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| APPLICATION NO | PA/2020/455 |
| APPLICANT | North Lincs Property Ltd |
| DEVELOPMENT | Planning permission to change the use of land for the storage of commercial vehicles, re-site an earth screening bund and erect a replacement fence |
| LOCATION | Land north of Protruck Auctions, Sandtoft Industrial Estate Road 1, Sandtoft Industrial Estate, Belton, DN9 1PN |
| PARISH | Belton |
| WARD | Axholme Central |
| CASE OFFICER | John Van Eker |
| SUMMARY RECOMMENDATION | Grant permission subject to conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Departure from Development Plan |

POLICIES

National Planning Policy Framework: Paragraph 7 states, ‘The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.’

Paragraph 8 states, ‘Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

- (a) an economic objective
- (b) a social objective
- (c) an environmental objective.’

Paragraph 11 sets out the presumption in favour of sustainable development and confirms that, for decision-taking, this means:

- ‘(c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.'

Paragraph 12 states, 'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 38 states, 'Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.'

Paragraph 54 states, 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

Paragraph 163 states, 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.'

Paragraph 192 states that the desirability of new development making a positive contribution to local character and distinctiveness should be taken into account by local planning authorities when determining planning applications.

North Lincolnshire Local Plan:

DS1 (General Requirements)

DS12 (Light Pollution)

DS16 (Flood Risk)

RD2 (Development in the Open Countryside)

T1 (Location of Development)

T2 (Access to Development)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS11 (Provision and Distribution of Employment Land)

CS16 (North Lincolnshire's Landscape, Greenspace and Waterscape)

CS17 (Biodiversity)

CS19 (Flood Risk)

Housing and Employment Land Allocations Development Plan Document:

Employment land allocation Sandtoft Business Park, a 55.3 hectare site identified under policy SANE-1 for B1 and B8 uses as a logistics park.

CONSULTATIONS

LLFA Drainage Team: No objection subject to an informative.

Environment Agency: No objection subject to the imposition of a condition to protect the water environment (drainage).

Highways: No objection.

Highways Agency: No response received.

PARISH COUNCIL

No response received.

PUBLICITY

Advertised by site and press notice; no comments have been received.

ASSESSMENT

Site

The application site consists of a 0.36 hectare triangular piece of land which has previously been used for agricultural purposes and the siting of an advertisement hoarding.

It is bounded to the north by the M180 motorway, to the east by an agricultural field, and to the south adjoins land used by the applicant for the storage of vehicles (previously approved under application PA/2011/1340 for HGV parking and plant storage). Land to the east forms the re-sited bund adjacent to the M180 motorway and the existing Protruck Auctions site also. Access will be gained from the existing yard. Planning permission is sought to change the use of land to allow commercial vehicle storage, the re-siting of a screening bund and replacement fencing.

Proposal

This is a resubmission of an application previously approved subject to conditions (PA/2016/88). That permission was not implemented and has since lapsed; this application seeks to reinstate that permission.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) (adopted May 2003), the North Lincolnshire Core Strategy (NLCS) (adopted in June 2011) and the Housing and Employment Land Allocations Development Plan Document (HELA DPD) (adopted in March 2016.)

Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising Planning Practice Guidance (PPG).

The main issues in the determination of this application are the principle of development, residential amenity and flood risk, and to assess whether there has been any change in circumstances since the last application for the same scheme at this location, which was approved after consideration by the planning committee on 14 December 2016.

Principle

The application site is outside of any defined development limits within the HELA DPD. Policy RD2 of the NLLP governs land outside any defined development limit. The policy states that land within the open countryside will be strictly controlled and only development which is appropriate to the open countryside will be permitted.

The application site does not form land governed by policy SANE-1 of the HELA DPD, which allocates land on the former Sandtoft Airfield for employment, specifically for B1 (Business) and B8 (Storage and Distribution) uses within a logistics park. The proposed use for commercial vehicle storage is not considered to be appropriate to the open countryside and it would be expected that the proposed use could be accommodated within nearby land allocated for employment/industrial use.

