

<b>APPLICATION NO</b>	<b>WD/2015/0314</b>
<b>APPLICANT</b>	Stoneledge (South Bank) Ltd
<b>DEVELOPMENT</b>	Planning permission for the use of land for the open storage of hardcore, plant and equipment; the storage of demolition material; the crushing, grading and washing of aggregate and access; the installation of plant for the crushing, grading and washing of recycled aggregate; and a wheel-wash facility
<b>LOCATION</b>	Stoneledge Ltd, Middlegate Lane, Elsham
<b>PARISH</b>	<b>ELSHAM</b>
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Andrew Law
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Elsham Parish Council

## **POLICIES**

**National Planning Policy Framework (NPPF):** Paragraph 14 sets out that there is a presumption in favour of sustainable development which lies at the heart of the NPPF.

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 32 states that plans and decisions should take account of whether...safe and suitable access to the site can be achieved for all people.

Paragraph 34 states that plans and decisions should ensure developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm cannot be avoided or adequately mitigated.

Paragraph 120 states that planning policies and decisions should ensure that new development is appropriate for its location and that the effects of pollution on health, the natural environment, general amenity and the sensitivity of the area or development to adverse effects from pollution should be taken into account.

Paragraph 121 states that sites must be suitable for their new use taking account of ground conditions and land instability, and that after remediation, as a minimum, land should not be capable of being determined as contaminated land.

Paragraph 122 states that local planning authorities should focus on whether the development itself is acceptable use of the land, and the impact of the use, rather than the control of processes or emissions which are subject to approval under pollution control regimes.

Paragraph 123 aims to protect health and quality of life by avoiding or mitigating noise impacts.

Paragraph 125 states that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

### **National Planning Policy for Waste**

Only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date local plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.

Recognise that proposals for waste management facilities such as incinerators that cut across up-to-date local plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the local plan will not undermine the objectives of the local plan through prejudicing movement up the waste hierarchy.

Consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies.

Ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.

Concern themselves with implementing the planning strategy in the local plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

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

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T14 (The North Lincolnshire Strategic Road Network)

Policy LC7 (Landscape Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy W1 (Applications for Waste Management Facilities)

Policy W2 (Groundwater Protection)

Policy W6 (Transportation of Waste)

Policy W8 (Protection Zones and Waste Management Facilities)

Policy W9 (Handling of Waste)

Policy M2 (Secondary Aggregates and Recycled Materials)

Policy DS1 (General Requirements)

Policy DS7 (Contaminated Land)

Policy DS11 (Polluting Activities)

Policy DS12 (Light Pollution)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy DS14 (Foul Sewage and Surface Water Drainage)

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

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS11 (Provision and Distribution of Employment Land)

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

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS20 (Sustainable Waste Management)

Policy CS25 (Promoting Sustainable Transport)

## **CONSULTATIONS**

**Highways:** Recommend conditions.

**Ecology:** No objection as there is little potential for any new ecological effects.

**Environmental Health:** The process of crushing and screening aggregates has the potential to create noise and dust likely to give rise to complaints from sensitive receptors. The applicants are regulated, for control of noise and dust, by the Environment Agency under the Environmental Permitting Regulations 2013 and therefore the Environmental Health team has no further comments to make.

**Historic Environment Record:** No objection. The proposal does not adversely affect any heritage assets of archaeological interest or their settings.

**Public Health:** No objection.

**Environment Agency:** No objections but confirms that the operations will require a variation of the existing environmental permit for the site.

**Anglian Water Developer Services:** No comments to make concerning surface water or foul water proposals.

**Humberside Fire and Rescue:** No objection.

**HSE:** Does not advise, on safety grounds, against the granting of planning permission.

## **PARISH COUNCIL**

Elsham Parish Council objects to the application and supports the comments made by the industrial estate and residents. The parish council also raises concerns that the applicants have a history of breaching planning conditions and wonder how North Lincolnshire Council will monitor and safeguard residents from further breaches of condition should the application be approved. Further concerns are raised with regard to the amount of spoil on the site, which is growing all the time, and it is suggested that once the aggregates have been removed, the remaining spoil should be removed once it has been screened.

