

APPLICATION NO PA/2016/1654

APPLICANT Able UK Ltd

DEVELOPMENT Planning permission to erect a new two-storey PDI (pre-delivery inspection) vehicle facility, with associated separate ancillary facilities including a fuel station, security cabin, driver welfare, propane tanks, staff car parking facilities and additionally culverted ditch crossing works

LOCATION Able UK Ltd, Rosper Road, North Killingholme DN40 3DZ

PARISH North Killingholme

WARD Ferry

CASE OFFICER Shaun Robson

SUMMARY RECOMMENDATION **Minded to grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Officer discretion

POLICIES

National Planning Policy Framework:

Paragraph 6: The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 19: The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning 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 34: Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However, this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

Paragraph 100: Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk

from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local plans should apply a sequential, risk-based approach to the location of development to avoid, where possible, flood risk to people and property and manage any residual risk, taking account of the impacts of climate change by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- safeguarding land from development that is required for current and future flood management;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

Paragraph 128: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 129: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 131: In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 141: Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management

publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

North Lincolnshire Local Plan:

Policies IN1–1, IN4, IN6, IN12–6, T2, T9, LC1, LC2, LC20, DS11, DS14

Housing and Employment Land Allocations Development Plan Document:

SHBE–1

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy)

CS2 (Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design)

CS6 (Historic Environment)

CS11 (Employment Land Environment/Resources)

CS12 (South Humber Bank Strategic Employment Site – A Broad Location)

CS16 (Landscape/Greenspace)

CS17 (Biodiversity)

CS18 (Sustainable Resource Use)

CS19 (Flood Risk)

CONSULTATIONS

Highways: No response received.

Environment Agency: Objects to the proposed development, as submitted, for the following reasons:

- The proposal involves the use of a non-mains foul drainage system in an area close to a Water Recycling Centre but no justification has been provided for this method of foul sewage disposal.
- The site is shown to be within Flood Zone 3 as detailed on the Environment Agency's Flood Zone Maps but the application is not supported by a Flood Risk Assessment.

Anglian Water: No objection, but advise appropriate conditions.

Environmental Protection: No objection, subject to the imposition of appropriate conditions relating to delivery times and land contamination.

PROW Officer: No objection to this proposal, providing nothing arising from it in any way jeopardises Able UK's ability to divert, in due course, Public Footpath 50, which currently follows the Humber bank, to the line adjacent to Rosper Road as agreed under the "Able UK Marine Energy Park Development Consent Order 2014" (SI 2014, No. 2935), Part 3, paragraph 19.

Environment Team (Ecology): Habitats Regulations Determination of Likely Significant Effect (LSE) – There is no LSE on the Humber Estuary SAC/SPA/Ramsar site.

The site has importance for water voles, specially protected birds and breeding farmland birds, therefore conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with the National Planning Policy Framework.

Archaeology (HER): Archaeological investigations have been completed on this site, therefore there are no further recommendations.

Humberside Fire Brigade: No objection.

Humberside Police: No response received.

Natural England: This application is close to North Killingholme Haven Pits Site of Special Scientific Interest (SSSI) and Humber Estuary SSSI. Natural England requires further information regarding this development on the grounds that the application, as submitted, makes it unclear as to whether it is likely to damage or destroy the interest features for which North Killingholme Haven Pits SSSI and Humber Estuary SSSI has been notified. Therefore we recommend more details are obtained about the discharge from the site and any potential impacts it may have on any notified features.

Lincolnshire Wildlife Trust: No response received.

RSPB: No response received.

Spatial Planning: Response awaited.

PARISH COUNCIL

No objections or comments.

PUBLICITY

The application has been advertised in the press, site notices posted and neighbour notification letters sent. No comments have been received.

STATEMENT OF COMMUNITY INVOLVEMENT

The development and use of the site as port-related storage is already consented under an existing local authority planning consent (PA/2008/1375) and this application simply augments this with the addition of the building.

Able UK undertook extensive public consultation regarding the significant development of the entire AMEP site. Integral to this was the type of use and scale of development, including unit sizes and style of building.