When viewed in the context of the existing site, the application site is small in scale compared to land already developed to the south for similar uses by Protruck Auctions Ltd. A new design and access statement, dated March 2020, has been submitted in support of this application which supports the proposed development to the same extent as the design and access statement submitted alongside the previously approved application. The statement reiterates that the application has not been amended since it was previously considered and approved.

The design and access statement refers to an additional previous planning application on the adjacent site to expand Protruck (HGV storage and auctions), which was approved by the planning committee on 8 February 2012 (PA/2011/1340). In referring to this previous application, the agent states that the planning committee gave significant weight to the fact that existing businesses should be allowed to expand within the estate to safeguard and support the existing business. The application form submitted alongside this most recent application explains that 30 jobs will be safeguarded.

The siting of this commercial vehicle storage business is driven by the availability of the land in the direct ownership of the applicant and the immediate proximity to their existing business; the applicant has thus not considered alternative sites to accommodate the

business being considered in this case. The applicant has explained that at the time of previous application PA/2011/1340 the land the subject of this application was not in their ownership and would otherwise have been included within that application.

The design and access statement explains that the development should be supported as 'the site is land-locked and cannot be used for any other economic purpose; it lends itself to the rounding off of the whole site and has natural boundaries to all sides, which would preclude any further arguments for further expansion of the Protruck site.' Whilst this is acknowledged, as the officer's report for the previously approved application mentions, the land in question remains outside any development boundary or allocation and forms part of the open countryside, which should be safeguarded from inappropriate development.

As concluded in that officers report, it is noted that the proposal will safeguard 30 jobs and this is a factor to consider when assessing the proposal in its totality. However, as this proposal concerns the expansion of an existing business, the principle of expanding this business, which is not considered appropriate to the countryside, together with the impact on the character and appearance of the countryside, needs to be balanced against the economic benefits of the proposal.

On balance, despite the fact that the application site is outside any established development limit and therefore contrary to local planning policy, it is considered that the economic argument of existing business expansion outweighs that of local planning policy, given the aim of the NPPF to achieve economic growth. The principle of development is therefore considered to be acceptable subject to assessment of technical factors and sustainability.

Residential amenity

The nearest residential properties are approximately 1 kilometre to the south of the site and existing access to this application site is in close proximity to these properties. The following assessment has considered the impact of this additional form of development on neighbouring occupants over the existing arrangement.

The proposed development is considered to be a form of piecemeal development, outside the defined development boundary for Sandtoft Industrial Estate. A formal transport statement has therefore been submitted alongside this application. The transport statement is the same as that submitted alongside the previously approved application, and accounts for the cumulative impact of this development, together with the extension to existing businesses to the south of the site (the subject of PA/2016/0015, PA/2016/160, PA/2016/167, PA/2016/168, PA/2016/169, PA/2016/170, PA/2016/171, PA/2016/172 and PA/2016/175).

The transport statement highlights that this site typically generates 56 two-way commercial vehicle movements and 18 staff/visitor car movements over a six-day period; this breaks down to an average of 10 two-way commercial vehicle movements and two staff vehicles per day. In total, the cumulative impact equates to 18 additional HGVs and 12 cars: 30 vehicular movements in total. The document concludes that the additional level of traffic is minimal and would not have an adverse impact on the local road network in terms of safety and capacity.

The anticipated level of traffic is in keeping with the previous application at this location, to which the Highways officer raised no objection. The impact of any additional vehicle movements is considered acceptable over the existing arrangement.

In keeping with the previous approval, a condition is proposed to ensure no additional lighting is installed within the application site. This is in keeping with previous applications throughout the Sandtoft site. The applicant has confirmed that no lighting is proposed in respect of this application and therefore such a condition would be reasonable.

Flood risk

The site is located within flood zone 2/3(a) of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for storage and distribution in a high flood risk zone; this constitutes a less vulnerable use. Applying the Flood Zone and Flood Risk Table in the PPG, the proposed development is appropriate.

The Environment Agency has been consulted and has no objection to the application given that the end use has a low vulnerability to flooding, but advises a condition requiring further details of on-site drainage to be provided before development commences. The applicant has indicated that surface water will be dealt with through a sustainable drainage system but has not provided details of such a scheme. It is therefore recommended that details of the proposed sustainable drainage system be required prior to the commencement of development.

