

APPLICATION NO	PA/2018/1703
APPLICANT	Mr David Ashford, KBC Logistics Ltd
DEVELOPMENT	Planning permission for change of use of land to erect a workshop, office accommodation, palisade fencing and proposed lorry park
LOCATION	Land at the east end of Lancaster Approach, North Killingholme
PARISH	North Killingholme
WARD	Ferry
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Richard Hannigan – significant public interest)

POLICIES

National Planning Policy Framework: Paragraph 80 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 83 states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraphs 11, 81, 82, 118 and 170 also apply.

North Lincolnshire Local Plan: Policies DS1, DS16, RD2, T1, T2, LC5, LC15, LC20 and IN6.

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS11 and CS19.

Housing and Employment Land Allocations DPD: NKAЕ-1 North Killingholme Airfield

CONSULTATIONS

Highways: No objection, but advise two conditions and an informative relating to works within the highway.

Spatial Planning: The site is partly within allocated Employment Site NKAЕ-1 (approximately two-thirds of the site), the remaining area falling outside of a development limit and essentially within the open countryside. NKAЕ-1 is allocated for B1 (business and light industry) and B8 (storage and distribution) uses and forms part of a former World War II airfield, including buildings and former runways/access strips, although large tracts of undeveloped agricultural land surround the former runways.

Approximately two-thirds of the site is within allocated Employment Site NKAЕ-1, within which the proposed use would be acceptable in principle. The remaining part is within the open countryside and is covered by landscape and buffer designations that effectively restrict development.

In this instance, given the site's location at the edge of an area characterised by industrial uses, the relatively small extension into the open countryside, and its connectivity to the strategic highway network, it is considered that the proposal generally conforms to the aforementioned policies and the principle of development is acceptable. However, this is subject to additional justification being submitted that demonstrates the requirement for additional employment land to that allocated within NKAЕ-1 and an assessment of potential impact and compliance with the South Humber Bank's Buffer Zone and Landscape Initiative area.

Humberside Fire and Rescue: It is a requirement for domestic premises that adequate access for fire-fighting is provided to all buildings or extensions to buildings.

LLFA Drainage: Advise conditions requiring the submission and implementation of a surface water drainage strategy, incorporating SuDS.

Historic Environment Record: Archaeological field evaluation comprising a geophysical survey was undertaken in connection with a previous development proposal on this site. The results of the survey demonstrate that the current proposal is unlikely to impact any archaeological remains. No further recommendations.

Environmental Health: Following receipt of additional information (acoustic report), recommend conditions in respect of the installation of an acoustic barrier, HGV engines and refrigeration units to be switched off while vehicles are on the site, vehicle maintenance to be undertaken in the workshop and the submission of a Construction Environmental Management Plan (CEMP). Additional conditions are recommended in respect of construction operation hours, investigation of any unexpected contamination and the submission of a light impact assessment.

Humberside Police: No objection.

Environment Agency: Following receipt of additional information, the previous objection is withdrawn and previous comments in respect of pollution prevention advice reiterated.

Ecology: The development appears unlikely to have a significant effect on the Humber Estuary SAC, SPA or Ramsar site. No ecological surveys are required. If permission is ultimately granted, biodiversity enhancements will need to be secured in accordance with the National Planning Policy Framework.

PARISH COUNCIL

Does not object providing the following conditions are imposed:

- correct surfacing to minimise dust and noise
- acoustic fencing to be installed
- trailer swaps to be undertaken during daylight hours
- refrigeration units should be avoided and electric vehicles rather than diesel should be used during the night
- no contaminated surface water to drainage
- parking of vehicles to be restricted to within the site only
- construction working hours limited to 8am-5pm Monday to Friday
- no vehicles to be waiting within the highway to enter the site
- construction vehicles to be sheeted and wheel wash in place to reduce dirt on the highway
- doors to the workshop should face the entrance to the site.

