

APPLICATION NO	PA/2013/1549
APPLICANT	Brit European Group
DEVELOPMENT	Planning permission to change the use of part of former transport yard to use as a compressed natural gas fuelling facility
LOCATION	Junction 2 Business Park, Double Rivers, Crowle
PARISH	CROWLE
WARD	Axholme North
CASE OFFICER	Nicholas Lawrence
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Briggs) – significant public interest

POLICIES

North Lincolnshire Local Plan: Policy IN1 (Industrial Development Location and Uses) looks to ensure sufficient land for industry is available with a suitable variety of well distributed sites.

Policy DS1 (General Requirements) sets out the generality of environmental and other criteria and standards, which every planning application is expected to meet.

North Lincolnshire Core Strategy: Policy CS11 (Provision and Distribution of Employment Land) aims to guarantee that the right amount and quality of employment land is available within North Lincolnshire.

Policy CS18 (Sustainable Resource and Climate Change) aims to reduce the size of North Lincolnshire's ecological footprint, reduce the causes of climate change, and move North Lincolnshire towards a more resource efficient future.

National Planning Policy Framework: Achieving sustainable development; Section 4 – promoting sustainable transport.

CONSULTATIONS

Highways: No objection.

Environmental Health: No objection subject to conditions regarding opening hours and installation of leak detection equipment.

Environment Agency: No objection subject to conditions.

Health and Safety Executive: Not a development on which the HSE should be consulted.

TOWN COUNCIL

Strong objections to the application on the following grounds:

- situated in a residential area
- effect upon quality of life for residents
- traffic movement
- environmental issues and potential disaster issues
- gas odour
- opening hours.

PUBLICITY

Neighbouring properties have been notified and a site notice posted. Eight responses have been received, six of which object to the proposed development. Two of the representations are from local residents who have no objection to restricted hours of operation. The objections can be summarised as follows:

- very volatile substance
- traffic
- not correct site for this operation
- odour
- vehicles coming on site every 24 hours
- noise
- opportunity for theft, sabotage and unwelcome visitors.

ASSESSMENT

Planning permission is sought for the establishment of a natural gas lorry refuelling facility on part of the designated industrial site south of the railway at Ealand. The application site previously operated as a lorry depot which included refuelling.

Although the application site is within an established industrial estate there are residential properties in the immediate vicinity of the proposed development.

The proposed development incorporates a number of interlinked elements: firstly, the provision of a compound housing two gas storage containers on trailers, compressor and vent, together with a high pressure storage area surmounted by a canopy; and secondly, a further compound that includes two fuel islands with pumps, meter room, substation and parking for a maintenance vehicle.

The original submission provided that the facility would operate on an unrestricted basis (24 hours per day). Following the initial comments of the council's Environmental Health department the applicants amended the operating hours to 7am to 8pm Monday to Friday, with no operations taking place on weekends, public or bank holidays.

The main issues to consider are: firstly, whether the proposed development is acceptable in principle; and secondly, if acceptable in principle, whether the development is appropriate to its location in terms of amenity. Both issues have regard to the provisions of the development plan and other material considerations.

Development plan and material considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan consists of the North Lincolnshire LDF Core Strategy (2011) and the saved policies of the North Lincolnshire Local Plan (2003).

Other material considerations include the National Planning Policy Framework (NPPF) March 2012 and the associated planning guidance (PPG) March 2014; and the Carbon Plan (DECC - 2011).

Principle of the development

Both the local plan and core strategy embody the elements of sustainable development and seek to encourage and direct development to what the council considers appropriate locations. In this respect the application site forms part of a designated industrial site and can lawfully operate as a lorry park.

Local plan policy IN1 looks to ensure sufficient land for industry is available with a suitable variety of well distributed sites, whereas policy DS1, aside from design, requires that the issue of amenity is considered within the decision-taking process. The core strategy sets a series of spatial objectives that includes creating greater economic success (Objective 4) and efficient use and management of resources (Objective 7). As an overarching policy document the core strategy under policy CS11 aims to guarantee that the right amount and quality of employment land is available within North Lincolnshire, whereas policy CS18 aims to reduce the causes of climate change.

