

<b>APPLICATION NO</b>	<b>PA/2016/0015</b>
<b>APPLICANT</b>	North Lincs Property Ltd
<b>DEVELOPMENT</b>	Planning permission to retain change of use of land for a builder's yard (storage and distribution), erect bunkers for the storage and bagging of aggregates and erect an ancillary office block
<b>LOCATION</b>	Land adjacent to Protruck Auctions, Sandtoft Industrial Estate Road 1, Belton, DN9 1PN
<b>PARISH</b>	Belton
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Agent request to address the committee Departure from local plan policy

## **POLICIES**

**National Planning Policy Framework:** Section 3 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.

Section 7 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

**North Lincolnshire Local Plan:** Policies DS1, RD2, DS16, T1 and T2 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS11 and CS19 apply.

**Housing and Employment Land Allocations Development Plan Document (DPD):** Sandtoft Business Park is identified as a 55.3 hectare site allocated under policy SANE-1 for B1 and B8 uses as a logistics park.

## **CONSULTATIONS**

**Highways:** Having considered the transport statement submitted with the planning application no further comments to make.

**Environment Agency:** No objection, but recommend a condition that the development takes place in accordance with the mitigation measures set out in the Flood Risk Assessment submitted with the planning application. The site should register with the Floodline Warnings Direct service.

**Environmental Health:** No objection. Recommend conditions in respect of hours of operation and requiring an assessment of light impact to be undertaken.

**Ecology:** The application site has already been developed. Applying the precautionary principle, we must assume that the habitats present may have supported protected or priority species and that the habitats may have had interest in their own right. Recommend conditions in respect of the submission and implementation of a biodiversity management plan.

## **PARISH COUNCIL**

Object on the grounds that the development is beyond the boundary of the industrial estate and encroaches onto Woodcarr Lane. Recommend a full investigation of extensions to the industrial estate be undertaken, particularly in relation to light spillage and encroachment into the countryside.

## **PUBLICITY**

Neighbouring properties have been notified and one letter of objection has been received raising the following issues:

- increase in HGVs along local roads
- increase in accidents involving HGVs
- there is a weight limit along local roads
- outside the estate boundary.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

The applicant has not undertaken any local consultation prior to submitting the application and no statement has been provided in support of this application.

## **ASSESSMENT**

The application site constituted an area of disused green space which was bordered by a line of mature trees along its eastern boundary and contained a number of trees. The site has since been developed for the applicant's aggregate storage business and builder's yard, bordered by a metal palisade fence. The site is located in the open countryside, outside the defined development boundary for Sandtoft Airfield. It is bordered by the applicant's existing HGV auction business, by agricultural land and the River Torne to the east and a pony club (equestrian use) to the south. The site extends to 1.2 hectares in area.

**The main issues in the determination of this planning application are the principle of development, impact on residential amenity and flood risk.**

### **Principle**

The site has been developed outside of any defined settlement limits and extends beyond the rear boundaries of the industrial uses and businesses located to the west and north west (i.e. those accessed from the estate road). Policy RD2 of the North Lincolnshire Local

Plan applies and states that development in the open countryside will be strictly controlled and only permitted for development which is employment-related development appropriate to the open countryside. The development is located on land which does not form part of the land which has a defined development boundary for Sandtoft Airfield, nor is it located on land which is allocated as a logistics park (B1 and B8) under policy SANE-1 of the Housing and Employment Land Allocations DPD. Furthermore, the use of a site in the open countryside for uses including aggregate storage and builder's yard is not considered appropriate in the open countryside under the guidance set out in policy RD2. Notwithstanding the above it is considered that the National Planning Policy Framework (NPPF) is generally supportive of the sustainable growth and expansion of all types of business and enterprise in rural areas, and it is not discriminatory about the types of business considered appropriate in rural areas.

