural locations in North Lincolnshire.

## **PUBLICITY**

Neighbouring properties have been notified and a site notice posted. Two letters of objection have been received citing the following concerns:

- Works have already started on site, including the removal of internal walls and the installation of an industrial machine. These changes have not been shown on the plans.
- The car parking area that should have been provided as part of the previous planning permission has not been provided and this area is currently used for storage. This has resulted in the parking of vehicles outside residential properties along the access road.
- The company currently operating out of building 1 on the site have breached the restrictions on their hours of operations on several occasions and should the proposed development be approved then this is likely to continue.
- Concerns that the current single lane access road will continue to be used; this road is not suitable for heavy vehicles and is not safe to take commercial traffic as it runs alongside residential properties.
- The existing access road was designed for agricultural traffic and the residential properties and is not structurally capable of supporting heavy goods vehicles which would result in damage to septic tank pipes running beneath the road.
- The proposed use would result in unacceptable noise and disturbance particularly as a result of vehicle movements.

## ASSESSMENT

The application site consists of a former agricultural building and an annex to another agricultural building, along with an area of hard standing within the Pyewipe Farm site. The buildings were previously used as part of the former agricultural unit. Pyewipe Farm was a very large intensive livestock unit that consisted of more than 50 agricultural buildings. The vast majority of these buildings have now been demolished; however a large area of concrete and hard standing remains where these buildings stood. There are currently five buildings on the Pyewipe Farm site along with 12 residential properties in close proximity. Of the five buildings still standing on the farm site, two are being actively used for agricultural storage, one is a vacant agricultural building, one is very badly damaged and is unusable at present, and one has consent for B1/B8 use and is currently occupied by Ecospill and is used for the storage, packaging and distribution of materials used for environmental protection purposes. Planning permission was granted for the commercial use of building 1 in 2010 (PA/2010/1012). This application seeks planning permission for the change of use of building 3 and the annex to building 4 to B1 (Business)/B8 (Storage and Distribution) use, to use part of the site for open storage and part of the site for parking/loading/offloading and to upgrade the existing farm track to be used as the exclusive access into the site. The proposal will make use of the currently vacant buildings and is necessary to provide additional storage and allow for the expansion of the existing business currently operating from building 1.

The site is located in the open countryside outside of Redbourne and is currently accessed from the B1206 via a single lane access road. The existing buildings at Pyewipe Farm, including the buildings that are the subject of this application, are located in the south-western corner of the farmyard with the rest of the farm being fairly open and consisting predominantly of areas of hard standing and some aggregates left over from the demolition of the previous livestock buildings. The surrounding landscape is essentially agricultural in nature characterised by open fields. There are eight semi-detached residential properties directly to the west of the application site and four semi-detached residential properties directly to the south.

There was a previous application submitted for the change of use of building 3 and 4 on the site to B1/B8 use (PA/2011/1302) which was withdrawn. This previous application was withdrawn due to concerns raised by neighbours in relation to the use of the existing access road by commercial vehicles and the safety and amenity issues that this would create. As a result of these concerns the application was withdrawn and has been altered to include the upgrading of the existing farm track to the south to form a new access and the stopping up of the existing access into the site.

**The main issue in the determination of this application is whether the proposed development would have an unacceptable impact on the amenity of neighbouring residential properties.**

The proposed development includes the stopping up of the existing access road with a 0.9 metre high wall, with a switchback access for pedestrians. This wall will prevent vehicular traffic from gaining access to Pyewipe Farm via the existing tarmac access road. Further to this, improvement works are proposed to an existing farm track that runs to the south of the farm and then swings to the west, some distance to the rear of the residential properties before joining with the B1206. The proposal also includes a large area for staff parking to the rear of the buildings. Therefore the proposed development will not result in any additional traffic along the existing access road that serves the residential properties

and will in fact remove the existing commercial traffic associated with the operations being carried out in building 1 from this access; all commercial traffic associated with the proposed change of use will access the site via the newly improved access road. A condition has been recommended that will require the works to the new access and the wall across the existing access to be completed before the buildings are brought into use. This will ensure that there will be no additional safety, or amenity problems for neighbouring residential properties as a result of the development.

Concerns have been raised that the applicants will not carry out the works to the new access and that they will continue to use the existing access road, which would further damage this road. As stated above, the completion of the new access and stopping up of the existing access will be secured by condition and will be required to be carried out before the change of use of the site is implemented.

