

<b>APPLICATION NO</b>	<b>PA/2012/0820</b>
<b>APPLICANT</b>	Mr I Lindsay, VTS Track Technology Ltd
<b>DEVELOPMENT</b>	Planning permission for the erection of a rail loading and assembly facility including rail siding, fencing, lighting, staff buildings and associated road surfacing and parking areas
<b>LOCATION</b>	Dragonby Sidings, Normanby Road, Roxby
<b>PARISH</b>	<b>ROXBY</b>
<b>WARD</b>	Broughton and Appleby
<b>CASE OFFICER</b>	Mark Simmonds
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Burton-upon-Stather Parish Council

## **POLICIES**

**National Planning Policy Framework:** Paragraphs 18 to 22 (Building a strong, competitive economy), paragraph 28 (Supporting a prosperous rural economy) and paragraph 118 (Biodiversity).

**Regional Spatial Strategy for Yorkshire and the Humber:** No specific policies apply.

**North Lincolnshire Local Plan:** Policies RD2 (Development in the Open Countryside), DS1 (General Requirements), T2 (Access to Development) and LC5 (Species Protection).

**North Lincolnshire Core Strategy:** Policies CS1 (Spatial Strategy for North Lincolnshire), CS2 (Delivering more Sustainable Development), CS3 (Development Limits), CS11 (Provision of Distribution of Employment Land) and CS17 (Biodiversity).

## **CONSULTATIONS**

**Highways:** After further information being submitted, no objection subject to conditions (4 to 7).

**Environment Agency:** Objects to the proposal on the grounds that no flood risk assessment or drainage strategy has been submitted and has concerns that the scheme involves the use of a non-mains foul drainage system in a publicly sewered area with no justification.

**The Coal Authority:** No comments.

**Humberside Police:** Comments made regarding safety issues such as lighting, alarm systems and boundary treatments.

**Environmental Health (Noise):** The activities have the potential to give rise to noise disturbance. The likely noise impact has been assessed and noise mitigation measures submitted. There is no objection on the grounds of noise disturbance subject to conditions.

**Environmental Health (Pollution):** Advise conditions regarding contaminated land.

**Archaeology:** No objections.

**NHS:** No objections.

**PROW:** No objections.

**Ecology:** The proposal will not affect protected or priority species provided sensitive working methods are followed. The site has importance for Open Mosaic habitats and priority species such as Grayling butterfly. A condition is therefore proposed to minimise harm to protected species and habitats and to seek biodiversity enhancement.

**Natural England:** No objections. Offer standing advice.

**Network Rail:** No objection subject to Network Rail approving the scope and design of the rail connection and all other appropriate legal agreements between themselves and the developer being in place. Also request notification of abnormal loads over railway bridges/level crossings.

## **PARISH AND TOWN COUNCILS**

**Burton-upon-Stather Parish Council:** Object to the proposal on the following grounds:

- The access is positioned at a very dangerous part of the road and is not considered suitable from a safety point of view.
- Large vehicles would move more slowly than the 40mph speed limit, slowing the path of other drivers en route.
- The road network was not designed for this size and type of vehicle.
- Application WD/2010/0635 has been granted close to the site. This would increase traffic. Additionally the site entrance is within 500 yards of the proposed development.
- How will vehicles access the site if the B1430 is unavailable as roads through the villages are unsuitable?
- It is asked that consultations take place with the Highways department.
- highway safety concerns (vehicles and cyclists)

**Flixborough Parish Council:** No objections on the understanding that:

- no vehicle movements through Flixborough Wharf
- no HGVs through Flixborough village
- operating hours are 8am to 6pm

- eight trains a week to Flixborough Wharf

**Winterton Town Council:** Issues raised regarding the future of a footpath/bridleway and ask the planning officer to be mindful of the aspiration for this to be described in the Ironstone Gullet policies and the route be protected. Also queries whether any noise survey has been undertaken from Thealby Hill, Winterton or Coleby village.