It is worth noting that a design and access statement has been submitted in support of this planning application. This document makes reference to a previous planning application (PA/2011/1340) on the adjacent site to expand Pro-truck (HGV storage and auctions) which was approved by the Planning Committee contrary to officer recommendation on 8 February 2012. In referring to this previous planning application the agent states the planning committee gave significant weight to the fact that existing businesses should be allowed to expand within the estate in order to safeguard jobs. This application states this proposal will safeguard 30 jobs and representations were made on behalf of the applicant for this land to be included in the allocated employment site to the west (in the Housing and Employment Land Allocations DPD). It is considered that the retention of 30 local jobs is a key economic factor to consider when weighing up whether this is an appropriate site to retain the applicant's business. It is also worth noting that a number of the existing businesses established on the Sandtoft Industrial Estate are used for B8 (Storage or Distribution) purposes, therefore the retention of this B8 business is not considered to be at odds with neighbouring land uses, including the applicant's existing vehicle storage business located immediately to the west.

The proposal has removed the area of land which was laid to grass and contained a number of trees. It is acknowledged that this has resulted in further encroachment into the open countryside. In addition it has eroded an area of land which formed a greened edge to the south of the applicant's vehicle storage site. There is a requirement to consider whether the removal of this green piece of land, and the subsequent development of the land for aggregate storage and a builder's yard, is detrimental to the character and appearance of the countryside. It is noted that the site is visible from public footpath Belt21 which runs parallel to the western side of the River Torne. When viewed from publically accessible land the development site resembles the appearance of an industrial compound, bordered by palisade fencing viewed against the backdrop of the existing vehicular storage business to the west and north-west; it is not viewed as an isolated form of industrial development in the countryside.

A number of planning applications were submitted around the same time as this one to address the expansion of other existing businesses further east into the countryside; several have expanded by a depth of 40 metres. Cumulatively these businesses have resulted in 2.83 hectares of land being developed in the countryside. The cumulative impact of these businesses expanding and the encroachment into the countryside will be formally assessed in a separate report yet to be referred to the planning committee.

Similarly, the expansion of these existing businesses has resulted in the loss of green space which contained a number of trees. The resultant effect is the appearance of a

number of industrial compounds (bordered by palisade fencing) in place of land which formed a clear green edge and delineated the industrial estate from the open countryside. Therefore the cumulative impact of a number of businesses expanding their operations into the countryside (some to a depth of 40 metres further to the east), together with the retention of this new business encroaching into the countryside, needs to be considered.

In conclusion, it is considered that the retention of a business use which is not considered appropriate in the countryside under policy RD2 of the North Lincolnshire Local Plan is outweighed by the economic benefits of the business, together with the fact that the business is not viewed in isolation in the open countryside and is similar in its use to existing businesses established at the Sandtoft airfield.

### **Residential amenity/highway issues**

The nearest residential property is located 380 metres to the south of the site. Highways had previously raised concerns over the continuing nature of piecemeal development in this area and the requirement for this to be addressed through the submission of a formal transport assessment. The development being considered here is a form of piecemeal development outside the defined development boundary for Sandtoft Industrial Estate. A formal transport assessment would be required to address transport issues. The agent has submitted a transport statement with this planning application, which accounts for the cumulative impact of this development, together with the extension of existing businesses to the south of the site. The transport statement highlights that this site typically generates 56 two-way commercial vehicle movements and 18 staff/visitor car movements over a 6 day period; this breaks down to an average of 10 two-way commercial vehicle movements and 2 staff vehicles per day. In total the cumulative impact equates to 18 additional HGVs and 12 cars (30 vehicular movements in total). The document concludes that the additional level of traffic is minimal and would not have an adverse impact on the local road network in terms of safety and capacity. Following receipt of this additional information Highways have raised no objections to the proposal on highway grounds.

The proposed hours of operation are during social hours of the day, and no objections have been received from Environmental Health on these grounds or in relation to dust control. Conditions are recommended in respect of hours of operation and external lighting. These are considered sufficient to protect residential amenity.