PUBLICITY

A site notice has been displayed. Twelve letters of objection (three from the same address) have been received raising the following issues:

- no new jobs will be created – it is a relocation of an existing business
- contrary to the allocation for the site as it will not create jobs
- the 4 metre high acoustic fence will be insufficient for noise attenuation
- the existing site on the industrial estate generates significant noise
- constant noise pollution
- noise from reversing beepers

- increase in traffic
- light pollution
- too close to residential properties
- impact on wildlife
- increase in noise, dust, vibration, light and drainage issues
- no further development of the industrial estate should occur
- the industrial estate should stop operating at 6.30pm
- noise from the loading and unloading of containers from the applicant's existing site
- the buffer zone is inadequate
- the development is not compatible with the allocation of the site
- an assessment for potential air pollution and construction management plan should be undertaken
- a biodiversity and landscaping plan should be submitted
- potential for groundwater contamination
- impact on human rights
- a number of additional surveys should be undertaken.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been submitted with the application.

ASSESSMENT

The application site is an agricultural field which extends to 3.14 hectares in area and is located to the southern side of Lancaster Approach. The site is located at the entrance to the industrial estate and has neighbouring land uses including B1, B2 and B8. The site is bordered by a dense belt of trees along its eastern boundary and by a line of trees along the northern boundary with Lancaster Approach. The nearest residential properties are located on East Halton Road 110 metres to the east and the site is accessed from Lancaster Approach to the north-west. Planning permission is being sought to change the use of part of the field to form a lorry haulage yard with associated hard standing, office, workshop and fuel tank. The plans show the provision of a 4 metre high close-boarded acoustic fence along the eastern boundary and along sections of the northern and southern boundaries respectively.

The main issues in the determination of this planning application are the principle of development (including impact on the character and appearance of the countryside), impact on residential amenity and highway issues.

Principle

It is proposed to change the use of part of this agricultural field for a lorry haulage yard and associated workshop, offices, storage and fuel tank. The site is located at the entrance to the industrial estate along Lancaster Approach where uses include B1, B2 and B8. The land is allocated under policy NKA-E-1 as a 138.21 hectare site for a mix of B1 (Business/Light Industrial) and B8 (Storage and Distribution) use. The proposal to use the land as a lorry park (B8 use) is therefore considered to be compatible with the allocation and is acceptable in principle.

The proposal has the potential to result in greater visual impact on the character and appearance of the open countryside, particularly as the land forms an agricultural field at present. It is accepted that the proposal to introduce hardstanding (crushed stone) across part of the site (2.1 hectares) will alter the character and appearance of the countryside; however, the landscape is characterised by large industrial warehouses/sheds surrounded by vast swathes of hardstanding which form parking, storage and service areas. The plans show that the most easterly part of the site will remain undeveloped. This equates to a 43 metre wide section of the site, which, together with the existing tree belt to be retained (a 35 metre wide section), will help to retain the sense of openness and greened landscape appearance of the land when approaching the industrial estate from an easterly direction. In addition, it is accepted that the erection of a 4 metre high close-boarded fence has the potential to have a visual impact on the character and appearance of the countryside; however, this fence will be viewed against the built backdrop of the large, bulky industrial sheds that comprise the industrial estate and it will be screened from view in the wider rural landscape by the existing belt of mature trees located along the western side of East Halton Road. The introduction of hardstanding, and sections of close-boarded and palisade fencing to the respective boundaries, is not considered to be out of keeping with the character and appearance of the street scene which is comprised of an industrial estate.

The formation of a vehicular access will result in the loss of three trees from the site frontage with Lancaster Approach. The extent of tree removal is considered to be minimal in the context of the development proposals being considered in this case. The plans show that the remaining trees along the site frontage (which are located at regular intervals) will be retained, which will help retain a greened appearance along Lancaster Approach.