Comments received during that process did not raise any concern regarding the size and scale of the buildings proposed, and comments from the public were, for the most part, related to the loss of habitat.

This current application is entirely in accordance with the scale of the AMEP development consented and the proposed use, as port-related storage, is in accordance with the Development Consent Order (DCO) and therefore is not in any way detrimental to the DCO permission.

ASSESSMENT

Planning permission is sought to construct a new two-storey PDI facility, with associated ancillary facilities including a fuel station, security cabin, driver welfare, and propane tanks. The application site, in total, equates to approximately 41 hectares of land located to the east of Rosper Road.

To the north-west of the site lies the junction of Haven Road and Chase Hill Road. Adjacent to that junction lies an existing PDI facility with adjacent significant external vehicle parking. There is an established green belt and footpath between Rosper Road and the site of the proposed facility being a mix of low-level shrubs and semi-mature trees which will be retained. At the north-west corner of the site there is an existing stand-alone Northern Power grid sub-station and adjacent private transformer compound with perimeter security fencing. The site is generally flat.

It should be noted that the site already benefits from consent for port-related storage with full planning permissions PA/2006/0039 (granted on 1 July 2007) and its associated full planning permission PA/2008/1375 (granted on 22 December 2008).

The proposal is within the Able Marine Energy Park (AMEP) that has been given development consent under the National Planning Infrastructure Process (2014) and is designated as an Enterprise Zone.

Proposal

The proposed PDI Building equates to a nominal Gross Internal Area (GIA) of 5840m² divided into the following areas:

- Ground Floor PDI Workshop including PDI Bays, Wash Bays, Stores Areas, Paint Booth, and a First Aid Facility
- Ground Floor Reception and Welfare Area

- Ground Floor “Load Line” Area (a part covered area for post PDI car parking)
- First Floor Office, Welfare, and Canteen Facilities Area.

The function of the PDI building is to provide pre-delivery inspection facilities to car importers based on a strategy of a continuous throughput of vehicles through the following areas/processes:

- vehicle delivery
- washing bays
- drying bays
- pre-work bays
- pre-delivery inspection bays
- repair bays (if necessary)
- parking
- vehicle despatch.

The building will take the form of a steel-framed asymmetric dual-pitch roof structure with composite cladding to walls and a composite metal roofing system. The building equates to an overall approximate length of 175m, width of 38m and a height (to ridge) of 8m.

The facility will be linked to the surrounding highway network via links to the Humber Road section of the A160, leading in turn to the main A160 dual carriageway, which offers routes to Immingham and Grimsby to the south, Scunthorpe to the west, and Hull to the north via the A15 link to the Humber Bridge.

The primary access to the PDI Facility site will be controlled, via an existing manned Security Cabin located towards the Rosper Road access to the site.

The applicants submitted the following documents to accompany the planning application:

- Design & Access Statement
- Flood Risk Assessment and Drainage Strategy.

The key issues in the determination of this application are planning policy, flood risk, impact on the Humber and North Killingholme Haven Pits SSSI and the visual impact upon the character of the surrounding area.

Planning policy

The planning application site is allocated within the North Lincolnshire Housing and Employment Land Allocations Development Plan Document (HELA DPD), under policies CS12 and SHBE-1, and policies IN1–1, IN4, IN12–6 and LC20 within the North Lincolnshire Local Plan (NLLP).

In planning policy terms, whilst it could be suggested that the site lies within the open countryside where policy RD2 (Development in the Open Countryside) of the NLLP and CS2 (Delivering More Sustainable Development) of the North Lincolnshire Core Strategy apply, given the adjacent industrial/commercial uses it is considered that this definition is not entirely accurate.

The two main development plan policies which form the significant part of the assessment are CS12 and SHBE1 from NLC's Housing and Employment Land Allocations DPD.

