

<b>APPLICATION NO</b>	<b>PA/2016/1024</b>
<b>APPLICANT</b>	Techrete UK Ltd
<b>DEVELOPMENT</b>	Planning permission for change of use of land to form extension of existing curtilage to be used for B8 storage only
<b>LOCATION</b>	Techrete, Station Road, Hibaldstow, DN20 9DT
<b>PARISH</b>	Hibaldstow
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	David Wordsworth
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from policy (the site is located outside the development boundary for Hibaldstow)

## **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 28: 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. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;

- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

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:**

RD2 (Development in the Open Countryside)

HE9 (Archaeological Evaluation)

DS7 (Contaminated Land)

DS11 (Polluting Activities)

#### **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)

CS16 (Landscape/Greenspace)

CS17 (Biodiversity)

CS18 (Sustainable Resource Use)

CS19 (Flood Risk)

## **CONSULTATIONS**

**Highways:** No objections.

**Lead Local Flood Authority:** No objections subject to conditions.

**Environment Agency:** No objections.

**Environmental Protection:** Commented on several issues and recommended conditions on noise, contaminated land and light.

**Environment Team (Ecology):** The site has limited biodiversity value at present and low potential for protected species. If permission is ultimately granted, there will be a need to secure biodiversity enhancements in accordance with the National Planning Policy Framework.

**National Grid:** No response.

**Network Rail:** No response.

## **PARISH COUNCIL**

No objections.

## **PUBLICITY**

The application was advertised in the press, site notices were posted and neighbour notification letters were sent. Upon receipt of a Flood Risk Assessment further consultations were undertaken on 14 September 2016.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

Within the applicants' Planning & Design Statement details of the applicants' community engagement activities are set out and the following statements:

*Techrete takes their duties and responsibilities for acting in a responsible and caring manner within the local community very seriously indeed. Techrete will continue to liaise and work closely with the local community and will ensure that they carry out their operational activities at the site in both a timely and considerate manner at all times.*

With regard to this planning application, in April 2016 Techrete invited local residents to a meeting with senior personnel at the site in order to discuss the proposed application for extending the site curtilage by the inclusion of the triangular piece of land. The company received positive feedback from local residents.

## **ASSESSMENT**

Planning permission is sought to change the use of 1.59 hectares of agricultural land to storage purposes (Use Class B8). The triangular-shaped application site sits directly adjacent to the existing western boundary of the Techrete business that designs, manufactures and installs high quality pre-cast concrete façade components to the UK and

Ireland construction industry. To the north-east of the site is the Brigg railway line, beyond which is an agricultural business. To the south is agricultural land and to the south-east is the existing Castle Keep residential estate.

The applicants state that the site is proposed to be used as an extension of the existing industrial curtilage at Techrete Ltd and that no new buildings are proposed because of the overhead power line. The surface material is to be removed and is likely to form part of an improved landscaping treatment included within the landscape appraisal. The extended curtilage will be used for the storage of finished panels and for the parking/loading/unloading of these products which will free up land within the existing site complex and allow for better use of space. A gantry crane was illustrated on an initial plan but this is not being applied for as part of this planning application. A separate planning permission for a gantry crane may be required.

The plans submitted with the application illustrated a gantry crane extension into the site, however, the applicants have confirmed that this does not form part of the application. The applicants submitted the following documents to accompany the planning application:

- Design & Access Statement
- Transport Statement
- Landscape & Visual Appraisal
- Noise Assessment
- Preliminary Ecological Appraisal
- Geophysical & Heritage Assessment.

**The key issues in the determination of this application are planning policy, economic considerations, the potential impact upon potential archaeological remains, the visual impact upon the countryside and potential noise disturbance to the occupants of the nearest residential properties.**

### **Planning policy**

The planning application site is not allocated within the North Lincolnshire Housing & Employment Land Allocations Development Plan Document (HELA DPD) and was also not allocated within the North Lincolnshire Local Plan (NLLP), and in planning policy terms is located 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 applies. These policies restrict development to that which is closely associated with the countryside. This proposal is not closely associated with the operation of the countryside and is therefore a departure from the development plan for North Lincolnshire. The proposal will not have to be referred to the Secretary of State for determination given that it is not within the thresholds of the Town and Country Planning (Consultation) (England) Direction 2009 which defines when the Secretary of State must be consulted.

