

<b>APPLICATION NO</b>	<b>PA/2018/393</b>
<b>APPLICANT</b>	Mr Christopher Betts, Total Lindsey Oil Refinery Ltd
<b>DEVELOPMENT</b>	Planning permission to retain car park and allow HGV parking
<b>LOCATION</b>	Total Oil GB Ltd Pipeline, Eastfield Road, North Killingholme, DN40 3LJ
<b>PARISH</b>	North Killingholme
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Mark Niland
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to completion of a Section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by North Killingholme Parish Council

## **POLICIES**

### **National Planning Policy Framework:**

Paragraph 203 – Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 204 – Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development, and
- fairly and reasonably related in scale and kind to the development.

Paragraph 206 – Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

### **North Lincolnshire Local Plan:**

DS1 (General Requirements)

T2 (Access to Development)

T19 (Parking Standards)

IN6 (Defined Industrial Buffer Areas)

LC4 (Development Affecting Sites of Local Nature Conservation)

LC20 (South Humber Bank Landscape Initiative)

**North Lincolnshire Core Strategy:**

CS12 South Humber Bank Strategic Employment Site – A Broad Location

**CONSULTATIONS**

**Highways:** No objections subject to an agreement securing the ongoing operation of the signalling system.

**National Grid:** The apparatus is in the ownership of Cadent.

**Health & Safety Executive:** No objections.

**Cadent Plant Protection:** The existing infrastructure would be unaffected by the proposal.

**PARISH COUNCIL**

Objects to the proposal as there is no demonstrated evidence of the requirement for this facility.

**PUBLICITY**

**ASSESSMENT**

**Planning history**

PA/2006/1804: Change of use of agricultural land to a temporary car park for 600 cars and associated works at Total UK, Lindsey Oil Refinery, Eastfield Road, North Killingholme – approved 27/11/2006.

**Site characteristics**

The proposal relates to an existing car park on Eastfield Road, opposite the Lindsey Oil Refinery and south of the junction with Church Lane. The area which is west of North Killingholme is heavily industrialised. The area of land is within policy allocations IN6 (Defined industrial buffer areas) and LC20 (South Humber bank landscape initiative).

The site has temporary planning permission for change of use to a car park and at present is already laid to hard standing; no physical works are proposed.

**Highway safety**

The proposal seeks to extend the use of the existing car parking facility to allow the area to be utilised as a HGV holding area. At present many of the HGVs use the main road as there is a restriction on such vehicles on site. No physical alterations are proposed and the existing access arrangement is satisfactory for the proposed purpose. The council's Highways department has been consulted and has no objections to the proposal subject to an agreement that would upgrade the existing traffic signals at the access/egress point of the site. The existing lights have exceeded their life span and are no longer suitable (without upgrade) to supporting the ongoing use of the site. It is considered that the request

for the upgrade would pass the test of obligations set out in paragraph 204 of the National Planning Policy Framework and CIL regulations.

It is therefore considered that, subject to a satisfactory agreement that would secure the appropriate standard of signalling, the proposal is acceptable in highway safety terms.

### **Landscape buffer/nature conservation**

The area is within policy areas IN6 and LC20 of the North Lincolnshire Local Plan and represents a landscape buffer area. Given that no physical works are proposed and that all of the hardstanding is already in place, there is no increase in impact upon the buffer or the landscape initiative. The site is also close to but outside the LC4 policy area (Development Affecting Sites of Local Nature Conservation); this too is unaffected.

The proposal is therefore considered to be acceptable.

### **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of the ongoing management of the on-site public open space, the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Group Manager – Development Management and Building Control upon completion of the obligation;**
- (iii) if the obligation is not completed by 6 December 2018 the Group Manager – Development Management and Building Control be authorised to refuse the application on grounds of inadequate provision of essential community benefits; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan drawing number TH/SJA/BR - 18/038.

Reason

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

### **Informative 1**

This application must be read in conjunction with the relevant Section 106 Agreement.

**Informative 2**

An assessment has been carried out with respect to Cadent Gas Ltd's, National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note the attached documentation.

**Informative 3**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