Policy CS12 captures the strategic elements under headings of Role and Function, Economic Development, Infrastructure and Environment, namely:

- Role and Function – the proposal is supported in that it increases the role of the Port of Immingham by extending port-related development northwards towards East Halton Skitter (i.e. the proposal is north of the existing port and extends port-related activity).
- Role and Function – the proposal is supported in that it will provide an increased number of jobs giving the opportunity for local people to be employed (i.e. strengthening the job offer).
- Economic Development – the proposal assists in the development of the economy by giving the opportunity for jobs to be available to the local workforce.
- Infrastructure – improvements to access to the SHB area is supported by road and rail improvements – the A160 highway Improvement Scheme (from the A180 to the SHB area and northern entrance to the Port of Immingham) supports the delivery of development of the SHB employment allocation. Rail improvements have been made (and continue) increasing line speeds and train paths and the A160 road improvements are nearly complete (after construction started in February/March 2015).
- Environment – it is clear from the planning application consultation so far that the environment issues are/and have been addressed appropriately in line with this section of policy CS12.

Policy SHBE1 captures the level of detail to be addressed in relation to development proposals under a long list of requirements. This assessment focuses on the employment criteria. The remaining criteria should be addressed by the applicant and through the planning application consultation:

- Overall the SHBE1 site is confirmed as a strategic site for port activities that gives a unique employment offer which includes the creation of high value and substantial employment opportunities, maximising its potential and safeguarding it from piecemeal proposals and any investments that do not meet such a maxim. The proposal is located on 2.35 hectares within the AMEP site and includes the creation of 100 full-time employees.
- The policy provides for B1, B2 and B8 industrial land uses and ancillary development that are associated with port activities. This land use element is supported by the proposed 5916 square metres of B8 storage area, including first-floor offices, meeting rooms, office and workshop canteens.

Overall, whilst the proposal complies with the majority of the policies in both the NLLP and the NLC's Housing and Employment Land Allocations DPD the proposal is clearly proposed within the AMEP site which is directly linked to providing 4100 direct jobs in the renewable energy manufacturing business on the 248 hectare site.

The proposed AMEP site has development consent by way of a NPI Secretary of State decision but construction is delayed because of hold-ups with the off-shore North Sea wind farm sites and further drainage and flood risk infrastructure needs to be constructed before AMEP can progress. This leaves a gap where the site is not being used for beneficial employment use associated with port activities. This proposal helps fill this gap by providing 100 new jobs.

The main issue is that the proposal is not the intended AMEP which will maximise the employment use as stated in SHBE1. The proposal does fall short of this high maximum, but complies with all other elements of CS12 and SHBE1. However, weight should be given to the fact that the proposed PDI facility will provide 100 jobs and, therefore, in the short term, a flexible approach can be applied in planning policy terms.

The National Planning Policy Framework (NPPF) requires that the planning system contributes to the achievement of sustainable development (paragraph 6) and planning should operate to encourage and not act as an impediment to sustainable growth, and significant weight should be placed on the need to support economic growth through the planning system (paragraph 19). 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 (paragraph 28).

Whilst the proposal is not wholly related to the countryside, the application will introduce a facility to deliver employment in this part of North Lincolnshire and as national planning policy requires the planning system to support economic growth significant weight should be attributed to the economic benefits to the local economy that the proposal can bring.

Visual impact

The proposal involves the erection of a number of structures, the largest consisting of the PDI building. The building equates to an overall approximate length of 175 metres, a width of 38 metres and a height (to ridge) of 8 metres. The proposed colours, materials, and construction for the development are:

- mid/light grey composite micro-rib horizontal cladding panels to walls;
- mid/light grey ventilation louvres;
- dark grey ribbon windows;
- dark grey loading and personnel doors; and
- grey composite cladding panels to roof.

The site is not located within or near to any national landscape designations and would not adversely affect any landscapes that display a high level of susceptibility to this form of development.

The proposed development utilises a site that is already characterised by local industry, particularly to the west and north of the site. Therefore the proposal would not have an adverse effect on the wider landscape character.

Impact on the SSSI

The application is located close to North Killingholme Haven Pits Site of Special Scientific Interest (SSSI) and Humber Estuary SSSI.