An objection has been raised on the grounds that works on the development have already begun, including internal works to the buildings and the siting of an industrial machine within building 3. The council's planning enforcement team has visited the site on several occasions and has yet to find any breach of planning. Internal works to the buildings (removal/construction of internal walls) and repairs to the roof of the buildings do not require planning permission and therefore this preparatory work does not constitute any breach of planning regulations. As far as the planning department is aware there has been no material change of use of the buildings yet and the proposed commercial use of the buildings in question has not begun. Notwithstanding this, it should be noted that whether or not works have already taken place on site is not a material planning consideration in the determination of this application. Planning permission could not be refused on the grounds that works had already been started.

Objections have been raised on the grounds that the proposed change of use could result in unacceptable levels of noise and disturbance to neighbouring properties. The buildings are currently unused and therefore the proposed use will result in additional noise being generated on the site. However the proposed uses of the site (B1 and B8) are not uses that should generate significant noise or disturbance. Further to this, the council's Environmental Protection department has been consulted on the application and has recommended several conditions specifically aimed at protecting the amenity of neighbouring residential properties. These conditions limit the hours of operation on the site, restrict all packaging operations and associated activities to within the buildings and ensure that any noise emissions from the buildings will be mitigated and will be within acceptable levels. Subject to these conditions the use of the site for purposes falling within B1 (Business) and/or B8 (Storage and Distribution) use classes will not result in unacceptable noise and disturbance to neighbouring properties. It should also be noted that as part of the application the applicants are proposing to construct a 0.6-0.9 metre high earth bank with hedging on top to mitigate any impact that the development would have on neighbouring residential properties.

In addition to this it should be noted that the majority of comments received relating to noise and disturbance both on the current planning application and on the previous, withdrawn application (PA/2011/1302) related to the increase in vehicular movements to and from the site, particularly heavy goods vehicles. By providing a new, alternative access to the site away from neighbouring properties, and preventing access via the existing access road any potential noise and disturbance from traffic has been greatly reduced. The restriction to the hours in which deliveries can be made to the site further reduces the potential for disturbance to be caused as a result of vehicular movement. It should also be recognised

that the application site was previously part of a very large, intensive livestock unit that would have generated large amounts of heavy traffic throughout the year, without any restrictions on hours; and not just seasonal agricultural traffic as suggested by neighbours. Therefore the proposed use will not result in unacceptable levels of traffic generation, will not be harmful to residential amenity as a result of traffic generation and will have a lesser impact on amenity than the historical use of the site.

The proposed development is to change the use of existing buildings that originally formed part of a much larger agricultural unit. This change of use is required primarily for additional storage space and to allow the expansion of an existing business. Therefore the water supply is more than adequate to serve this proposed use. It should also be noted that the applicants will be required to comply with all normal building and fire regulations.

There is a public footpath that runs north to south along the western side of Pyewipe Farm. This footpath skirts the edge of the site and runs along a short part of the track proposed to be upgraded and used as the main access to the site. The council's Public Rights of Way (PROW) team has been consulted on the application and has raised no objection to the proposed development. However they have stated that at present the site is vacant and that the proposed use would result in an increase in traffic and that this could result in safety implications to people using the footpath. As stated previously the application site was previously used as an intensive livestock unit and co-existed with the footpath without incident. The public footpath skirts the very edge of the site and allowance has been made for it in the design of the proposed wall across the existing access. Furthermore the footpath only runs along a small stretch of the proposed access, and this stretch is very open with good visibility. Therefore any conflict between the proposed access and the public footpath will be minimal and will not jeopardise the safety of walkers. The PROW officer has also offered informative comments that the applicants would require the consent of the highway authority to resurface the public right of way; this will be made clear to the applicants via an informative on the decision notice.

Neighbouring properties have raised concerns regarding previous breaches of condition relating to the hours of operation of the business based in building 1 and have suggested that similar breaches of conditions could be expected if the proposed development were to be approved. The council's planning enforcement team is responsible for the monitoring and enforcement of planning conditions. Should any breach of condition be suspected then the enforcement team should be notified. Relevant action would be taken should a breach of condition be identified. Several conditions have been suggested to protect the amenity of neighbouring properties and it is considered that, subject to these conditions being properly enforced, then the proposed development will not be harmful to residential amenity in the area. It would be unreasonable to refuse planning permission, where conditions could overcome any impact, on the basis that the applicants may be tempted to ignore the conditions in the future. As stated above the council's planning enforcement team have powers that allow them to monitor and enforce the recommended conditions.