Other concerns are:

- noise - residents have complained about noise levels and the parish council would like to see a noise test carried out
- additional working hours – the applicants are breaching the current condition and are working at night and at weekends
- there is evidence that temporary lighting is in place
- issues of surface water and debris run-off onto the A15 at times of heavy rain
- access onto Wold Road which has a 60mph speed limit and poor visibility; no wheel-wash is proposed at this access point but there is debris on the road caused by vehicles exiting here
- mud on the road – wheel-wash facilities should be put in place in access/egress areas
- proper drainage needs to be put in place for waste water and sewage.

## **PUBLICITY**

Neighbouring properties have been notified by letter, and site and press notices posted.

A pro-forma letter has been received from many of the operators on Elsham Wold Industrial Estate stating that they have no objections to the principle of the operations being undertaken on the former runways but citing the following concerns relating to operational issues:

- The existing access used for HGV movements onto the A15 slip road is an accident waiting to happen.
- Regularly there is debris deposited on the highway from HGVs entering/exiting the site and this in turn affects drains, particularly with regard to the underpass which now regularly blocks and results in flooding. This is caused by silt and debris from the recycling site.
- The access slip road to the A15 has suddenly started to deteriorate; this is as a result of continual discharge of water from the recycling site.
- The proposed operations need to be strictly controlled and conditions should be imposed relating to drainage, wheel-wash facilities and highway improvements should permission be granted.

Further letters of objection have been received on the following grounds:

- The access onto Wold Road has limited line of sight of vehicles approaching the proposed access from both directions. The hedge has been cut lower but visibility is still limited. The proposed access is heavily used by vehicles throughout the day accessing the Stoneledge site.
- The site is in the open countryside and as such operating times should be limited to weekday operations to limit the noise and dust pollution from the site.
- In the application there is no mention of the building constructed as part of the equipment.
- The applicants state that there is no external lighting of the site – this is not thought to be true.
- The site is a significant generator of noise and official noise tests should be carried out during full operation of the equipment and associated vehicles.
- There is insufficient detail about what vehicles will be allowed to access the site via Wold Road.
- Wheel-wash facilities should be required onto Wold Road as well as Halifax Way.
- All vehicles should be required to use the wheel-wash facilities before exiting the site onto the highway.
- No evidence of wheel washing taking place at present.
- There does not appear to be any provision for foul sewage despite the site employing 15 full-time workers.
- Residential properties close to the site would be subject to noise pollution.
- Lack of control for surface water run-off onto Halifax Approach.

- Run-off of debris from the site onto the highway results in blocked drains and flooding of the highway.
- The highway is deteriorating and is often muddy due to HGVs and run-off from the site.
- The existing access onto Halifax Approach is not fit for purpose without remedial action to alleviate the existing issues with regard to migration of debris and surface water drainage.
- The site is unsightly at the A15 end due to spoil piled up close to the road entrance.
- On dry days dust is blown onto the adjacent industrial estate from the site.

A letter has been received from the owners of the hedge running along the south side of Wold Road (R J & A E Godfrey), which is shown within the application site. The owners of the hedge have confirmed that they have given consent for the applicants to undertake road safety measures and will generally be happy to do so. However they have stated that they do not believe that any permission granted should impose obligations on themselves.

## **ASSESSMENT**

The application site forms part of the former Elsham Airfield which is sited adjacent to the A15 opposite the Elsham Wold Industrial Estate. The site is located outside of any defined development boundary and as such is located within the countryside for the purposes of planning. There are three vehicular accesses into the site: one from Halifax Approach to the east, one from Middlegate Lane to the south, and a further access from Wold Road to the west of the site. The nearest residential properties are located at Granary Cottages, 280 metres to the north of the site.