Natural England have raised concerns and requested further information regarding this development on the grounds that the application, as submitted, makes it unclear as to whether it is likely to damage or destroy the interest features for which North Killingholme Haven Pits SSSI and Humber Estuary SSSI has been notified.

The above comments have been forwarded to the applicant who is currently producing a response/additional information.

At the time of writing this report the anticipated additional information has not been received. If the requested information is received, and a subsequent response is forthcoming from the Natural England, it will be verbally reported to the Planning Committee.

Flood risk

The applicant has submitted a Flood Risk Assessment in support of the proposal which identifies that the application site is located in Flood Zone 3 (high risk). The report suggests a number of options to ensure that measures are taken to protect the facility.

The Environment Agency has objected to the proposed development, as submitted, for the following reasons:

- The proposal involves the use of a non-mains foul drainage system in an area close to a Water Recycling Centre but no justification has been provided for this method of foul sewage disposal.
- The site is shown to be within Flood Zone 3 as detailed on the Environment Agency's Flood Zone Maps but the application is not supported by a Flood Risk Assessment.

The above comments have been forwarded to the applicant who is currently producing a response/additional information.

At the time of writing this report the anticipated additional information has not been received. If the requested information is received, and a subsequent response is forthcoming from the Environment Agency, it will be verbally reported to the Planning Committee.

Conclusion

The applicants are seeking planning permission for the construction of a two-storey PDI Facility, with associated facilities including a Fuel Station, Security Cabin, Driver Welfare, and Propane Tanks.

Several issues have been raised by consultees and the applicant is currently (at the time of writing this report) preparing additional information. Subject to the additional information not raising any additional issues, the proposal is considered to be appropriate given that national planning policy requires the planning system to support economic growth.

With regard to the current AMEP DCO, it is considered that full planning permission could be given based on a review of the DCO boundary in the future. Any such decision would be based essentially on whether the PDI facility prejudices the delivery of the DCO and on whether there will be a need for the PDI facility to continue.

RECOMMENDATION Minded to approve subject to:

- (i) the objection from the Environment Agency being removed;**
- (ii) confirmation that Natural England are satisfied with the additional information received in relation to the impact of the development upon the North Killingholme Haven Pits SSSI and Humber Estuary SSSI; and**
- (iii) subject to the following conditions and any further conditions that are deemed necessary;**

with issuing the decision being delegated to the Head of Development Management:

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:

AHP-002-00008 Rev. A
AHP-002-00001 Rev. C
2022 S4 Rev. PO1
2021 S4 Rev. PO1
AHP-002-00010 Rev. A
2020 S4 Rev. PO1
AHP-002-00009 Rev. B
AHP-002-00005 Rev. B
AHP-002-00002 Rev. B
AHP-002-00003 Rev. B
AHP-002-00004 Rev. B.

Reason

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

3.

No development shall commence until the waste water strategy submitted with the planning application relevant to Anglian Water is acceptable and has been submitted to and approved in writing by the local planning authority. The buildings shall not be occupied until the works have been carried out in accordance with the waste water strategy so approved unless otherwise approved in writing by the local planning authority.

Reason

To prevent environmental and amenity problems.

4.

No development shall commence until a foul water strategy has been submitted to and approved in writing by the local planning authority. The building shall not be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the local planning authority.

Reason

To prevent environmental and amenity problems arising from flooding.

5.

The use hereby approved shall be limited to the following:

- Monday to Sunday, including bank/public holidays: 6am to 10pm.