At national level the NPPF and the associated PPG look to reinforce the presumption in favour of sustainable development and the need to balance the benefits of the proposal against any harm. Both documents embody the need to cut carbon dioxide emissions by 60% by 2050 as originally set within the Climate Change Act 2008 and reinforced within the Coalition Government's Carbon Plan of 2011.

Whilst the proposed use of the land (ie natural gas lorry refuelling facility) will utilise a natural resource that can help reduce carbon emissions from heavy goods vehicles (HGVs) as opposed to oil-based fuels, it is not the only form of carbon reduction technology for HGVs (Low Emission HGV Task Force – DoT March 2014). In addition, the applicants are not stating that the proposal would create greater economic success for North Lincolnshire in terms of employment generation or social benefits.

It should also be noted that the fact that the proposal seeks the prudent use of a natural resource in itself does not make the development represent a form of sustainable development.

Having regard to the above matters, it is considered that, in principle, the establishment of a natural gas HGV refuelling facility is acceptable.

Whether the development is appropriate to its location in terms of amenity

It is accepted that amenity is a material consideration in the decision-taking process and occupiers of dwellings in the vicinity of development proposals should feel at ease within and outside their properties. This position is reflected within local plan policy DS1.

Local plan policy DS1 is criteria-based and, under the heading of amenity, comments that *no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes...*

The amenity issue at hand concerns the noise associated with the hours of operation and odours associated with the refuelling. With regard to the noise aspects of the development, the occupiers of the neighbouring properties at first instance objected to the unrestricted hours of operation. Following the amendment, the residents were reconsulted and indicated in broad terms the acceptability of the hours between 6am/8am and 6pm Monday to Friday with no operations on weekends, public or bank holidays. These hours are less than those sought by the applicants. In addition, comment was made that the compressor for the operations should also be restricted to these times.

It is considered that a restriction on the operational hours and the use of the compressor is merited on the basis of protecting amenity and it may be prudent for the hours to be set within the narrower band of 7.30am to 6pm Monday to Friday with no use of the land on weekends, bank or public holidays, to allow the impact to be assessed in amenity terms and at that juncture the applicants could seek a variation of the hours.

On the matter of odour transmission the Environmental Health Officer has suggested a condition, which meets the tests set within the PPG.

The decision-taker must also have regard to the lawful 'fall-back' position (ie what the applicants could undertake without recourse to a fresh planning application), which in this case is a lorry park with fuelling facilities.

Other issues

With regard to other issues raised, the Health and Safety Executive have not raised an objection, there are properties in the vicinity of the application site but the area is not a residential area as described by the town council, and the traffic movements will be substantially less than the previous use which could be reinstated without requiring planning permission.

Concluding comments

A balance must be made between the benefits of the scheme (ie reduction in carbon dioxide emissions) and the harmful effects of the scheme (ie amenity). The planning balance, in this case, for the reasons set out above, falls in favour of the scheme and planning permission should be granted.

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: 247/03/IR/100 Rev A, 247/03/IR/102 Rev A, 247/03/IR/103 Rev A, 274/03/IR/104 Rev A, 274/03/IR/105 Rev A, 274/03/IR/106 Rev A and 274/03/IR/107 Rev A.

Reason

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

3.

The use hereby permitted shall only operate between the hours of 7.30am to 6pm Monday to Friday with no operations occurring on weekends, public or bank holidays.

Reason

In the interests of residential amenity.

4.

Prior to the development hereby approved being brought into use, details of the proposed leak detection equipment that is linked to an alarm monitored 24/7, which shall automatically shut down the station and stop the fuelling process if in use, shall be submitted to and approved in writing by the local planning authority. The approved equipment shall be installed prior to the use commencing and shall be put in use at all times during the fuelling process.

Reason

In the interests of residential amenity.

5.