Other issues

The land the subject of this application directly abuts the M180 motorway and is within the safeguarding zone of the Strategic Highway Network. Highways England has been consulted on this latest application but no response has been received. However, looking at their response to the 2016 application, Highways England had no objection to the proposed development and it is not considered the scheme would have a negative impact on the motorway network.

In terms of ecology, the application is accompanied by an Ecology and Protected Species Survey. A condition is proposed, as was attached to the previous approval, to secure a biodiversity management plan which should provide details of sensitive working practices during construction, restrictions on lighting to prevent adverse impact, details of planting and management of the proposed bund, and timescales for implementation.

Conclusion

This application, as previously considered in 2016, is considered acceptable and sound. Although the application site is outside any defined development boundary and the use of the land is not normally appropriate to the open countryside, the land is adjacent to an existing permitted business, and the application will support the economic growth of an existing business which should be supported.

The land is bounded to the north by the M180 motorway which will act as a natural barrier and protect the open countryside. In addition, bunding is proposed which will effectively further screen the site and bring biodiversity enhancement. It has been demonstrated that the application will not have an adverse impact upon the existing highway network or residential amenity, and poses no issues in terms of flood risk. It is therefore recommended that planning permission 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: Location Plan, Drawing No. LIBS 001; Existing Block Plan, Drawing No. LIBS 002; and Proposed Block Plan, Drawing No. LIBS 003.

Reason

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

3.
No development shall commence until details of the proposed sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Reason

To prevent an increased risk of flooding.

4.
The sustainable drainage scheme submitted pursuant to condition 3 above shall be implemented in accordance with the approved details.

Reason

To prevent an increased risk of flooding.

5.
No floodlighting shall be erected without the express grant of planning permission in that regard.

Reason

To ensure that any floodlighting erected does not have an adverse effect upon the highway safety of the adjacent M180 motorway.

6.
Only vehicles, HGVs, parts of vehicles or HGVs, or plant shall be stored or parked on the site.

Reason

To define the permission.

7.
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:

- (i) details of measures to avoid harm to reptiles, amphibians, hedgehogs, bats, badgers, nesting birds or any other protected or priority species during vegetation clearance and construction works;
- (ii) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (iii) prescriptions for planting and aftercare of native hedgerows and hedgerow trees of high diversity value;
- (iv) proposed timings for the above work in relation to completion of the new landscaping bund.

Reason

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

8.

The boundary fence and bund hereby permitted shall be constructed/planted before the change of use takes place and once constructed/planted shall be retained thereafter.

Reason In the interests of the amenity afforded by the open countryside.

Informative 1

Records indicate that the proposed development site is bounded by, or has running through it, a watercourse (surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team on 01724 297522, prior to any further construction works being carried out. Please refer to the Environment Agency's 'Living on the edge - Riverside ownership rights and responsibilities' document which can be found online for further information. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

