

APPLICATION NO	WD/2015/1527
APPLICANT	Stoneledge (South Bank) Ltd
DEVELOPMENT	Planning permission for the removal of condition 10 of planning permission WD/2015/0314 dated 21 October 2015
LOCATION	Stoneledge Ltd, Middlegate Lane, Elsham, DN20 0NU
PARISH	Elsham
WARD	Brigg and Wolds
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Elsham Parish Council

POLICIES

National Planning Policy Framework: 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: Would not support removal of condition 10 as this would allow all traffic to use the access. Given the improved visibility the advice of Highways is that the use of the access by cars should be allowed whilst preventing HGV use by condition or unilateral undertaking.

Environmental Health: No comments to make.

Ecology: No objection.

Historic Environment Record: No objection.

Public Health: No objection.

Environment Agency: No comments.

Humberside Fire and Rescue: No objection.

PARISH COUNCIL

Elsham Parish Council objects to the application as Wold Road has a 60mph speed limit and access with poor visibility; no wheel wash has been proposed at this access point and there is debris/mud on the road caused by vehicles accessing and exiting here at present. The hedge is not owned by Stoneledge so its height cannot be guaranteed.

Other concerns are:

- The applicants continually breach planning conditions and have done so on every application submitted to the local authority.
- There is no wheel wash in place, which was a condition on the last application. The site is still being accessed from Wootton Road which again is a breach of the current application.
- There are also H & S environmental issues relating to concrete dust which is regulated by the Environment Agency.
- Concerns are mounting on the amount of spoil on the site which is not all aggregate; this is unsightly and worsening with time. Once the aggregate has been removed, the remaining spoil should be removed once it has been through the screening process.
- Noise – residents have complained about noise levels and the parish council would like to see a noise test carried out.
- Additional working hours – currently breaching the current condition by working at nights and weekends.
- Lighting is not required but 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.
- Mud on the road – wheel wash should be put in place in access/egress areas. This was a condition but has not been done.
- Proper drainage in place for waste water and sewage.
- The parish council is very concerned at the overall operation.

PUBLICITY

Neighbouring properties have been notified by letter, and site and press notices posted. One letter of objection has been received raising the following concerns:

- The removal of condition 10 would allow access by all vehicle types including HGVs despite previous Highways comments that this access should “not at any time be used by any HGVs”.

- Permission for use of this access has been refused twice previously and this decision has been supported by the Planning Inspectorate at appeal.
- The planning inspector raised concerns in his appeal decision on the previous application relating to visibility at this access point due to the narrow nature of the road, the proximity of hedging along the southern side of the road and he 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”.
- Wold Road is narrow and unsuitable for any regular access and as there is no permission for offices at this site, vehicular access to offices should not be relevant.
- It is believed that the hedge does not belong to the applicant and therefore it cannot be guaranteed to be maintained at a suitable level; the applicant has no control over this hedge or the hedge around the Anglian Water property.
- Vehicles do travel at speed along Wold Road at this point from both directions and regular access to and from this site could be a significant hazard to traffic using Wold Road.

STATEMENT OF COMMUNITY INVOLVEMENT

The applicant has not provided any evidence to demonstrate that consultation has taken place with the local community prior to this application being submitted.

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.

Last year an application was submitted (WD/2015/0314) which sought to amalgamate the several previous planning permissions and regularise existing breaches of condition. The proposal was to allow the consented operations to continue whilst allowing the western access road onto Wold Road to be used for light staff vehicles only (not HGVs) and to retain the installed plant in its current position. WD/2015/0314 was approved at committee; however this approval was subject to a condition (no. 10) which again prevented access by any vehicles via Wold Road.

This current application seeks to replace condition 10 of WD/2015/0314 with the previously suggested condition which would allow the use of Wold Road for light staff vehicles only; this would mean that staff do not have to travel through the operational part of the site to access the offices whilst still preventing HGV access via Wold Road.

The use of the site for the crushing and screening of materials and the storage of hardcore, plant and equipment is already consented under WD/2015/0314. Condition 10 relates specifically to access arrangements and as such the main issue to consider in the determination of this application is whether the proposal would result in an unacceptable impact on highway safety.

Condition 10 prevents all vehicle movements to the Stoneledge site via the Wold Road access and the proposal is to vary this condition to allow for the use of the access by light staff vehicles only. The applicants seek this variation of condition so that staff are not required to drive through the operational recycling site to reach the offices.

There have been previous applications for the use of the Wold Road access including PA/2013/1329, which was refused on highway safety grounds and subsequently dismissed at appeal. However, this previous application sought to remove the condition preventing the use of the Wold Road access completely which would have allowed any vehicles, including HGVs, to enter/exit the site via this 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 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. Highways have confirmed that they would not support the removal of the condition without these replacement conditions, nor would they support any use of the Wold Road access by HGVs.

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.

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 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 and will not have an unacceptable impact on highway safety.

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.

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.

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

Reason

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

5.

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.

6.

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 to stop mud and water from the site running onto the public highway.

7.

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

In the interest of highway safety to stop mud and water from the site running onto the public highway.

8.

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

Reason

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

9.

The hours of operation of the use hereby permitted shall be restricted to 7am to 7pm Monday to Friday.

No operation, other than maintenance, shall take place 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.

10.

The visibility splay serving the access from Wold Road shall be maintained at all times in accordance with drawing number SLE/CCK/2.

Reason

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

11.

Once brought into operation the vehicular access from Wold Road shall not at any time be used by any heavy goods vehicles associated with the operation.

Reason

In the interest of highway safety in accordance with policy T2 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.

