

APPLICATION NO	PA/2009/0701
APPLICANT	Axgro Foods Ltd
DEVELOPMENT	Planning permission to retain change of use of barn to B8 food storage and distribution
LOCATION	Barn at Hall Farm, West Street, West Butterwick
PARISH	WEST BUTTERWICK
WARD	Axholme South
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Agent request to address the committee Objection by West Butterwick Parish Council
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: Policy E2 states that employment opportunities and developments should be encouraged in rural areas to support a healthy and diverse rural economy and maintain the vitality of rural communities whilst protecting and enhancing the quality of the countryside.</p> <p>North Lincolnshire Local Plan: Policy ST3 – the barn lies outside the development boundary of West Butterwick. Access to the site is located within the development boundary of West Butterwick.</p> <p>Policy RD2 – development in the open countryside should be strictly controlled. This policy lists the type of development that is considered to be acceptable within the open countryside.</p> <p>Policy RD3 relates to industrial and commercial development in minimum growth settlements. Industrial and commercial development, including extensions to buildings, limited infilling between buildings, redevelopment of existing sites and conversions of rural buildings, will be permitted subject to strict criteria being fulfilled.</p> <p>Policy RD6 relates to the re-use and/or adaptation of rural buildings for industrial or commercial uses in the open countryside providing various criteria are fulfilled.</p> <p>Policy LC14 – the site lies within an area of special historic landscape interest. Development will not be permitted which would destroy, damage or affect the</p>

character, appearance or setting of the historic landscape and its features.

Policy DS1 provides general design guidance in relation to all new development.

CONSULTATIONS

Highways: No objection.

Environmental Health: The following condition is requested: 'Deliveries or collection of products from the site shall only be made between the hours of 8am-6pm Monday to Friday and 9am-12pm on Saturdays. No deliveries or collections shall be made on Sundays or Bank Holidays. Machinery, equipment or mobile plant (including forklift trucks) shall only be operated between the hours of 8am-6pm Monday to Friday and 9am-12pm on Saturdays. No machinery, equipment or mobile plant (including forklift trucks) shall be operated on Sundays or Bank Holidays.'

Environment Agency: No response at time of writing.

PARISH COUNCIL

Object. There are inadequate parking and turning facilities on site as vehicles back into the site. A large proportion of the workforce do not walk or cycle to the site but travel by car or minibus as they are not local residents. The re-use of the building will not reduce HGVs. The previous use of the site was seasonal. Now it is daily use with a large number of HGVs accessing the site. HGVs cause highway hazards to pedestrians and other vehicle users. On-street parking for residents and visitors would be lost. The company should be sited on an industrial estate. The road is narrow and HGVs have to mount the footpath on West Street to pass along West Street. This causes hazards to pedestrians.

The parish council have provided a plan indicating that an HGV turning in and out of the site would have to mount the pavement and a photograph showing an HGV mounting the pavement. The site lines for the access have not been looked at, neither has the close proximity of the site to the primary school.

To summarise, the parish council's objections are:

- unsuitable location for HGV movements
- contrary to policies DS1 and T2
- outside development limit

- access and egress – no sight lines, raising health and safety issues
- out of character with residential area
- increase in vehicular movements onto a narrow road
- HGVs cannot turn in and out of the site without mounting the pavement
- contrary to policies DS1, RD2, RD6 and IN1 of the North Lincolnshire Local Plan
- detrimental impact on quality of life of residents
- site close to primary school

PUBLICITY

Neighbouring properties have been notified and a site notice posted. (The site notice was posted on a lamppost adjacent to the site entrance on 16 June 2009.) Nine individual letters of objection have been received and 55 letters with the same content. A petition signed by 118 residents has also been received. The letters and petition raise the following issues:

- no consultation with the local community
- the use will employ 2 full-time workers but 14 car parking spaces will be provided on site
- the operating hours will impact on the quality of life for residents
- contrary to policies DS1, RD2, RD6 and IN1 of the North Lincolnshire Local Plan
- vehicles bring the workforce to and from the site
- increase in vehicular movements
- operations have outgrown the site
- congestion on local roads
- sight lines are poor
- turning out of the site is difficult due to vehicles parked nearby
- danger to pedestrians as West Street is narrow