It is noted that the applicant currently operates their haulage and lorry park business from the same industrial estate and the proposals being considered here would transfer the existing business operations. The applicant is seeking to develop this site to improve highway accessibility for their business and whilst it is noted there will be no increase in the number of jobs created it will nonetheless result in a site being developed for a use which is consistent with the allocated use in the Housing and Employment Land Allocations DPD.

Residential amenity

A number of objections have been received on the grounds of loss of residential amenity through noise, light, traffic, air pollution and general disturbance. It is noted that the existing site operates on an unrestricted 24-hour basis and is therefore seeking to operate on the same basis from the application site. Given the existing hours of operation and that this is a transfer of existing operations, it is not considered reasonable to impose an operating hours condition on this planning application. In addition, it is noted that there are residential properties located to the east of the application site on East Halton Road.

An acoustic report has been submitted for consideration; this has been considered by Environmental Health and a number of conditions are recommended to safeguard residential amenity. It is considered that the conditions recommended by Environmental Health (which include the installation of a 4 metre high close-boarded acoustic fence) are sufficient to safeguard residential amenity from the proposed use and its associated operations. In addition, it is noted that the conditions recommended by Environmental Health are sufficient to protect residential amenity during the construction phase and will ensure that any proposed external lighting will be assessed for potential light disturbance to residential properties prior to its installation.

A condition is also recommended by Environmental Health in respect of the investigation of any unexpected contamination. It is therefore considered both reasonable and necessary to recommend such a condition to ensure that the potential for any contaminated land encountered from site clearance/construction operations is fully investigated so that the land is suitable for development.

Highway issues

A number of objections have been received in relation to the routing of traffic, impact on highway safety and an increase in traffic along local roads. Highways have considered the proposal and raised no objections on highway safety grounds or in respect of traffic movements. It should be noted that the proposal will relocate an existing lorry haulage business that is already established on the industrial estate and there will be no increase in vehicle numbers or trip generation. It is therefore considered that the proposal, in this location, will not result in congestion along the local highway network or result in additional noise or air pollution to dwellings located along East Halton Road. Conditions are recommended by Highways in respect of the formation of the vehicular access, the surfacing of the site and the installation of gates; these conditions will ensure that the access is constructed to highway standards and that no loose material is deposited within highway limits.

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: KBC/LA/01 Revision 2, KBC/LA/02 Revision 4, KBC/LA/05, KBC/LA/06 and KBC/LA/06a.

Reason

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

3.
The proposed development hereby permitted shall not be brought into use until the following details have been submitted to and agreed in writing by the local planning authority:

- the method of constructing the vehicular access into the site, including details of the relocation of street furniture, drainage gullies and the provision of adequate pedestrian facilities crossing the access point
- the method of surfacing the site, including any measures to prevent the migration of loose material onto the highway.

The development shall be undertaken in accordance with the agreed details and shall thereafter be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

4.

Any gates proposed to serve the vehicular access for the site shall be positioned to ensure at least one full length articulated vehicle is able to pull clear of the carriageway on Lancaster Approach.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

5.

No development shall take place until a surface water drainage management strategy has been submitted to and agreed in writing by the local planning authority. The scheme shall consider the incorporation of SuDS drainage and its adoption and maintenance arrangements. The submitted scheme shall provide details of how run-off will be safely conveyed and attenuated up to and including the 1:100 year critical storm event with an allowance for climate change and provide detailed design information which includes details of any attenuation system and its discharge rates. The scheme shall also include details of how the drainage system will be maintained and managed for the lifetime of the development and a timetable for any phasing of implementation for the drainage scheme.

Reason

To prevent an increased risk of flooding to the development and to prevent flooding elsewhere, and in the interests of protecting water quality, in accordance with policies DS16 of the North Lincolnshire Local Plan, and CS18 and CS19 of the adopted Core Strategy.

6.

The drainage scheme shall be implemented in accordance with the approved details and the development shall not be brought into use until it is connected to the approved drainage system.