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 related to agriculture or the countryside, the application is an extension to an existing facility that is a major employer in this part of North Lincolnshire and as national planning policy requires the planning system to support economic growth in rural areas significant weight should be attributed to the economic benefits to the local economy that the proposal can bring.

## **Economic**

The applicants have stated that annual turnover from the present operations at Hibaldstow is in the region of £28 million GBP and 140 personnel are employed at the plant. The site operates on six days a week between the hours 6am and 10pm. Within the past 18 months, Techrete has undertaken several sustainable and environmentally prudent improvements at the plant facility; these have included a 250KW solar farm, new waste recycling processes, improved noise and thermal insulation, new water extraction borehole; this represents an investment of upwards of £1 million GBP. There are a significant number of local businesses and enterprises, who support the Techrete operations including local hauliers, steel fabricators, joinery firms, electrical firms, civils contractors. National planning policy requires the planning system to support economic growth in rural areas and significant weight should be attributed to the economic benefits to the local economy that the proposal can bring.

## **Archaeology**

The council's HER officer advisers that:

The application site lies within the hinterland of Staniwells Roman town, a Scheduled Monument; Roman remains, including burials, are recorded in the immediate vicinity of the application site. The applicants have submitted a geophysical survey that has identified the presence of buried features that may be a small cemetery of early Roman date. The application site lies less than 1 kilometre east of Roman Ermine Street and Staniwells Roman town, a Scheduled Monument. The HER contains numerous records of archaeological features and finds that evidence widespread activity within the landscape surrounding the settlement. These include the following sites recorded within 500 metres of the application area:

- tessellated pavement (mosaic) found when railway was built, indicating presence of Roman villa and cropmarks at site
- inhumations and cremation urns found in 1929 'laid in equally spaced lines'
- two further burials and a ditch excavated in 1993 along a new gas pipeline
- a substantial collection of Romano-British pottery from an area where geophysical survey
- mapped possible structures or enclosures

- metal detected finds including Roman and early medieval artefacts.

Additionally, the NPPF makes it clear that assessment of the significance of heritage assets is required prior to the determination of an application. It is particularly important that the presence/absence of human remains is determined as a consideration during the decision-making.

Consideration has been given to the council's HER officer's comments and also to the fact that no buildings are proposed to be constructed as part of this proposal. Whilst it may be preferable to undertake intrusive investigations prior to determination of the application it is likely that this would delay the determination of the application and consequently it is thought that this should be controlled by planning conditions.

### **Visual impact**

The proposal involves a change of use of land only, however, the storage of products on the site will undoubtedly change the character of the site.

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 north and east of the site. The loss of some landscape features would not have an adverse effect on the wider landscape character but is likely to have a limited effect locally. Loss of the agricultural land is unlikely to amount to adverse visual harm. A landscaping scheme can be controlled by condition.

### **Noise**

A noise assessment of the proposed development was completed and submitted to the council for consideration. The report considered both construction and operational noise (from traffic and plant movements within the site). Baseline noise surveys were completed, using a combination of unattended and attended monitoring, in order to determine existing background noise levels (both daytime and nighttime, and during the week and weekend). Background noise levels at the homes closest to the site are dominated by road traffic on the B1207/Station Road, with no industrial noise from the existing site operations being audible.

The council's Environmental Protection officer commented that they were concerned that the proposed development is adjacent to residential properties on Castle Keep and Manton Court approximately 60 metres to the south-east. Furthermore, the introduction of activities, including the movement of fork lifts and lorries close to residents, has the potential to cause a noise nuisance and a loss of amenity to these nearby residents. Further information was requested from the applicants with a view to attaching planning conditions restricting the hours of operations on site and construction times. Other conditions were requested by the Environmental Protection officer but these related to use of the site and products stored on site which were considered to be unnecessary.