In 2004 (PA/2004/0871) the application site was granted consent for the crushing and screening of materials and the storage of hardcore, plant and equipment for a temporary period of three years. This temporary period was extended for a further three years until 2010 under planning permission PA/2007/0394.

In June 2010 (PA/2010/0231) planning permission was granted to allow the site to be permanently used for the same use as previously approved by way of removing the time limit condition (condition 6). PA/2010/0231 was granted subject to various conditions, including condition 6 which restricted vehicular access to and egress from the site via the eastern access onto the A15 slip road (Halifax Approach) only.

Consent was granted in 2014 (PA/2013/0414) for the siting of plant for the crushing and screening of aggregates on site. This plant has subsequently been installed on site, but is located approximately 60 metres further to the north-west than the consented position.

A further application (PA/2013/1329) was submitted on the site which sought to carry out the operations consented under PA/2010/0231 without complying with conditions 4, 5 and 6 relating to wheel-cleaning facilities and means of access to the site. This application was refused by the planning committee and was subsequently dismissed at appeal.

This application seeks to amalgamate the several previous planning permissions and regularise existing breaches of condition. The proposal would allow the currently consented operations to continue, allow the western access onto Wold Road to be used for light staff

vehicles only (not HGVs), grant consent to retain the installed plant in its current position and agree wheel-cleaning facilities.

**The main issues to consider in the determination of this application are whether the proposed development would result in an unacceptable impact on highway safety, residential amenity or drainage.**

The use of the site for the crushing and screening of materials and the storage of hardcore, plant and equipment is already consented under PA/2010/0231 and is currently being undertaken on site. Therefore the use of the site for these purposes is considered to be acceptable in principle. This use is included as part of the application only in an attempt to amalgamate several separate planning permissions into one holistic permission which will simplify matters, particularly with regard to the monitoring of conditions.

Similarly PA/2013/0414 is a live permission which grants consent for the siting of the plant for the crushing and screening of aggregates on site. Therefore the principle of this plant being located on the site has already been established. It is for the local planning authority to consider whether the altered location of the plant has an unacceptable additional impact on the surrounding area.

### **Amenity**

As stated previously, the crushing and screening of materials and the storage of hardcore, plant and equipment is already consented, as is the siting of the large piece of plant which is currently in place, albeit in a different location on the site.

This application seeks to regularise the development on site and to amalgamate several planning permissions into a single, new planning permission. The only differences between the proposed development and that already consented on the site is the position of the screening/crushing plant and the use of the Wold Road access for staff vehicles.

The screening and crushing plant has been sited approximately 60 metres further to the north-west than previously consented. However this position is still central within the large site and is still a significant distance from neighbouring properties. The council's Environmental Health department has been consulted and has confirmed that the operations on site are subject to an Environmental Permit which is monitored and enforced by the Environment Agency; this permit controls noise on site and as such Environmental Health have raised no objection to the development. It should also be noted that the existing consents mentioned above allow the current operations and that the applicants can rely on these permissions should the current planning application be refused.

Furthermore, the relocation of the crushing and screening plant does not have any additional significant impact on visual amenity as this plant is still sited centrally within the site a significant distance from residential properties and public highways. The plant is located within an existing operational recycling site and was granted planning permission in 2014 in a similar area of the site without concerns over visual impact.

Therefore it is considered that the proposed development will have no significant additional impact on residential amenity or the character or appearance of the area above and beyond what is already consented on site.

### **Highway safety**

The previous application (PA/2013/1329), which was refused on highway safety grounds, sought to remove condition 6 completely which would have allowed HGVs as well as staff vehicles to enter/exit the site via the Wold Road access. In his appeal decision on this application the inspector raised concerns relating to visibility at this access point due to the narrow nature of the road and the proximity of hedging along the southern side of the road; the inspector also noted that due to the straight nature of the road it is reasonable to assume that vehicles using the road will be travelling at speed.