### **Flood risk**

The site is located within flood zone 2/3(a) of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for storage and distribution in a high flood risk zone; this constitutes a 'less vulnerable' use. Applying the Flood Zone and Flood Risk Table in the National Planning Practice Guidance, the proposed development is considered to be appropriate. Notwithstanding this, it is considered prudent to recommend a condition that the floor level of the proposed office is set at 4.3 metres above Ordnance Datum as stated in the Flood Risk Assessment. This is consistent with the consultation response received from the Environment Agency.

### **Other issues**

To facilitate this development an area of land containing a number of trees has been removed. An ecological assessment has been submitted post-development, which accounts for the ecological quality of the area following development. It states that the site

comprises areas of semi-improved grassland, rough grassland, ruderals and a wet ditch located adjacent to the eastern boundary of Sandtoft Industrial Estate. It is worth noting that the ecological report did not assess the area covered by this planning application; it relies on data derived from previous studies and proximity to sites of nature conservation. The results of this assessment, whilst not directly relevant to this site, state that the developments have resulted in the loss of habitat most likely including semi-improved grassland, scrub and trees and it is unlikely that the work resulted in a breach in the legislation relating to statutorily protected species. The report recognises there has been a loss of habitat and mitigation is proposed in the form of bat boxes, bird nesting boxes and improvements to the adjacent land, including managing the wet ditch, additional planting of hedgerow (native species), habitat piles and removal of unnecessary vegetation.

The proposal for habitat mitigation and enhancement is consistent with the consultation response from the council's ecologist. There is scope within the site and along the margins to seek biodiversity enhancement, particularly as the applicant owns adjacent land.

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

1.

The development hereby permitted shall be completed in accordance with the following approved drawings: 598-14 1 of 4, 598-14 2 of 4, 598-14 3 of 4 and 598-14 4 of 4.

Reason

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

2.

Hours of operation shall be limited to the following:

- 7am to 6pm Monday to Friday
- 7am to 1pm on Saturdays.

No operations shall take place on Sundays or public/bank holidays.

Reason

To define the terms of the permission and to ensure that the proposal doesn't result in loss of amenity to residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

3.

The development shall be retained in accordance with the approved Flood Risk Assessment by Howard J Wroot, dated 8 January 2016, including the setting of finished floor levels no lower than 4 metres above Ordnance Datum.

Reason

To reduce the risk and impact of flooding to the development and future users in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy.

4.

Within six months of the date of this permission an assessment of the potential for light impact shall be submitted to and approved in writing by the local planning authority. The assessment shall include:

- identification of sensitive receptors likely to be impacted upon by light nuisance, with a determination of the proposed scheme's compliance with the design guidance in the Institution of Lighting Professionals Document: Guidance Notes for the Reduction of Obtrusive Light (<https://www.theilp.org.uk/documents/obtrusive-light/>);
- a lighting scheme which proposes methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Once approved the agreed lighting scheme shall be implemented and permanently retained. Any deviation from the agreed lighting scheme shall require approval in writing by the local planning authority.

#### Reason

To define the terms of the permission and to ensure that the proposal doesn't result in loss of amenity to residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

Within six months of the grant of permission, a biodiversity management plan shall be submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of woodcrete bat boxes and bird nest boxes to be installed in retained trees;
- (b) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (c) prescriptions for the planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- (d) enhancement measures as described in section 5 of the submitted ecological assessment report dated April 2016;
- (e) proposed timings for the above works in relation to the completion of the office block.

#### Reason

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

6.