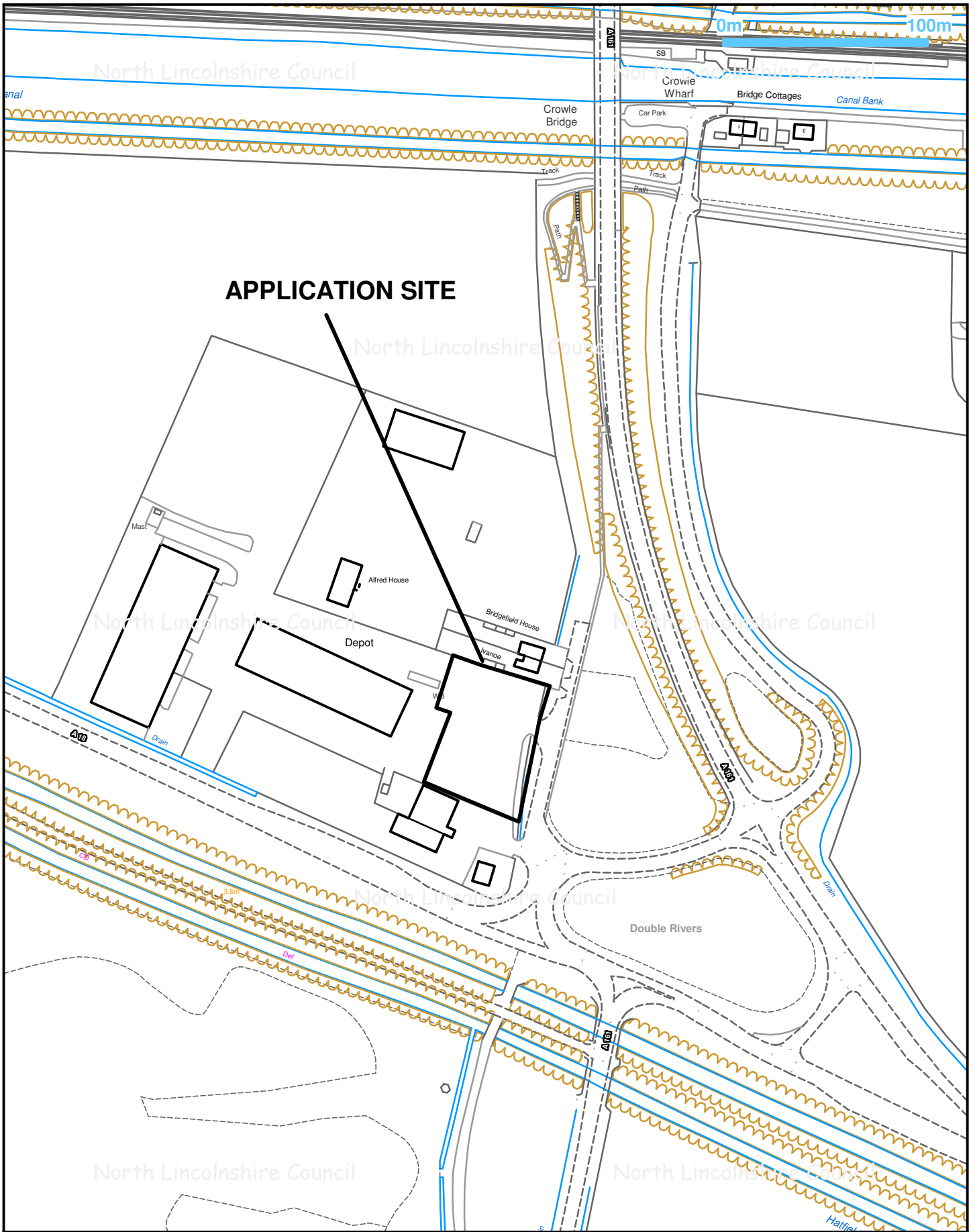
The compressor unit shall not operate outside the hours quoted in condition 3.

Reason

In the interests of residential amenity.

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.