- operations carried out outside hours permitted
- no change to previous planning application 2008/1108
- highway unsuitable for HGV activity associated with the use
- site close to primary school

One letter of support has been received raising the following issues:

- local people are employed
- articulated lorries do not use the site
- vehicles do not park on the footpath
- vehicles can pass a parked lorry
- cars parked on West Street are residents' and school user vehicles
- other companies use HGVs
- third party vehicles access via junction 2 of the M180

ASSESSMENT

This proposal is to retain the current unauthorised use of a barn for B8 (storage and distribution) use. The building is located within a complex of other farm buildings. The access to the site is via West Street. A large concrete area is located centrally within the site which provides car parking and turning for HGVs for the uses being carried out from the site.

The site was previously used in connection with the other buildings on the site, primarily for the growing, packing and storage of potatoes. This use generated a significant number of HGV movements and movements by agricultural vehicles such as lorries, tractors and smaller vehicles and cars associated with the farming enterprise. The applicant claims that this use generated eight trips per day via articulated lorries. These vehicular movements were unrestricted.

The company processes local crops for the food market. The company operates from other sites within West Butterwick – School Farm and Red House Farm. (These sites, together with the application site, are shown on the plan attached to this report.) The company employs 180

people and generates around £7 million into the local economy.

Due to increased demand for the produce, more storage space is required. The sites at School Farm and Red House farm cannot provide the storage facilities required. As a result an alternative site has had to be found. The application site has been chosen as it will enable vehicular movements to be reduced whilst maintaining a close relationship between the factory (School Farm) and storage site (Red House Farm).

The processing and production of the food products is carried out at the School Farm site. Once the products are packed they are transported by mini-tractor and trailer to the Red House Farm site. The application site can then be used for transit storage. The applicant claims the products are moved in small loads to the application site in the mini-tractor and trailer. Most loading does take place at the Red House site. Stock stored at Hall Farm is collected in bulk by HGVs and the applicant claims two HGVs are used from the Hall farm site per week. The HGV vehicles will be operated by the same contractor.

The main issues associated with this case are whether, in planning policy terms, the use is acceptable in this location. The impact the proposal has on the amenity of residents and the locality also needs to be assessed. The impact on the highway network and on the landscape must also be addressed.

In terms of policy E2 of the Regional Spatial Strategy (RSS), in conjunction with the two other sites connected with the business, the site does encourage employment opportunities in the rural area. The proposal therefore broadly conforms with policy E2 of the RSS.

The building itself lies outside the development boundary of West Butterwick. The other farm buildings on the site also lie outside the development boundary. The access to the site is located within the development boundary. In terms of policy ST3, development is only permitted in this location if it is essential for the purposes of agriculture, forestry or to meet a special need associated with the open countryside. In terms of policy ST3, it can be argued that there is no alternative site for this part of the business within the development boundary of West Butterwick. Without additional storage accommodation the business would have to move elsewhere which would affect the local economy and potentially threaten local

jobs. The local planning authority is satisfied that the proposal can be considered to meet a special need associated with the countryside, being a food processing facility.

In terms of policy RD2, this lists the criteria that must be fulfilled in order for planning permission to be granted. Employment-related development appropriate to the open countryside and the re-use and adaptation of rural buildings are considered acceptable development in the open countryside. The site, in conjunction with the two other sites in the village, do provide employment for people and an existing rural building will be re-used. The proposal therefore accords with policy RD2 of the North Lincolnshire Local Plan.

Policy RD3 relates to industrial and commercial development in minimum growth settlements. The application site and the two other sites the company operates from are all primarily located outside the development boundary of West Butterwick but are immediately adjacent to the development boundary. The site does lend itself to opportunities for any local workforce to walk or cycle to the site but there are limited opportunities for public transport to be used. The building is located within a complex of other farm buildings located within the open countryside. The impact on the countryside is minimal as the building is an existing rural building appropriate in the countryside. Highways have raised no objection to the proposals. Concerns of residents are mainly related to highway issues, but Highways have raised no objections. The proposal does conform with policy RD3.

Policy RD6 permits the re-use of rural buildings for industrial/commercial uses in the open countryside. The building does not require alterations and the proposed use does conform with all the criteria set out in policy RD6.