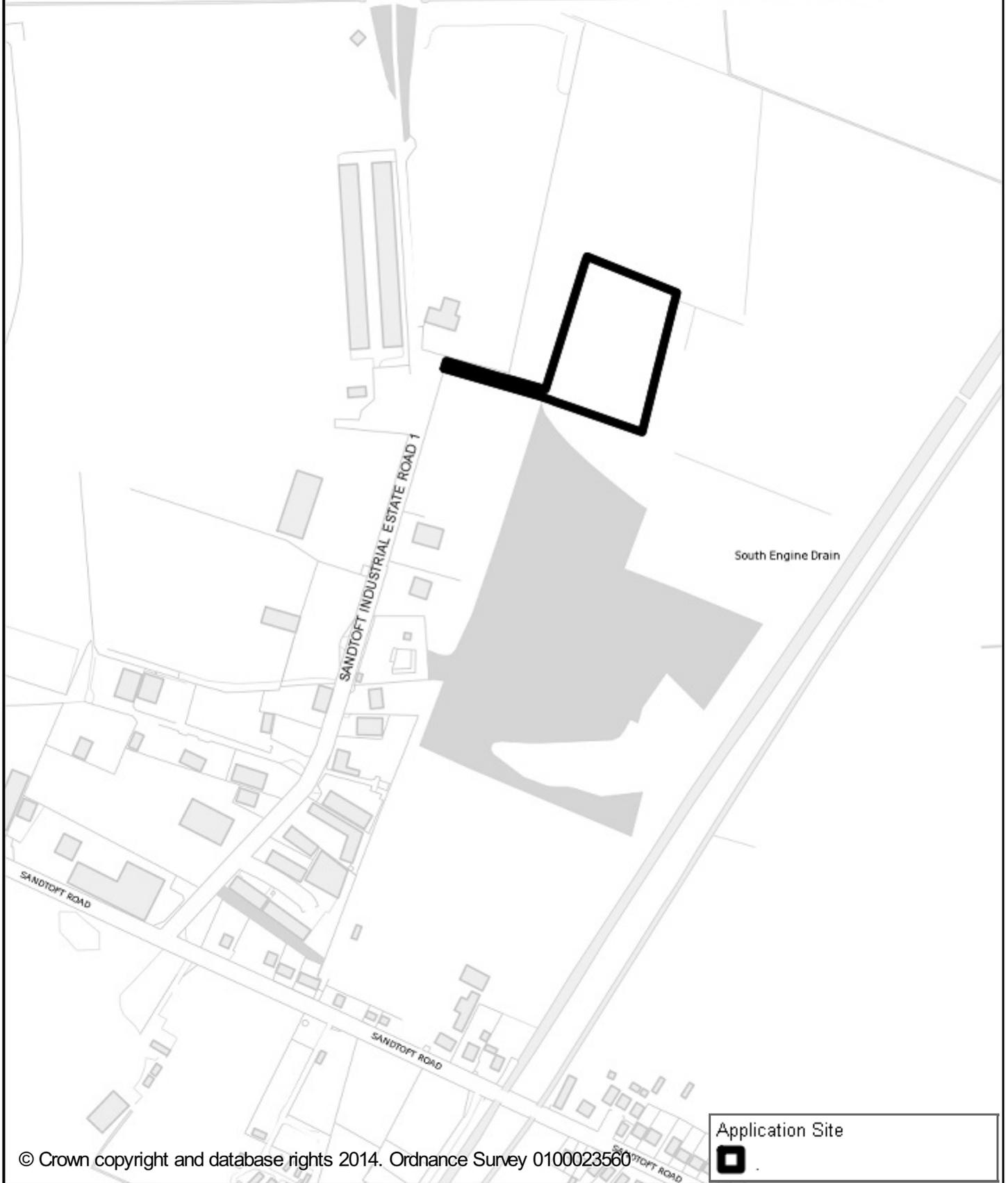
The biodiversity management plan shall be carried out in full in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the approved office building, the 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 North Lincolnshire Core Strategy.

### **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.



Application Site  


© Crown copyright and database rights 2014. Ordnance Survey 0100023560

PA/2016/0015

Drawn by: S Barden

Scale @A4 1:5000

Printed on: 29/11/2016 at 14:00 PM

# PA/2016/0015 Site Layout Plan - Not To Scale