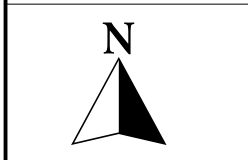


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Drawn by: Sue Barden

Date: 25/02/2014

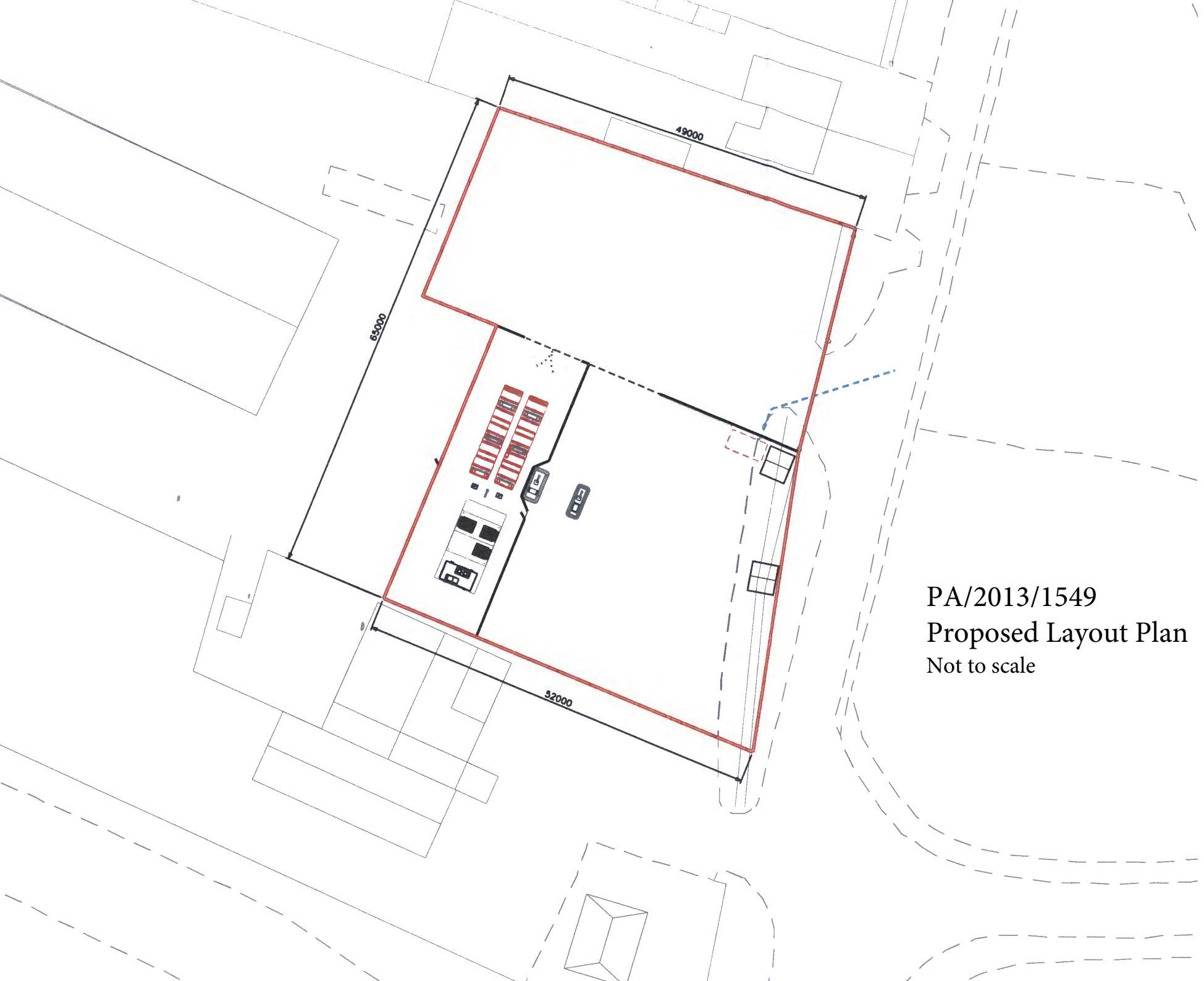
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PA/2013/1549
Proposed Layout Plan
Not to scale