Storage is currently taking place on land originally identified as a parking area for building 1. This is largely due to the success of the relatively new business operating from this building and the need for additional storage space. The proposed change of use will provide significant additional storage space, both within the buildings and on an area of land to the rear of the buildings. This will allow for the storage of goods to be carried out in an area specifically designed for that purpose. Furthermore, the proposed development provides a large parking area that is more than adequate to cater for the staff currently employed by the business and any additional staff that may be employed as a result of the expansion of

the business. The application site is a large site that is predominantly hard surfaced and as such there is no shortage of space for the parking and turning of vehicles. The council's Highways department has been consulted on the application and has raised no concerns with regard to parking provision or highway safety.

Redbourne Parish Council has not objected to the application but has raised a concern that should the proposed development be approved then it would constitute the creation of a heavy industrial area within a very rural location in the open countryside. The site is a former intensive livestock unit and as such is a brownfield site that was previously occupied by a large number of buildings and associated structures. The proposed development will make use of existing buildings on the site, which are currently vacant. The proposal will allow for the necessary expansion of a relatively new business that has been successful and will ensure that this business remains in North Lincolnshire. The application site is directly adjacent the existing business and as such it is logical for the site and its existing buildings to be used for this expansion. As a result of the former use of the site and the fact that the proposed development makes use of existing buildings there will be minimal impact on the character of the area. Furthermore, the proposed uses (B1 and B8) are not heavy industrial uses as suggested, as general and heavy industrial uses fall within class B2 of the Use Classes Order. The proposed uses will allow for such operations as offices, light industry and storage/distribution and will not allow heavy industrial operations. Therefore it is considered that the proposed development is appropriate on the site and would comply with planning policy, including policy RD6 (Re-use and Adaptation of Rural Buildings for Industrial and Commercial Uses in the Open Countryside), which is the most relevant policy in this instance.

Whilst the proposed development will not directly result in an increase in employment on the site in the short-term, it will allow for the expansion of an existing business which would otherwise be forced to consider relocating from the area. This expansion in turn could result in additional employment opportunities in the future.

**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:(CD)-1, (CD)-110, (CD)-111, (CD)-112, (CD)-114 and (CD)-120.

**Reason**

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

3.  
No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

4.

No development shall begin until details of:

- (i) the layout, drainage, construction and services of the proposed access road, including the junction with the adjacent highway; and
- (ii) the number and location of vehicle parking space(s) on the site;

have been submitted to and approved in writing by the local planning authority.

Reason

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

5.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

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

6.

The change of use hereby permitted shall not take place until the new access road into the site and the new wall preventing vehicular traffic entering the site from the existing access road have been completed in accordance with the approved details.

Reason

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

7.

All activities associated with the operation of the proposed use, including the receipt of deliveries, shall only be undertaken within the following hours:

Monday to Friday	7.30am to 8pm
Saturdays, Sundays and Public/Bank Holidays	9am to 5pm

unless otherwise agreed in writing by the local planning authority.

Reason

To protect the amenity of neighbouring residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

8.

All vehicles associated with the operation of the proposed use shall utilise broadband reversing alarms. The use of tonal reversing alarms on site shall not be permitted.

Reason

To protect the amenity of neighbouring residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

9.

The rating level of noise emitted from building 3 and the annex to building 4, as a result of activities associated with the proposed use, shall not exceed the existing background noise level. The noise levels shall be determined at the nearest noise-sensitive premises. The measurements and assessment shall be made according to the requirements of BS4142:1997.

Reason

To protect the amenity of neighbouring residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

10.

No packaging operations or associated activities shall take place on the site outside of building 3 and the annex to building 4.

Reason

To protect the amenity of neighbouring residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

11.

All doors and windows of building 3 and the annex of building 4 shall remain closed, except for access and egress, when any packaging operations and associated activities are undertaken within them.

Reason

To protect the amenity of neighbouring residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

Before the development hereby permitted commences a scheme shall be agreed in writing with the local planning authority which specifies the provisions to be made for the control of noise emanating from building 3 and the annex to building 4. Once agreed this scheme, which may include physical and/or administrative measures, shall be implemented immediately and retained thereafter.

Reason

To protect the amenity of neighbouring residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

13.