Policy LC14 is also relevant as the site is located within an area of special historic interest – within the Isle of Axholme. The site is located within a collection of farm buildings adjacent to the village of West Butterwick. The building is already on the site and the impact on LC14 is minimal in this case. In terms of policy DS1, the building is a standard rural building that is typical within the open countryside and within some minimum growth settlements. The proposal therefore accords with policies LC14 and DS1 of the North Lincolnshire Local Plan.

In terms of impact on the highway network, Highways have raised no objection. Highways are satisfied that the access and turning arrangements for **rigid** HGVs are acceptable on site. The proposal therefore conforms with policy T2 of the North Lincolnshire Local Plan.

The objections relating to HGVs are noted and it may well be that some HGVs are mounting the pavements due to the narrow width of West Street. It is not clear if these HGVs are from the Hall Farm site or from the Red House site or are unrelated to Axxgro Foods. The local planning authority cannot impose conditions relating to limiting the number of HGVs entering and leaving the site, or requiring the tractor and trailer to be used at all times as these conditions would be unreasonable and difficult to enforce. However, it is accepted that an articulated HGV may have to mount the pavement in order to turn in and out of the site. This is a highway hazard to other vehicular users and pedestrians. It is therefore appropriate in this case to restrict **articulated** HGVs from entering and leaving the site. The applicant confirmed verbally at the previous committee meeting that the company would accept a planning condition restricting articulated HGVs from using the site.

It is acknowledged that there is noise and disturbance relating to HGVs and that HGVs can impede the flow of traffic along West Street and result in safety issues to pedestrians. These HGVs will not all be related to the Axxgro Food company. In view of the problems reported, the operating times of the business will be restricted by virtue of a planning condition and a temporary permission of two years is proposed, during which the proposal will be assessed for impact. If the applicant reappplies for permission after the two years, the local planning authority will take account of its assessment of the situation during the two preceding years.

Concerns that the workforce are not local are noted. The local planning authority cannot impose conditions requiring the workforce to be local. It is hoped that the applicant will endeavour to employ local people in terms of sustainability and promoting the local economy. It is acknowledged that the business is fragmented over three sites within West Butterwick. However, if the business relocated, there would be very limited employment opportunities within West Butterwick. National policy guidance (PPS7) and local policies seek to retain and enhance rural employment opportunities.

Concerns relating to the times the business is carried out from the site are also noted. In view of the site being close to residential properties, it is appropriate to restrict operating hours in order to protect residential amenity. The times that Environmental Health have suggested will be placed on the planning permission.

The local planning authority considers that the proposal does accord with planning policy and does provide rural employment opportunities. However, as the proposal is close to residential property, a temporary permission is proposed.

RECOMMENDATION

Grant permission subject to the following conditions:

1.

The use of the building for food storage and distribution (B8) shall be discontinued on or before 31 July 2011.

Reason

Permission is granted on this basis in order to allow time to assess the impact of the development on the surrounding area.

2.

The use for food storage and distribution (B8) shall be carried out only by the applicant company (Axxgro Foods Limited) and by no other person or company without the prior permission in writing of the local planning authority.

Reason

Permission has been granted taking into account the manner in which the premises are operated by the applicant company in this rural location which is close to residential properties with access along West Street which is a narrow road.

3.

The use hereby permitted shall be for food storage and distribution (B8) and for no other purposes, whether or not permitted by the Use Classes Order (as amended) 2005, without the prior permission in writing of the local planning authority.

Reason

In order to reduce the impact on the adjoining residential properties and on the highway network in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

No deliveries or collection of products to or from the site shall be carried out outside the hours of 8am to 6pm Monday to Friday, outside the hours of 9am to 12 noon on Saturdays, with no workings on Sundays, Public or Bank Holidays and no machinery, equipment or mobile plant (including forklift trucks) shall be operated on the site outside the hours of 8am to 6pm Monday to Friday, outside the hours of 9am to 12 noon on Saturdays, with no workings on Sundays, Public or Bank Holidays.