Reason

To prevent an increased risk of flooding to the development and to prevent flooding elsewhere, and in the interests of protecting water quality, in accordance with policies DS16 of the North Lincolnshire Local Plan, and CS18 and CS19 of the adopted Core Strategy.

7.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall include:

- (a) details of measures to avoid harm to great crested newts, badgers and nesting birds during vegetation clearance and construction works;
- (b) restrictions on lighting to avoid impacts on bat foraging areas, bird nesting sites and sensitive habitats;
- (c) prescriptions for the planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- (d) details of wetland habitat to be created as part of sustainable drainage;
- (e) proposed timings for the above works in relation to the construction and operation of the lorry park.

Reason

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

8.

The 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 approved in writing by the local planning authority. Prior to the operation of the approved lorry park, the applicant 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 adopted Core Strategy.

9.

Prior to the commencement of the use hereby permitted, an acoustic barrier shall be erected on the north, east and south boundaries of the site as detailed on the site layout plan in Appendix 2 of Environmental Noise Solutions Limited (ENS) Noise Impact Assessment for a Proposed Lorry Park at Land at Lancaster Approach, North Killingholme, Reference NIA/8383/19/8338/V2/North Killingholme, Dated 22 March 2019. A detailed technical specification of the acoustic barrier shall be submitted to and approved in writing by the local planning authority. The specification shall include details of the location, size and design of the barrier, with predicted noise reduction over the frequency spectrum. The approved acoustic barrier shall be installed prior to commencement of the use of this site and shall be maintained thereafter.

Reason

To protect the amenity of neighbouring properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

10.

HGV engines and refrigeration units shall be switched off while vehicles are on site at all times.

Reason

To define the terms of the permission and to protect the amenity of neighbouring properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

11.

All vehicle maintenance shall be carried out in the workshop.

Reason

To define the terms of the permission and to protect the amenity of neighbouring properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. This shall include details of mitigation measures for the control of pollution including noise, vibration, dust and light. All construction work shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the local planning authority.

Reason

To define the terms of the permission and to protect the amenity of neighbouring properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

13.

Construction operations shall be limited to the following hours:

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

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

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To define the terms of the permission and to protect the amenity of neighbouring properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

14.

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/obtrusivelight/>

- a lighting scheme which proposes methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

The lighting scheme shall be implemented in accordance with the agreed details and shall thereafter be retained. Any deviation from the agreed lighting scheme shall require approval in writing by the local planning authority.

Reason

To define the terms of the permission and to protect the amenity of neighbouring properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

15.

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 in writing by the local planning authority.

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.

Informative 1

The developer should take note of the informative comments raised by the Environment Agency in their consultation response dated 2 October 2018, particularly in respect of the pollution prevention guidance for businesses available at:

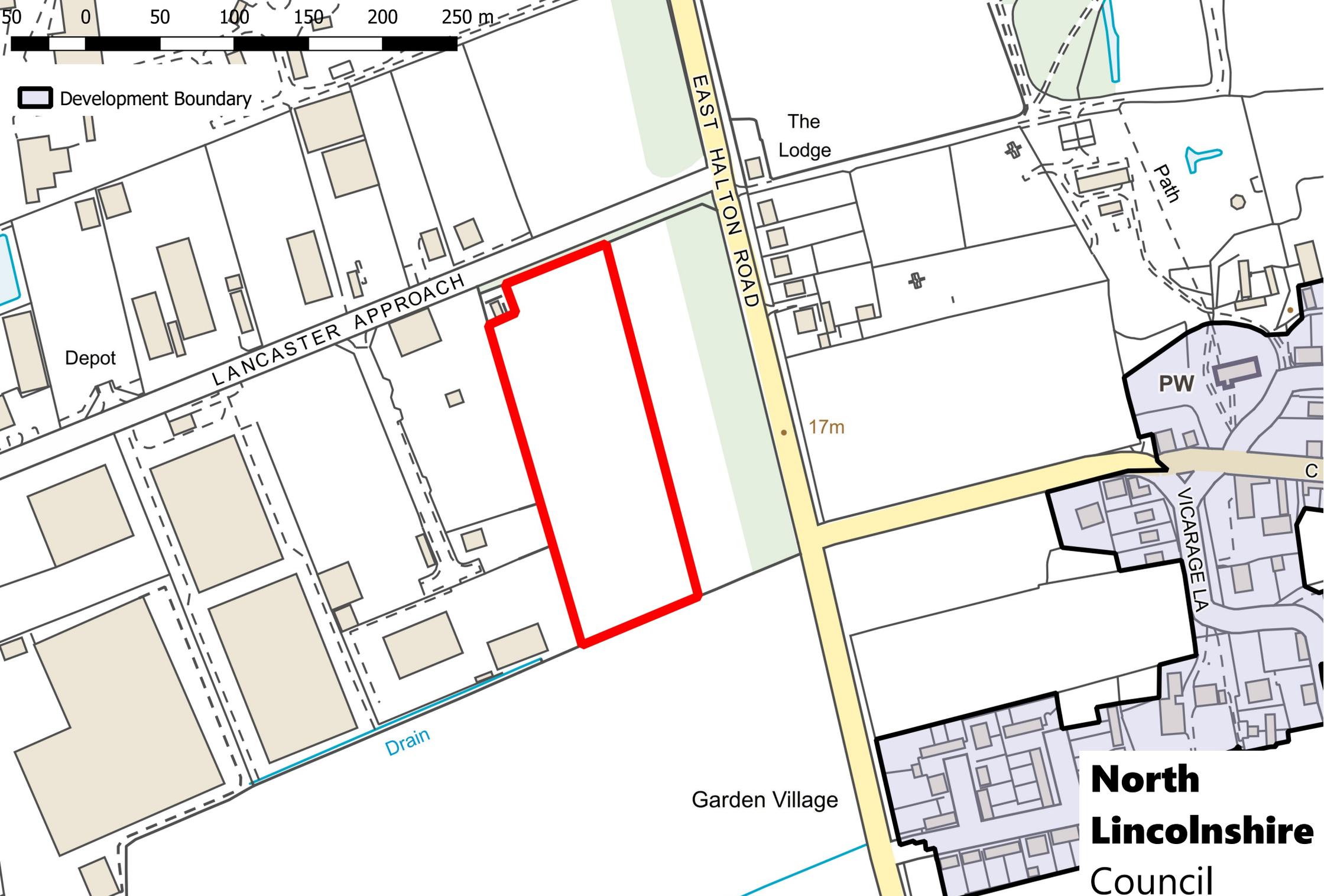
<https://www.gov.uk/guidance/pollution-prevention-for-businesses>.