The applicants seek a condition that would allow them to use the Wold Road access for staff vehicles only, so that staff are not required to drive through the operational recycling site to reach the offices. The council's Highways department has been consulted on the application and has raised no objection in principle to the use of the north-west (Wold Road) access for staff vehicles only (not HGVs). However Highways have confirmed that, due to the nature of the road, conditions would need to be imposed to improve the access point and provide and maintain adequate visibility splays in order to make the use of this access safe and acceptable.

The applicants have included an area of land along the southern side of Wold Road approximately 250 metres long by 8 metres wide which they have stated can be used to provide a visibility splay. A comment has been received from the owner of this piece of land confirming that they have given consent for the applicants to undertake road safety measures.

Therefore, subject to conditions suggested by Highways requiring an adequate visibility splay to be provided and retained, and preventing use of the access by HGVs, it is considered that the use of the Wold Road access by staff vehicles is acceptable.

Concerns have been raised by many of the commercial operators on the Elsham Wold Industrial Estate that wheel-cleaning facilities are not being used on site and that this is resulting in debris and mud being deposited on the highway. They have stated that this is detrimental to highway safety and is causing drains to be blocked resulting in flooding of the highway. The council's Highways department has confirmed that they do have concerns relating to the provision of wheel-washing facilities and debris being deposited on the highway. The applicants have, as part of their application, suggested a wheel-washing facility be put in place at the Halifax Approach access to resolve this issue. Highways have suggested conditions to secure this wheel-washing facility and to ensure that HGVs leaving the site are required to use it.

It should be noted that, whilst there may have been breaches of conditions relating to wheel washing on the site previously, the enforcement of planning conditions is the responsibility of the local planning authority and as such this is not a valid reason for refusal.

Therefore, subject to the aforementioned conditions, it is considered that the proposed development will not have an unacceptable impact on highway safety.

## **Drainage**

Complaints have been received relating to surface water run-off from the site onto Halifax Approach. It has been stated that this is exacerbating issues regarding the migration of debris onto, and flooding of, the highway. Concerns have also been raised that no details of foul drainage provision is provided within the application despite the operation employing 15 full-time workers. The issue of surface water drainage can be resolved by the introduction

of a simple drainage scheme to catch surface water before it is discharged onto the highway and allow for its drainage within the site. The site has been operating for a number of years and toilet facilities are already in place for staff and visitors. Foul sewage runs to a septic tank on site; this was installed along with the workshop/office building. A condition has been recommended to secure the provision of an acceptable surface water drainage scheme on site. Subject to this condition the proposed development will not pose an unacceptable risk with regard to drainage or flood risk.

## **Lighting**

Light pollution is something that is controlled under Environmental Health legislation and the council's Environmental Health team has raised no concerns or objections relating to light pollution. Furthermore, there is no additional external lighting proposed as part of this application. The proposed recycling operations are already consented and taking place on site and there are no new operations proposed under the current application that would necessitate further external lighting. A condition has been recommended that would prevent any additional external lighting on site without the prior consent of the local planning authority.

## **Hours of operation**

It has been suggested that the applicants are currently breaching conditions relating to hours of operation on the site and are working through the night. However there are no planning conditions on the current planning permissions restricting the hours of operation on the site and as such no breach of planning in this regard.

The council's Environmental Health department has confirmed that the site is subject to an Environmental Permit which controls noise and has not requested any additional conditions in this regard. This application does not propose changes to the current, consented, operations on site.

The applicants have confirmed that they have never worked through the night with any plant on site and that other than staff arriving early to unlock the yard there are no operations outside of the stated hours of 7am to 7pm. They have also stated that the site does not operate at the weekend, other than maintenance when necessary. Whilst the current permission does not restrict operating hours the applicants have confirmed that they would be willing to accept a condition restricting the hours of operation to 7am till 7pm Monday to Friday, with no operations other than maintenance taking place during weekends.