Reason

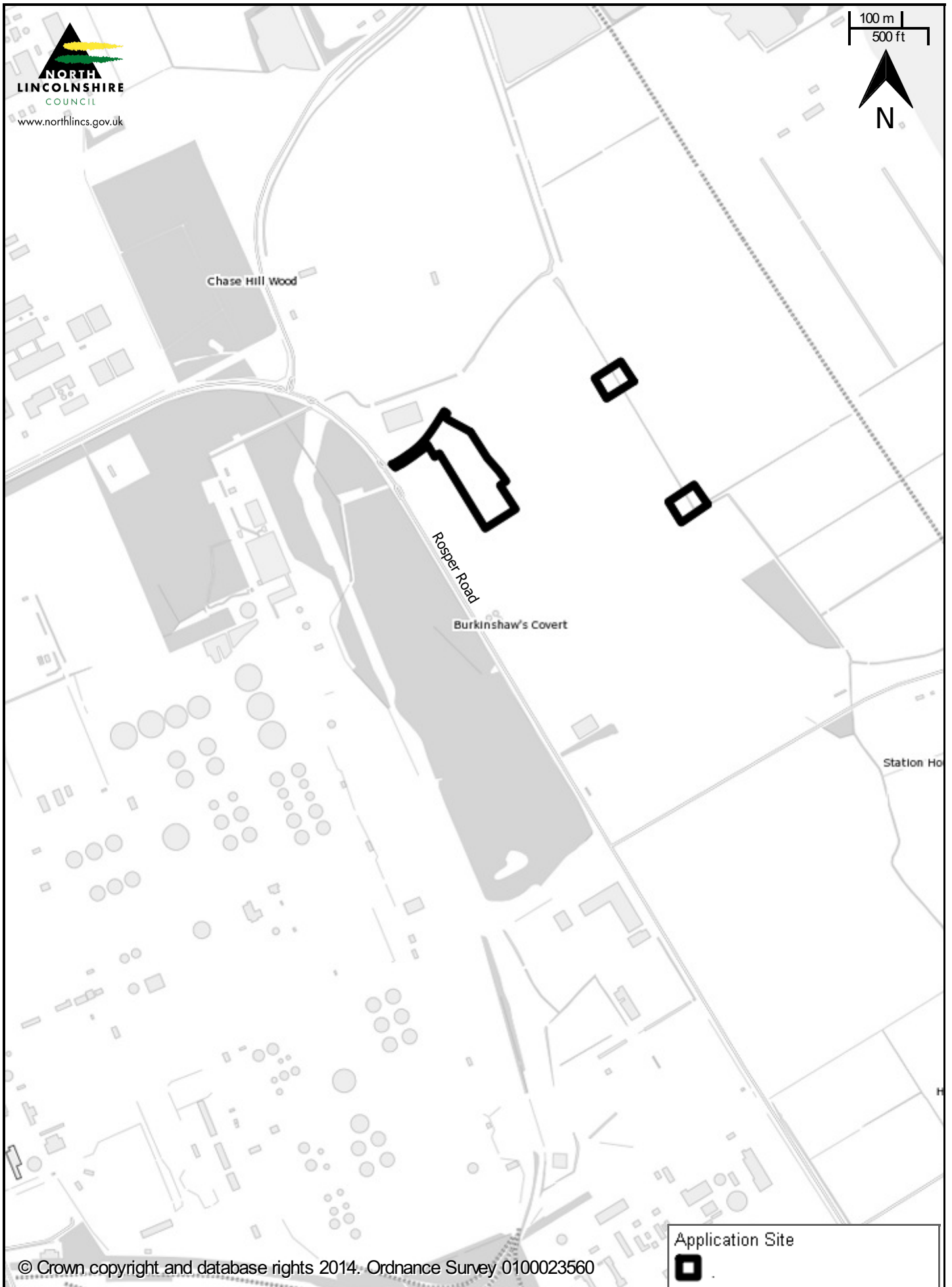
In the interests of protecting residential amenity in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

6.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

To protect human health.