**Roxby Parish Council:** Consulted 13 August 2012. No response received.

## **PUBLICITY**

Neighbouring properties have been notified, and site and press notices posted. Six letters of objection have been received raising the following issues:

- increase in airborne industrial noise/loss of amenity from increased noise
- increase in traffic movements
- presence of plant machinery

## **ASSESSMENT**

The application site is a 6.1ha brownfield site located 350m west of Dragonby village. The site is accessed via an existing entrance from Normanby Road (B1430). The site is located outside the development boundary and is therefore, in planning terms, in the open countryside. The applicant's company currently operates from Hebden Road, Scunthorpe and, if this application is granted, some operations will move away from the Hebden Road site.

Planning permission is being sought to erect a rail loading and assembly facility, including rail siding, fencing, lighting, staff buildings and associated road surfacing and parking facilities. This would include a total of 12,500m<sup>2</sup> tarmac surfacing, a 3600m<sup>2</sup> 12m high covered high loading building with crane gantries and a two-storey office block.

The site will be used to assemble railway switches and crossings. These products vary in length between 30m and 230m. The components will be made in the workshops at Hebden Road and transported to the Dragonby site by road. Rail manufactured at the Tata site will be transported by Network Rail lines. Assembly is done by hand, power tools, mobile plant, fixed and movable cranes. Once assembled products are loaded onto road and rail wagons for delivery.

**The main issues for consideration in determining this application are whether the proposed development is acceptable in the open countryside, whether it would have an adverse impact on the amenity of residential properties by way of noise, and highway safety.**

Whilst the application site is located outside the development boundary, it is relatively close to the Normanby Gateway Industrial Estate. The site is a brownfield site and there are three existing railway sidings on the site which will be re-used. Railway components which will be produced on the site could be directly loaded onto rail carriages therefore reducing the amount of road freight. The nature of the business, including the size of railway infrastructure being constructed on the site and the need to be close to a railway line, would render most sites within the development boundary unsuitable. The proposed use is

therefore considered to be sustainable and, due to the previous use of the site and its proximity to the Hebden Road site, the proposal is considered to comply with policies RD2 of the North Lincolnshire Local Plan and CS1, CS2 and CS3 of the North Lincolnshire Core Strategy. Additionally it should be noted that the National Planning Policy Framework supports sustainable growth and expansion of all types of business and enterprise in rural areas and states that planning should encourage sustainable economic growth.

Concerns have been raised regarding the increase in traffic and the impact this would have on the highway network and highway safety. Many discussions have been held with the Highways department and significant further information has been submitted throughout the course of the application to alleviate highway safety concerns. Access to the site is via an existing access from the B1430 Normanby Road and is currently gated to prevent unauthorised access. Swept path analysis has been undertaken and it has been considered that vehicles up to 18m in length can be accommodated by the site layout proposed. A condition is therefore proposed to restrict the size of vehicles serving the site to a maximum of 18m in length unless otherwise agreed in writing. All information submitted regarding highways has been agreed by the council's highway engineers and they have no objections to the proposal subject to the imposition of conditions.

With regard to noise, surveys have been carried out to consider potential noise impact on the closest residents in Dragonby. Winterton Town Council asked whether noise has been considered at other sites, however if noise levels are considered to be acceptable to residents closest to the application site, it may be considered unreasonable to consider surveying at locations further away. It is accepted that the proposed activities have potential to give rise to noise disturbance and the applicant has assessed the likely noise impact and included noise mitigation measures. Environmental Health have been consulted and, based on the information submitted and given the location and nature of the proposed development, raise no objection to the proposal subject to conditions. Such conditions include restricting any noise emissions to a maximum of 37 dBA  $L_{Aeq, 1h}$  at any residential property boundary, hours of operation, frequency of certain operations and restrictions on reversing alarms.

Winterton Town Council raised a concern regarding a footpath/bridleway. Consultations have taken place with the footpaths officer, however, and the proposals to have it considered in the Ironstone Gulleys policy have been ruled out by the Environment Team.