## **Other matters**

The parish council has raised concerns that there are increasing amounts of spoil on the site and that should the applicants cease their operations in the future this spoil could be left on site, which would cause a problem for the local community. Again it should be noted that the recycling operation is already consented and that this application does not seek to alter the existing operation; therefore there is no increased risk of spoil being left on site. The applicants have confirmed that it is their intention that all material entering the site will eventually be removed; they have confirmed that the stockpiles consist of product awaiting sale. Furthermore, as the site is their head office, the applicants have confirmed that they have no intention of abandoning the site.

The Environment Agency regulate waste activities under the Environmental Permitting (England & Wales) Regulations 2010. Under those regulations, if an Environmental Permit is surrendered a site condition report would be required to be produced to demonstrate that no negative impact on the environment has been caused. If a company dissolves or abandons a waste site, the Environment Agency can take enforcement against permit holders, or if that entity is dissolved, then the landowner.

## **Conclusion**

It is considered that the proposed development will not result in significant adverse impacts above and beyond operations which are already consented on site. If approved the permission will regularise outstanding breaches of planning on site and condense all conditions on the site into one consent.

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

1.  
The development hereby permitted shall be carried out in accordance with the following approved plans: SLE/CCK/1, SLE/CCK/2 and OFFERTONS layout 2010.

### **Reason**

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

2.  
All drums and small containers used for oil and other chemicals shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaway.

### **Reason**

To prevent the increased risk of groundwater pollution and to comply with policy DS13 of the North Lincolnshire Local Plan.

3.  
Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

### **Reason**

To prevent pollution of the water environment and to comply with policy DS13 of the North Lincolnshire Local Plan.

4.  
The proposed vehicular access from Wold Road shall not be brought into use until an adequate visibility splay has been provided and realignment of the access point has been undertaken in accordance with details to be submitted to and approved in writing by the local planning authority. Once provided the visibility splay shall be retained.

Reason

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

5.

The visibility splays approved in accordance with condition 4 shall be maintained free of all obstruction over 1 metre high at all times.

Reason

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

6.

Once brought into operation the vehicular access from Wold Road shall be used by staff and visitor vehicles only and shall at no time be used by HGVs or commercial vehicles associated with the operations hereby approved.

Reason

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

7.

No vehicles shall access/egress the site via the Middlegate Lane access.

Reason

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

8.

The proposed wheel-wash facilities shall be provided at the Halifax Approach entrance within one month of the date of this permission. Once installed the wheel-wash facilities shall be used by every HGV exiting the site.

Reason

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

9.

Within one month of the wheel-cleaning scheme referred to in condition 7 above being approved, the wheel-cleaning facilities shall be provided in their entirety and the development shall thereafter be operated in accordance with the agreed scheme.

Reason

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

10.

The existing vehicular access to the site from Halifax Approach shall be improved in accordance with details to be submitted to and approved in writing by the local planning authority within three months of the date of this permission.

Reason

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

11.

Within three months of the date of this permission a scheme for the disposal of surface water, including a timetable for the implementation of the scheme, shall be submitted to and approved in writing by the local planning authority. Once approved the scheme shall be carried out in accordance with the agreed timetable and shall be retained thereafter.

Reason

To prevent pollution of the water environment and to comply with policy DS13 of the North Lincolnshire Local Plan.

12.

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

Reason

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

13.

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

- 7am to 7pm Monday to Friday

- no operations, other than maintenance, on Saturdays, Sundays or public/bank holidays.