The open storage of materials/goods on the site shall not exceed 4 metres in height unless otherwise agreed in writing by the local planning authority.



Reason

To protect the visual amenity of the area in accordance with policies DS1 and RD2 of the North Lincolnshire Local Plan.

14.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

15.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by 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

To enhance the appearance of the development in the interests of amenity.

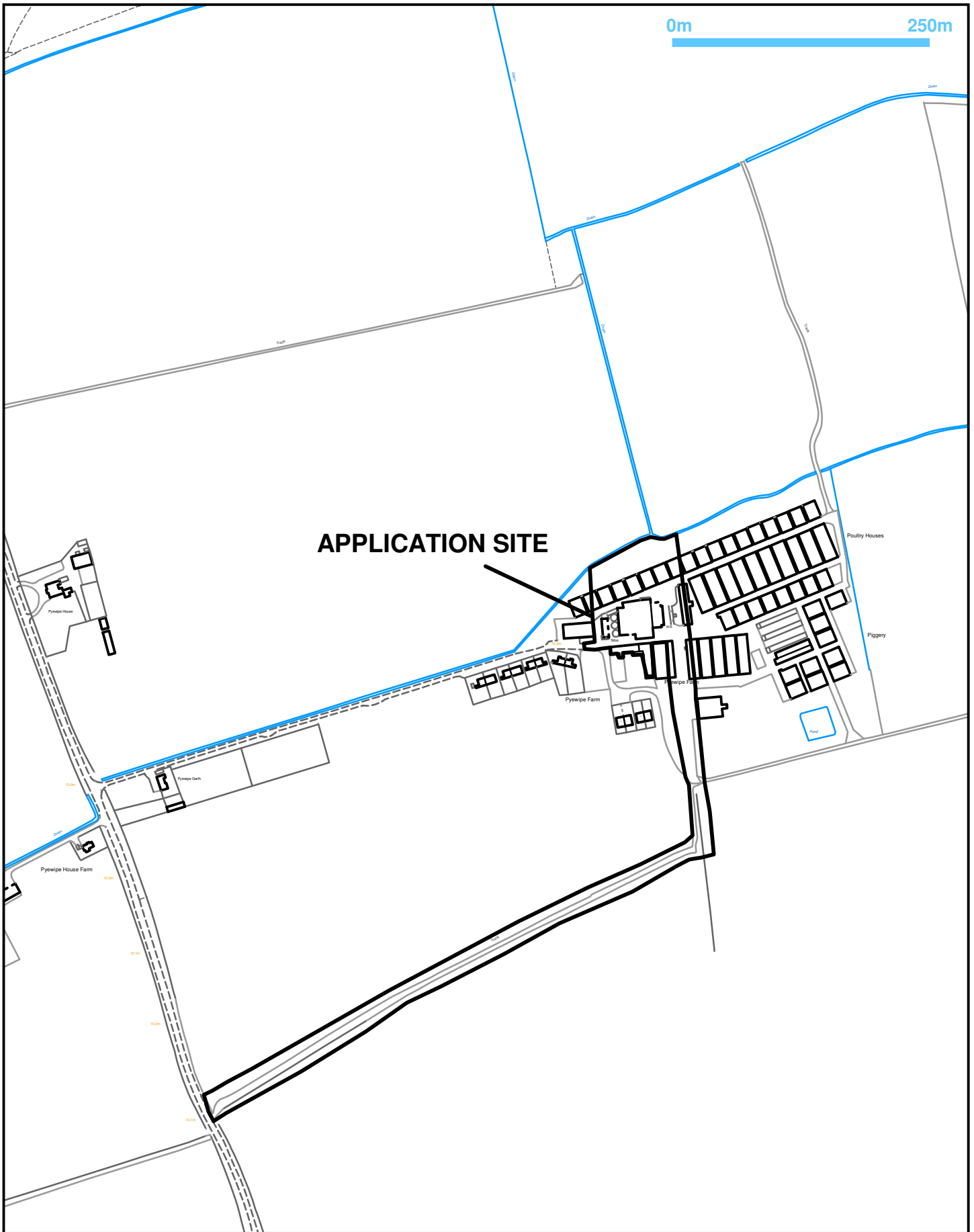
**Reasons for approval**

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, would not materially harm the character of the area nor the living conditions of neighbouring occupiers, and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are DS1, RD2, RD6 and T2 of the North Lincolnshire Local Plan, CS1, CS2, CS3 and CS11 of the North Lincolnshire Core Strategy and national policy set out in the National Planning Policy Framework.