The Environment Agency originally objected to this application due to the lack of a flood risk assessment and a suitable drainage strategy. Further information has been requested to overcome this objection. It should be noted that the site is within Flood Zone 1, which is land at the lowest risk of flooding, however a flood risk assessment is required as it is classed as a major application. The Environment Agency has now agreed it is happy with a submitted flood risk assessment. A verbal update regarding drainage will be given at the meeting.

**RECOMMENDATION      Grant permission 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: S001B, P101E, P102\_1C, P102\_2B, P103A, P104A, P105A, P106A, P107A, P108A, P109A, P110A, P111A, P112A, P113A, P114A, P115A and P116A.

Reason

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

3.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

The proposed new development shall not be brought into use until the vehicle access, parking, turning, servicing and marshalling facilities have been provided in accordance with the approved details. Once provided all of these facilities shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

5.

No development shall take place until a scheme of within-highway works, including improved white-lining and traffic islands protecting the right-turn facility, have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

6.

The proposed new development shall not be brought into use until all within-highway works have been completed in accordance with the approved details.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

7.

The hereby approved development shall not be serviced by vehicles exceeding 18m in length unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

8.

The noise emissions from activities at the site shall not exceed a rating level of 37 dBA LAeq, 1h at any residential property boundary.

Reason

To minimise the potential for noise nuisance and to protect residential amenity.

9.

Assembly activities, movement of rails, loading and unloading shall be restricted to the hours of 8am to 6pm. All other outdoor activities on site, with the exception of patrols by security staff, shall be restricted to the hours of 6am to 8pm.

Reason

To minimise the potential for noise nuisance and to protect residential amenity.

10.

Unless otherwise agreed in writing by the local planning authority, the cutting of rails on site shall be limited to not more than three occasions per month. Each occasion shall not exceed a period of 15 minutes. On every occasion the operation shall be acoustically screened to reduce the intensity of noise emitted to Dragonby village.

Reason

To minimise the potential for noise nuisance and to protect residential amenity.

11.

Unless otherwise agreed in writing by the local planning authority, the use of power tools for unbolting or for joining rails shall be limited to not more than three occasions per month. Each occasion shall not exceed a period of 15 minutes. On every occasion the operation shall be acoustically screened to reduce the intensity of noise emitted to Dragonby village.

Reason

To minimise the potential for noise nuisance and to protect residential amenity.

12.

Provided that health and safety requirements are met, the reversing alarms on forklift trucks shall be as described in Section 5.1.6 of the applicant's report Assessment of Airborne Noise, dated 09 July 2012. If health and safety requirements cannot be met using the reversing alarms described in Section 5.1.6, then alternative noise mitigation measures shall be agreed in writing by the local planning authority.

Reason

To minimise the potential for noise nuisance and to protect residential amenity.

13.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

### **Part 1: Site Characteristics**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes
  - adjoining land
  - groundwaters and surface waters
  - ecological systems
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

### **Part 2: Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### **Part 3: Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the

effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

#### **Part 4: Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

#### **Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

14.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

#### **Reason**

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

15.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of nesting and roosting features to be installed on the buildings to be constructed to support pipistrelle bat (*Pipistrellus* spp.) and barn swallow (*Hirundo rustica*);
- (b) proposed timings for the installation of the above features in relation to the completion of each building;
- (c) details for the creation and ongoing management of areas of open mosaic habitat with stony bare ground, Sheep's fescue (*Festuca ovina*) and locally native wildflowers;
- (d) details of measures to be taken during the construction phase of the proposal, to avoid harm to nesting birds and other protected species or priority species.

#### **Reason**

To enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

16.