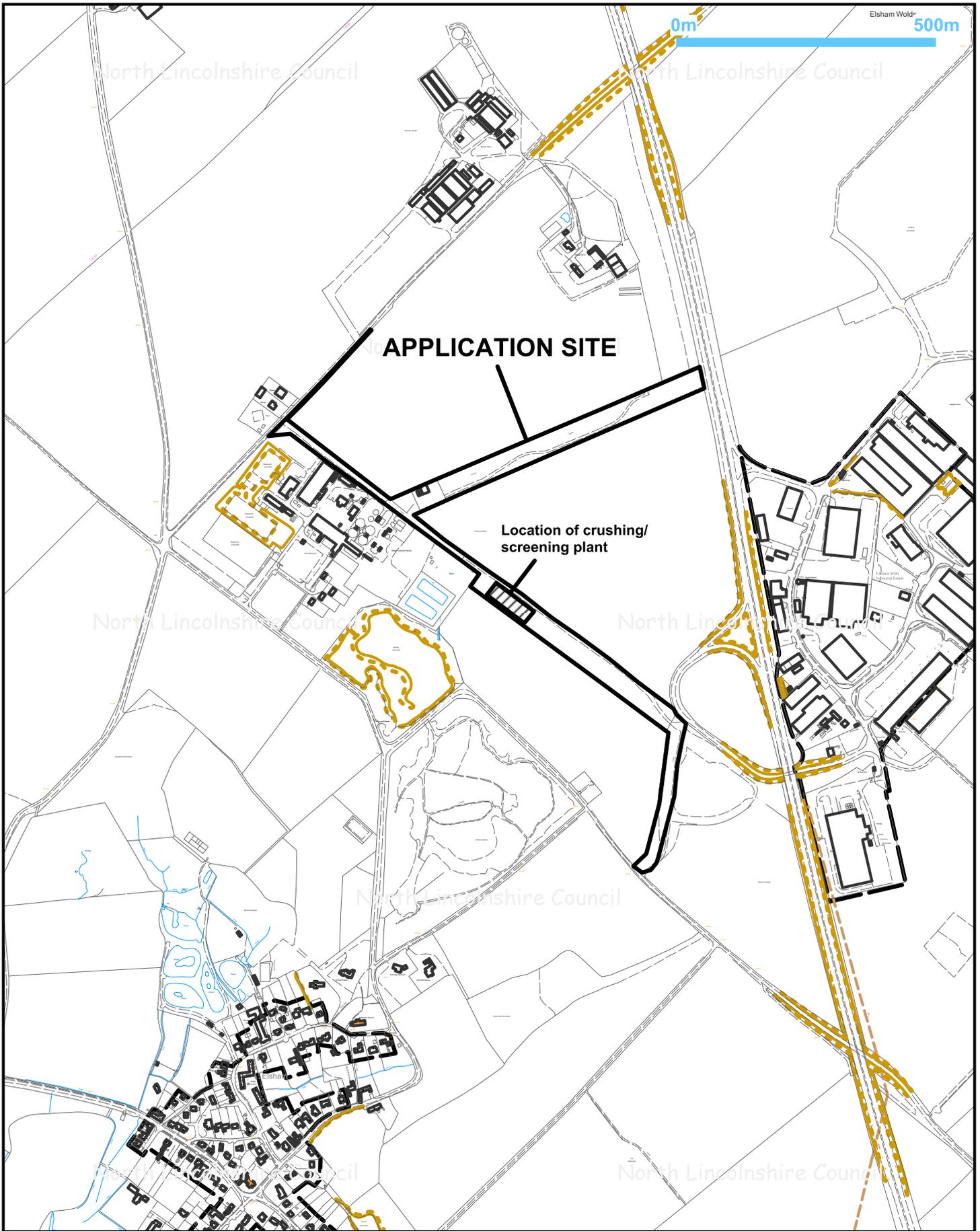
The site shall not operate outside of these hours unless otherwise agreed in writing by the local planning authority.

Reason

In the interest of protecting residential amenity in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

**Informative**

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.

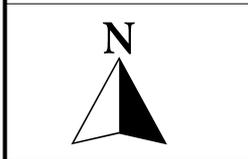


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