### **Flood risk**

This Flood Risk Assessment has identified that the whole of the proposed development for additional finished product storage is located in an area designated Flood Zone 1 as defined by the Environment Agency's Flood Map and Strategic Flood Risk Assessment and

is therefore in a location which has a less than 1 in 1000 annual probability of river flooding in any year (<0.1%) which is the lowest flood risk.

The Environment Agency raised no concerns with the proposal. Additionally, the council's drainage team were consulted and raised no objections to the development subject to attaching conditions requiring a surface water drainage management strategy and the implementation of SuDS.

## **Conclusion**

The applicants are seeking planning permission for an extension to their existing industrial curtilage for storage purposes. Several issues have been raised by consultees that they recommend are dealt with by condition with the exception of archaeology. Given that national planning policy requires the planning system to support economic growth in rural areas, it is felt that significant weight should be attributed to the economic benefits to the local economy that the proposal can bring and conditions should be attached regarding intrusive investigations of the site for heritage assets.

## **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: location plan ref: PL 001 Rev A and site layout ref: PL 003.

Reason

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

3.

No development shall take place until the applicants, or their agents or successors in title, has agreed in writing with the local planning authority a scheme for the protection or the recovery and recording of all archaeological remains affected by the development. The development shall then take place in accordance with the agreed scheme.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

4.

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 biodiversity management plan shall include:

- (a) details of measures to avoid harm to reptiles and nesting birds during vegetation clearance and construction works;

- (b) details of bat boxes and nest boxes to be installed;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) prescriptions for the planting and aftercare of native trees and hedgerows of high biodiversity value;
- (e) proposed timings for the above works in relation to the commencement of use of the new storage area.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

5.

The biodiversity management plan required by condition 4 shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the commencement of use of the new storage area, the applicants or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

6.

No development shall take place until a strategy for the management of surface water drainage, that includes the implementation of SuDS and their adoption and maintenance arrangements, has been submitted to and agreed in writing by the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future adoption and maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan and policies CS18 and CS19 of the Core Strategy.

7.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 6 above and shall be completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future adoption and maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan and policies CS18 and CS19 of the Core Strategy.

8.

Hours of operation shall be limited to the following:

- 7am to 7pm Monday to Friday
- 7am to 1pm on Saturdays.

No operations shall take place on Sundays or public/bank holidays.

No deliveries or HGV movements shall be permitted outside these hours unless otherwise agreed in writing by the local planning authority.

Reason

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

9.

The cumulative total rating level from all site activities, plant and machinery shall not exceed 46dB LAeq, 1 hour at any residential boundary. The definition, measurement and calculation of rating level shall be as described in British Standard BS4142:2014.

Reason

For the control of noise pollution and to protect the amenity of the locality, in accordance with policy DS1 of the North Lincolnshire Local Plan.

10.

No lighting shall be installed until an assessment of the potential for light impact has been undertaken, submitted to and approved in writing by the local planning authority. The assessment shall include:

- identification of sensitive receptors likely to be impacted upon by light nuisance, with a determination of the proposed scheme's compliance with the design guidance in the Institution of Lighting Professionals Document: Guidance Notes for the Reduction of Obtrusive Light (<https://www.theilp.org.uk/documents/obtrusive-light>);
- a lighting scheme which proposes methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Reason

For the protection of residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

11.

The approved lighting scheme as required by condition 10 shall be implemented and permanently retained. Any deviation from the agreed lighting scheme shall require approval in writing by the local planning authority.

Reason

For the protection of residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

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 by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

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.

13.

Notwithstanding the site layout plan ref PL003, illustrating an extended gantry crane, this planning permission does not grant consent for the installation of the extension of the gantry crane or boundary fencing/walls exceeding 2 metres in height. Separate planning permission is required for these parts of the development.

Reason

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

14.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

15.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To ensure the implementation and maintenance of the submitted scheme of landscaping for the proposed development.

16.

No development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the change of use takes place, and once built/planted it shall be retained.

### Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

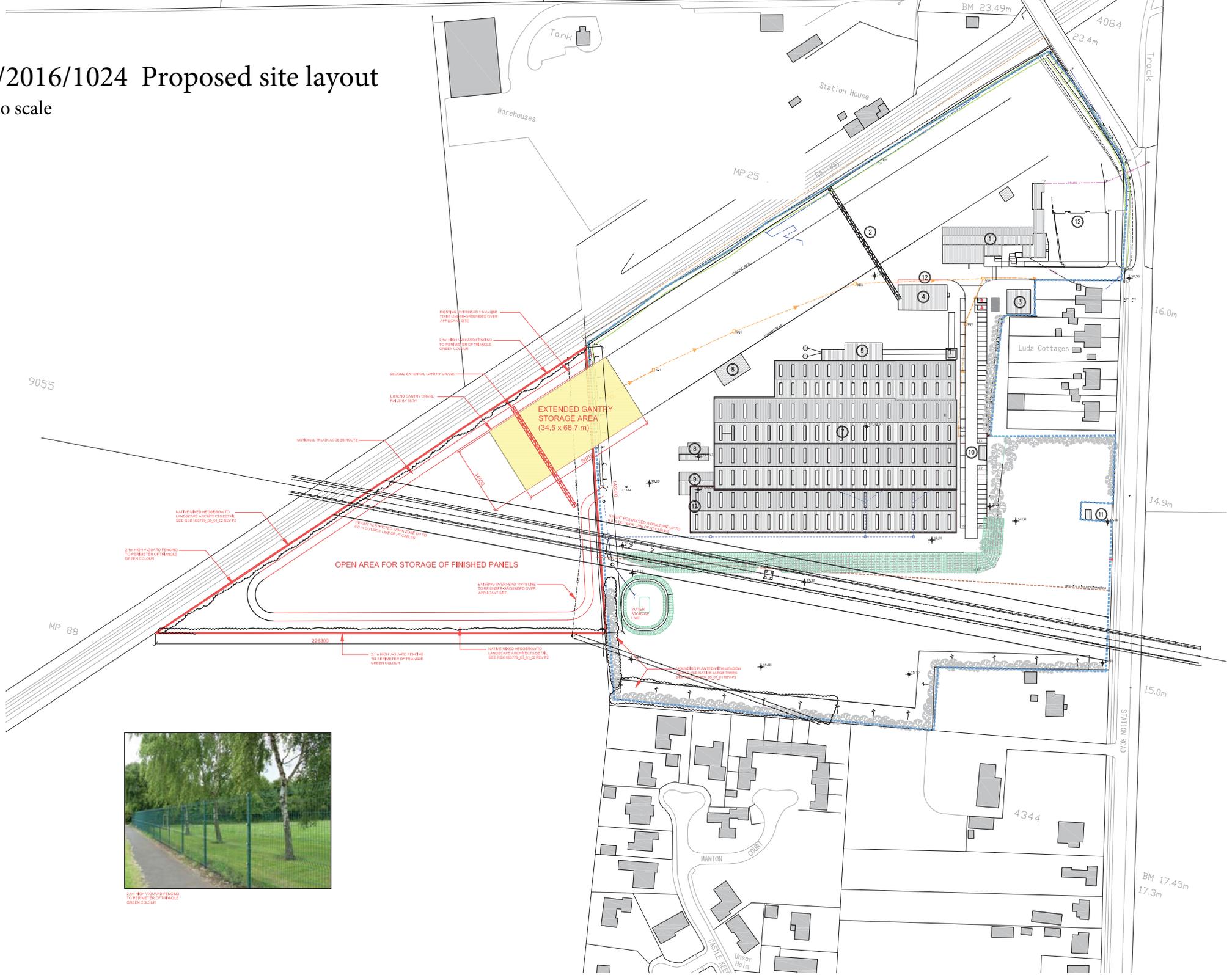
### **Informative**

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.



# PA/2016/1024 Proposed site layout

Not to scale



2.1m HIGH GUARD FENCING TO PERIMETER OF TRIANGLE GREEN COLOUR