**Informatives**

1. No work should take place with regard to the upgrading of the surface of the public footpath that runs through the site without first receiving authorisation from the highway authority.
2. 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;

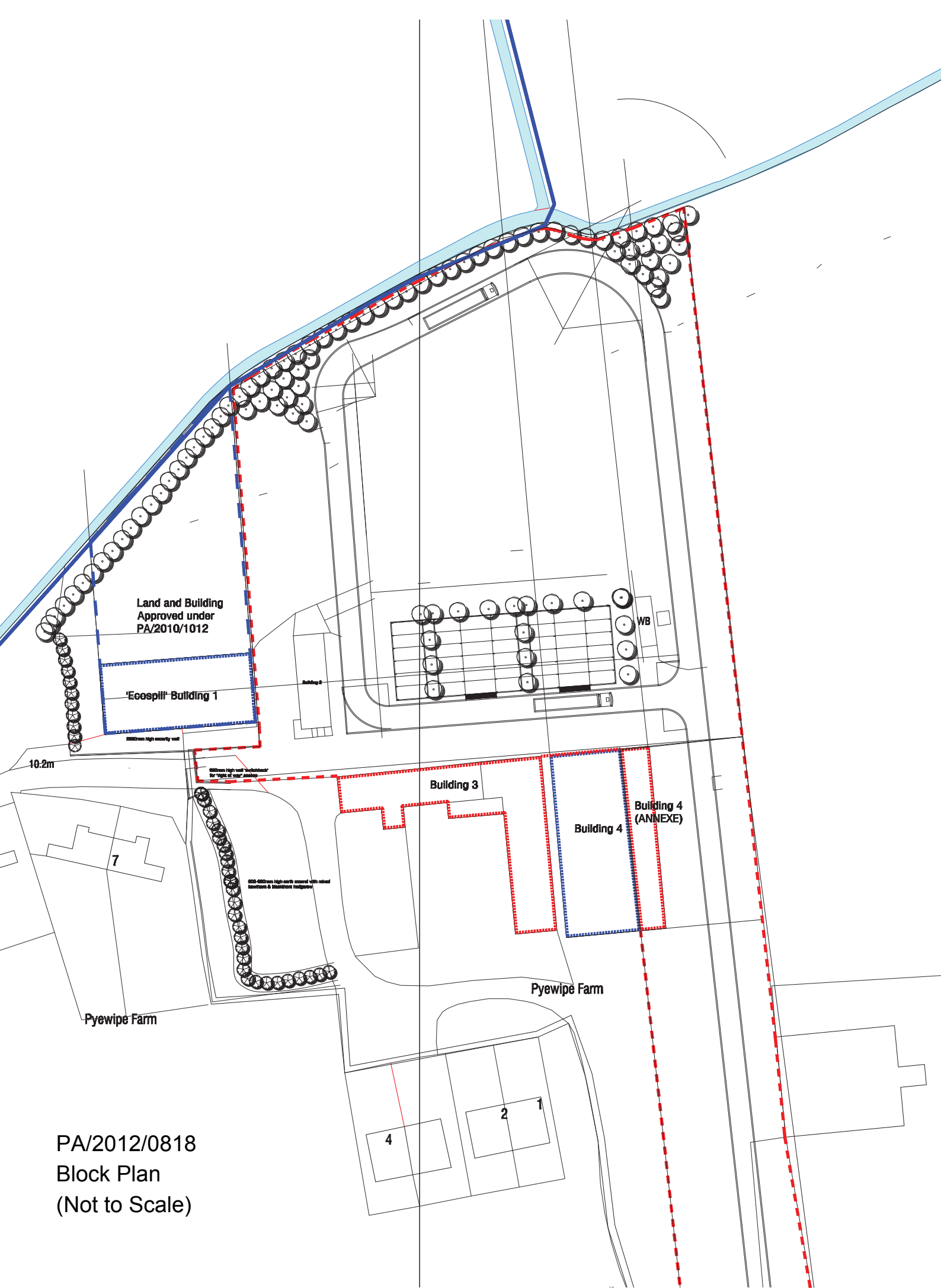
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.
3. In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



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PA/2012/0818  
 Block Plan  
 (Not to Scale)