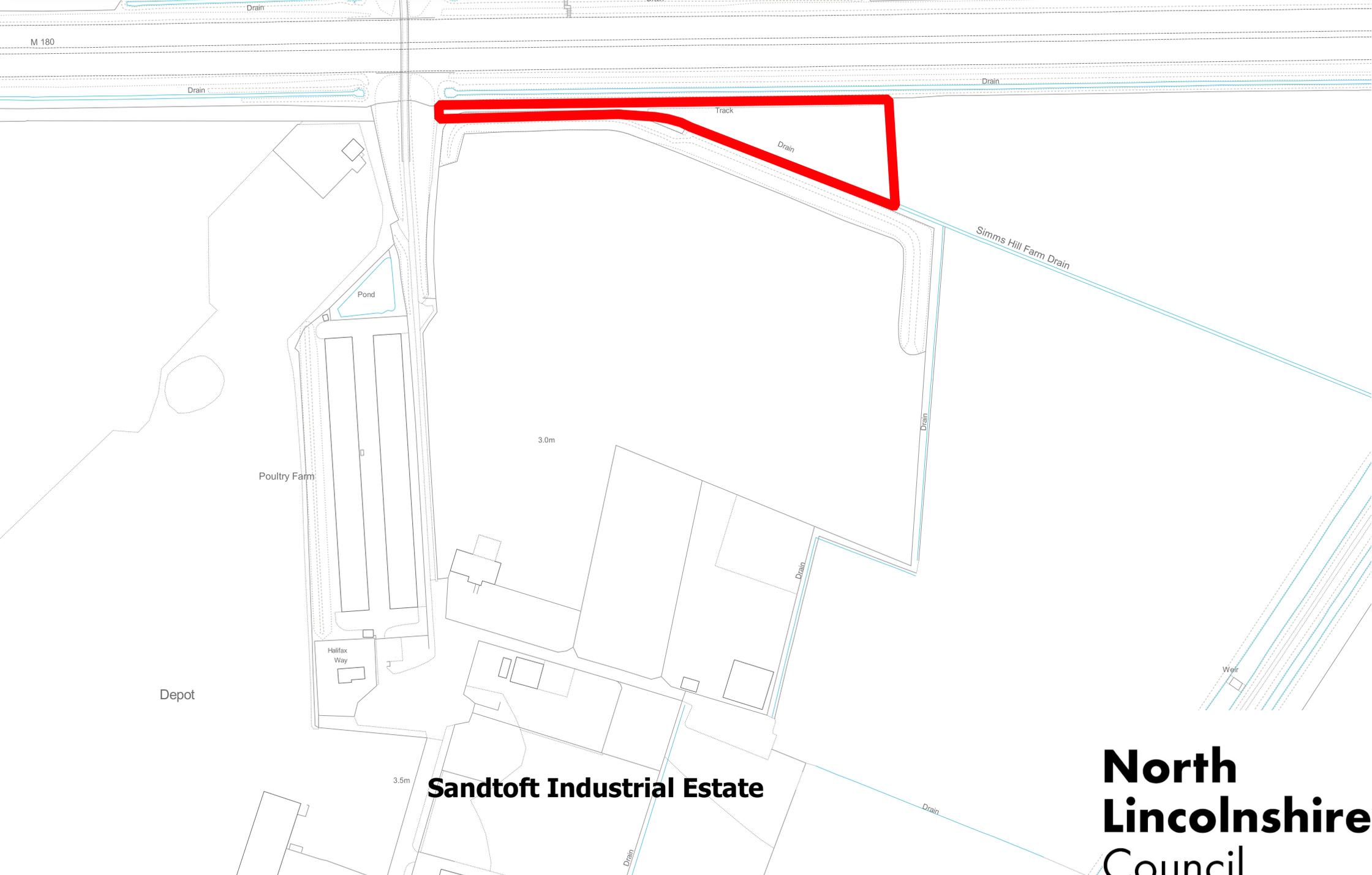
Informative 2

Records indicate that the proposed development site is bounded by an ordinary/riparian watercourse/highway drain along the eastern boundary. The proposals show a new access to be provided over and/or connection into the watercourse. This must be consented by the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team on 01724 297522 or by email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 3

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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Sandtoft Industrial Estate

**North
Lincolnshire
Council**

PA/2020/455

PA/2020/455 Existing block plan (not to scale)

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M180

Bund
2.4m Palisade fencing

Bund
2.4m Palisade fencing

Drawing Title

EXISTING SITE PLAN
OS FIELD 5180 NORTH OF PROTRUCK
AUCTIONS, SANDTOFT INDUSTRIAL
ESTATE, BELTON, DN9 1PN
(re-subission of PA/2016/88)

Ref:

LIBS 002

Scale @ A3

1:1250

Date

MAR/2020



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PA/2020/455 Proposed block plan (not to scale)

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M180



Re-site Bund

2.4m Palisade fencing

Re-site Bund

2.4m Palisade fencing

Bund

Drawing Title

PROPOSED SITE PLAN
OS FIELD 5180 NORTH OF PROTRUCK
AUCTIONS, SANDTOFT INDUSTRIAL
ESTATE, BELTON, DN9 1PN
(re-submission of PA/2016/88)

Ref:

LIBS 003

Scale @ A3

1:2500

Date

MAR/2020



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