Reason

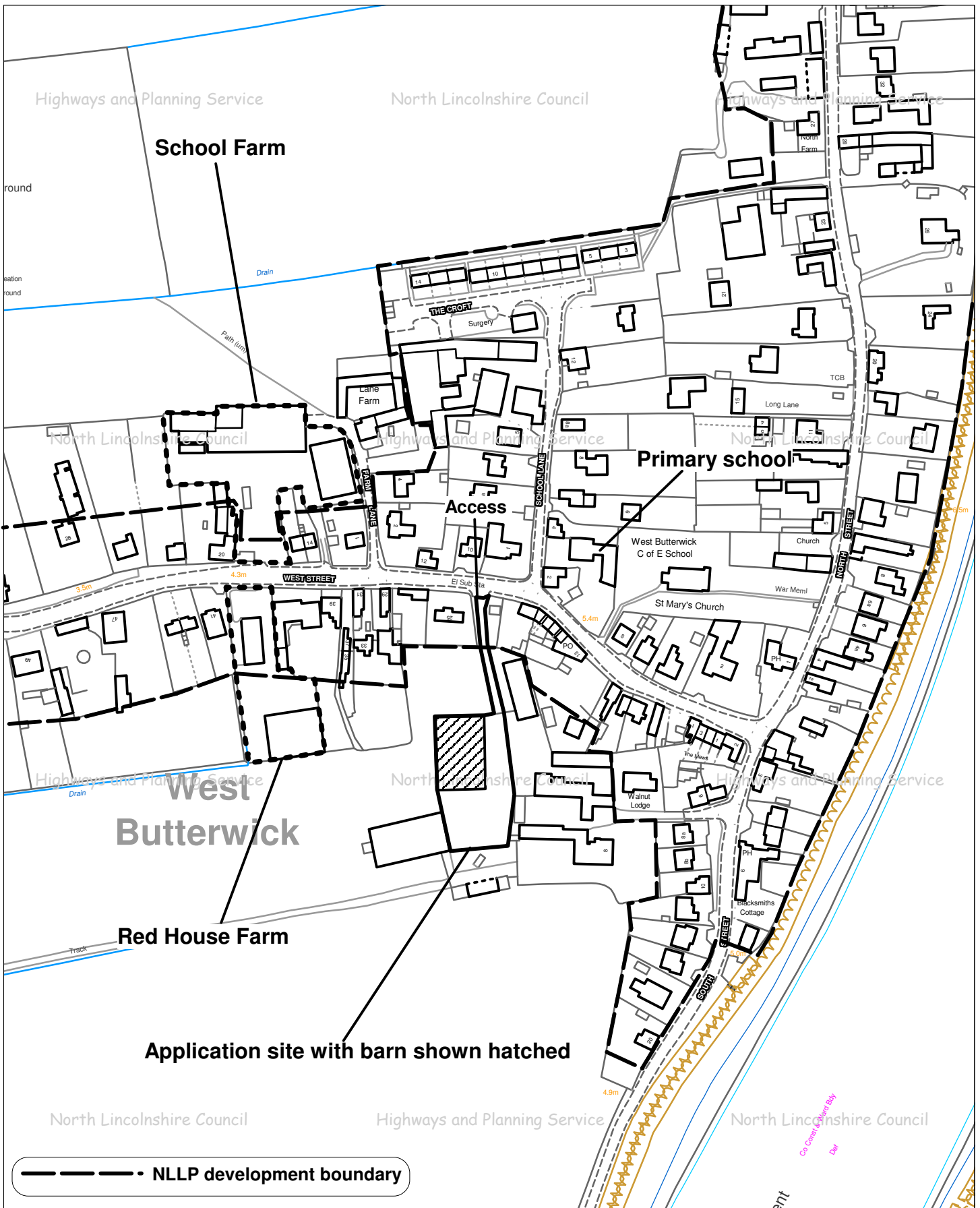
In order to reduce the impact on adjoining residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

No articulated lorries shall deliver to or enter or leave the site for loading or unloading or for any other purpose(s) without the prior permission in writing of the local planning authority.

Reason

In order to reduce the impact on adjoining residential properties and on the highway network in accordance with policies DS1 and T2 of the North Lincolnshire Local Plan.



--- NLLP development boundary

Drawing Title: 2009/0701

OS Grid Ref: SE83380583

Drawn by: KC

Scale: 1:2500

Date: 08/07/2009



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Highways and Planning Service

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