Informative 2

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 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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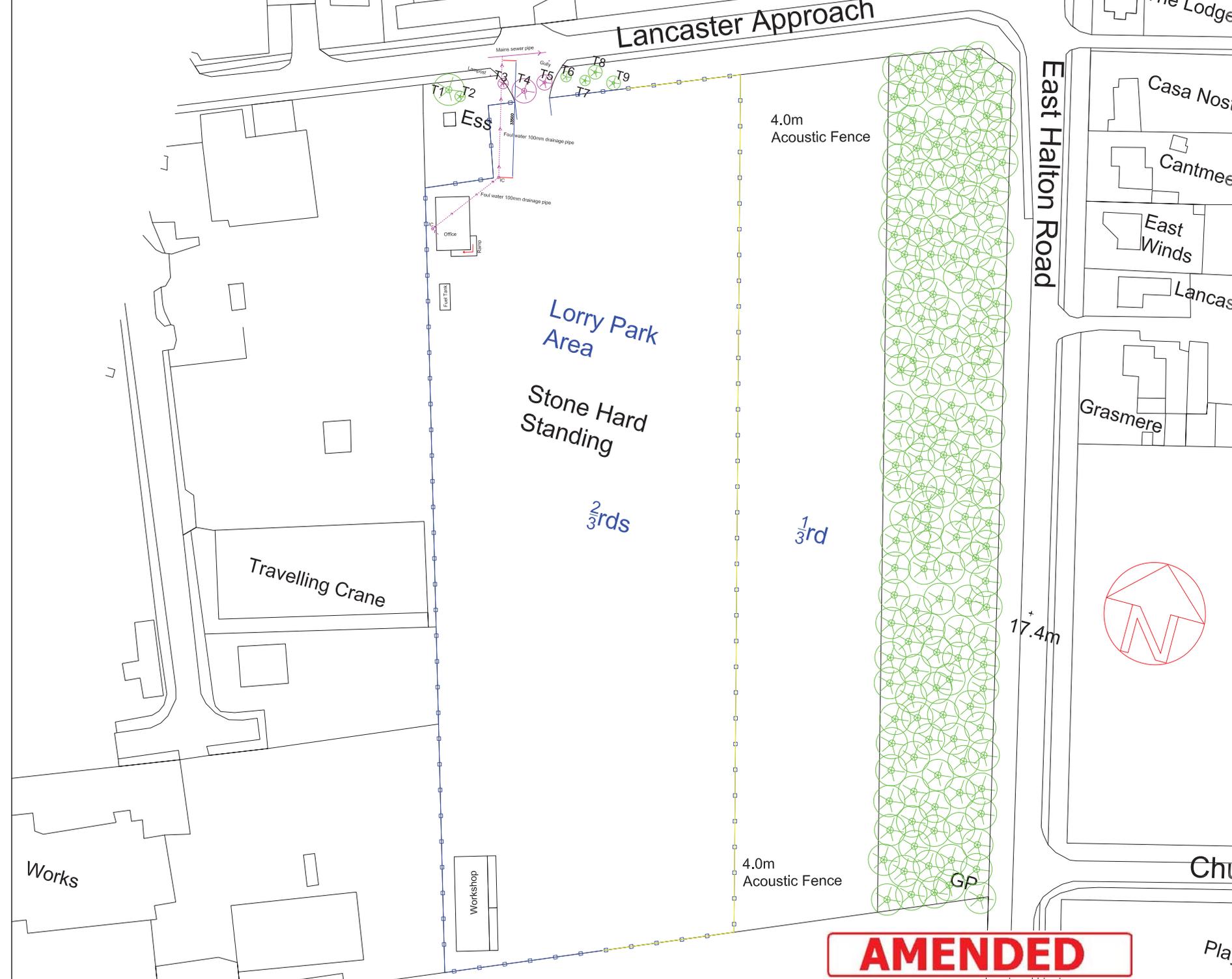
Development Boundary



**North
Lincolnshire
Council**

PA/2018/1703

PA/2018/1703 Site layout (not to scale)



NOTES
new fence

Trees
T3/T4/T5
to be removed

4.0m acoustic fence

Foul water pipe to main sewer

16/07/19	5	Foul water pipe added to main sewer	SH
14/06/19	4	Acoustic fence line added	SH
02/11/18	3	Corrected 3/4 and 1/4 orientation, plus moved workshop	SH
02/11/18	2	Development area changed	SH
21/07/18	1	Changed onto A1 paper	SH
18/07/18	0	Initial issued Drawing	SH
Date	Rev	Amendment	By

Stephen Heywood Design Ltd

30 Greengate Lane
 South Killingholme
 DN40 3HD Mobile: 07821 580 639

Address
 Lancaster Approach
 North Killingholme
 KBC Logistics Compound

Drawing
Site Layout Plan

Scale
 1:500 on A1 Paper

Drawing No. KBC/LA/02	Date 16th July 2019
Revision 5	Drawn/Checked Stephen Heywood

AMENDED