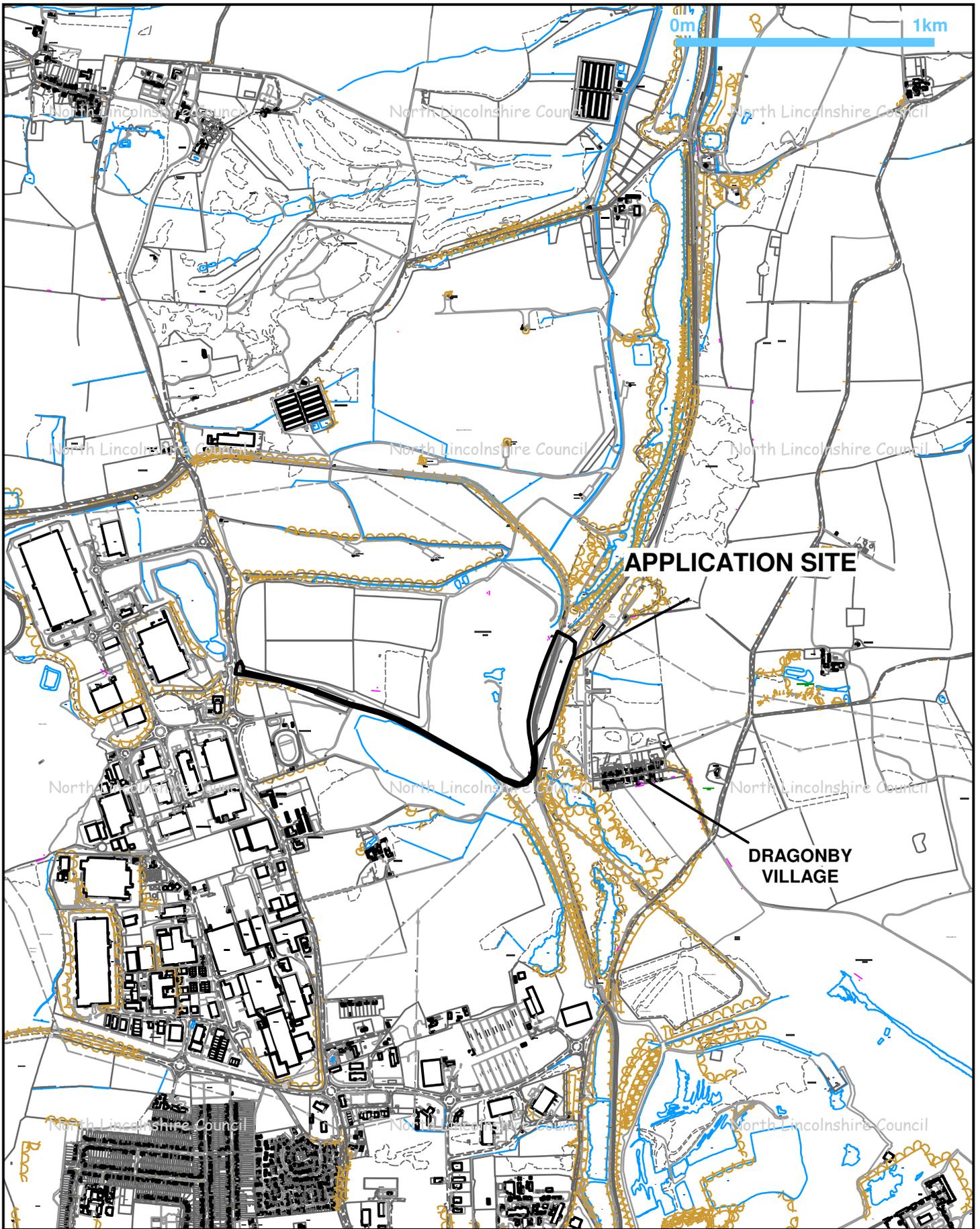
The landscape and biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise agreed in writing by the local planning authority.

Reason

To enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

**Reasons for approval**

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, would not materially harm the character of the area nor the living conditions of neighbouring occupiers, and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are CS1, CS2, CS3, CS11 and CS17 of the North Lincolnshire Core Strategy and DS1, RD2, T2 and LC5 of the North Lincolnshire Local Plan.



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