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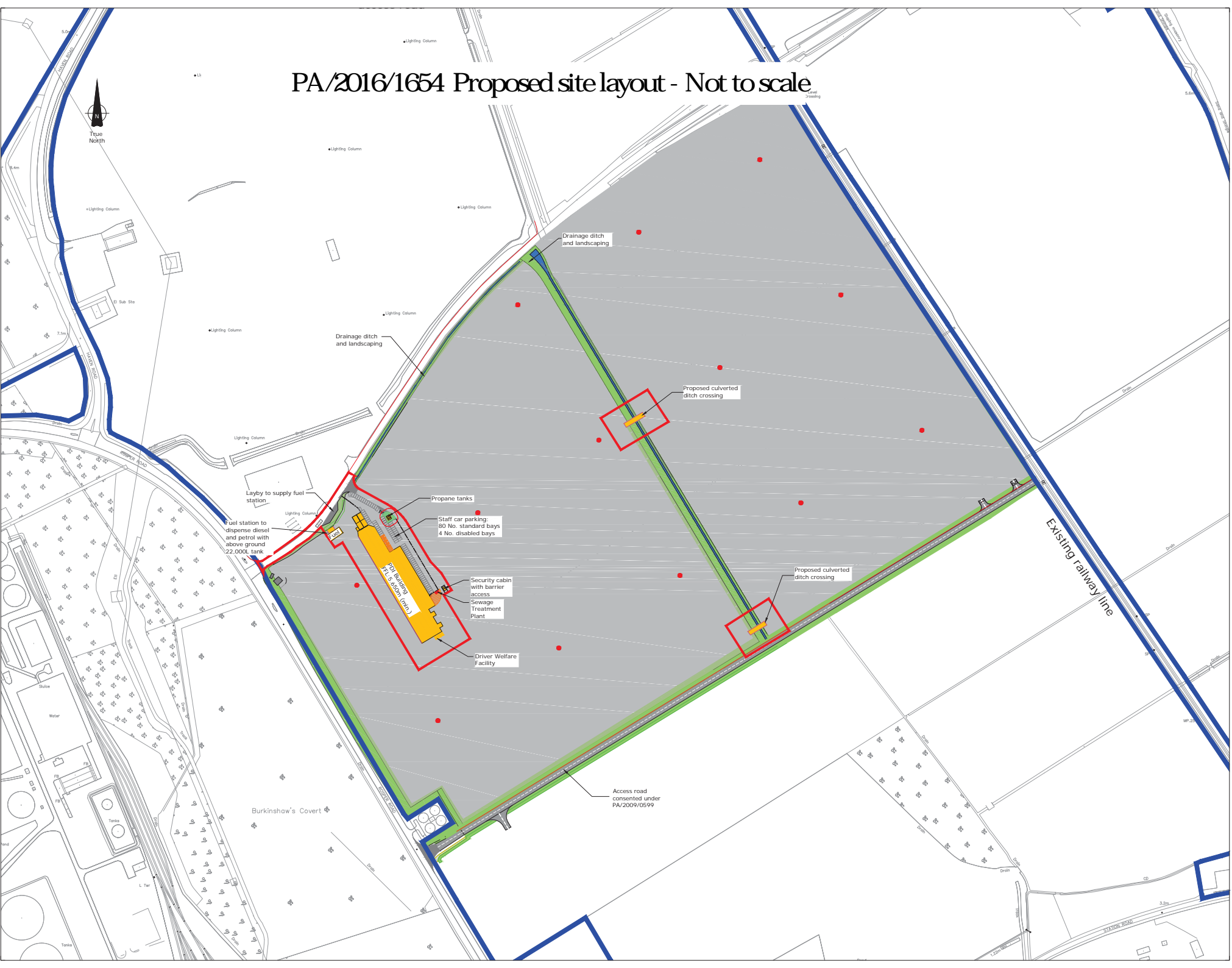
PA/2016/1654

Drawn by: S Barden

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PA/2016/1654 Proposed site layout - Not to scale



- Proposed structures
 - Indicative position of high mast lighting column
 - Planning Application Boundary (2.35ha)
 - Land ownership Boundary
- Finished floor level of PDI building to be a minimum of 5.650m

1	14/10/2014	Planning Application Boundary amended	AM	AC	AC
2	14/10/2014	Final Planning	AC	AC	AC
Rev	Date	Description	Rev	CHK	APP



Project:	ABLE Marine Energy Park
Client:	Able Humber Ports Ltd.
Drawing Title:	General Arrangement

FOR APPROVAL			
Scale:	1:2,000 A1	Checked By:	Approved By:
Date:	14/10/2014	14/10/2014	14/10/2014
Drawing No:	AHP-002-00002	Revision:	B

