

<b>APPLICATION NO</b>	<b>PA/2016/1613</b>
<b>APPLICANT</b>	Mr Richard Mills, North Lincs Property Ltd
<b>DEVELOPMENT</b>	Planning permission for change of use of land to retain concrete batching plant as built, hardstanding and palisade fencing and to form a woodland area bund and drain to the east of the site
<b>LOCATION</b>	Eveready Concrete Ltd, Sandtoft Industrial Estate Road 1, Belton, DN9 1PN
<b>PARISH</b>	Belton
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Andrew Willerton
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to completion of a Unilateral Undertaking, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Agent request to address the committee Departure from development plan Objection by Belton Parish Council

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 states that 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. For decision-taking this means approving proposals that accord with the development plan without delay or, where the development plan is absent, silent or out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as whole or where specific policies in the Framework indicate development should be restricted.

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 28 states that planning should support the sustainable growth of all types of business and enterprise in rural areas.

Paragraph 32 states that all developments that generate significant amounts of movements should be supported by a Transport Statement or Transport Assessment and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 58 states that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should also respond to the local character and reflect the identity of local surroundings and materials and should be visually attractive and use appropriate landscaping.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 109 states that the planning system should contribute to enhancing the natural and local environment by minimising impacts on biodiversity and providing net gains where possible.

Paragraph 118 states that when determining planning applications the authority should aim to conserve and enhance biodiversity and if significant harm resulting from development cannot be avoided, through locating development on an alternative site with less harmful impacts, adequately mitigated, or as a last resort compensated, then planning permission should be refused.

Paragraph 123 states that decisions should aim to mitigate and adequately reduce to a minimum any adverse impacts on health and quality of life and recognise that existing businesses wanting to develop should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

Paragraph 125 states that by encouraging good design decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

**North Lincolnshire Local Plan:**

DS1 (General Requirements)

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 DPD:** 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**

**Highways Team:** Having considered the transport statement submitted with the planning application no further comments to make.

**Drainage Team:** No comments received.

**Environmental Health:** No objection, but recommend conditions in respect of an assessment of light impact to be undertaken if lighting is to be installed and a restriction of operating hours to prevent significant noise disturbance.

**Environment Agency:** Does not wish to make any comment on this application.

**Ecology:** No objection, advises conditions.

**Health & Safety Executive:** Does not advise against the granting of planning permission.

## **PARISH COUNCIL**

Objects to this application on the following grounds:

- retrospective planning
- light pollution
- outside the permitted boundary for industrial.

## **PUBLICITY**

Neighbouring properties have been notified by letter and a site notice posted. One letter of objection has been received which states that when the property (Woodcarr Cottage) was bought the owner was informed that the land to the rear was greenbelt and no planning permission would be granted on it. It was stated that the industrial estate is not accessible for the additional HGV traffic.

## **ASSESSMENT**

The application site constituted an area of disused green space which was bordered by a line of mature trees along its eastern boundary and contained a number of trees. The site has since been developed for the applicant's business bordered by a metal palisade fence. The site is located in the open countryside, outside the defined development boundary for Sandtoft Airfield. It is bordered by an existing HGV auction business, by agricultural land and the River Torne to the east and a pony club (equestrian use) to the south. The site extends to 0.4 hectares in area of which 0.2 hectares have already been developed as hard standing. The remaining land associated with this application is proposed to act as a

compensatory woodland area to the east of the hard standing. Planning permission is sought for the retention of a change of use of land to retain concrete batching plant as built, hardstanding and palisade fencing which forms an expansion of the applicant's business and to form a woodland area, bund and drain to the east of the site. A concrete batching plant facility of similar scale and design was approved under PA/2015/0916 in October 2015 on land due east of this application site.

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) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was 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 with regard to the determination of this application are the principle of development, impact on residential amenity, impact on the highway network, impacts on ecology and the landscape, and flood risk.**

### **Principle**

The application site is outside 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 to retain the concrete batching plant as built and hardstanding for general industrial storage is not considered to be appropriate to the open countryside and could be accommodated within nearby land allocated for employment/industrial use.

The proposal has removed the area of land which was laid to grass and contained a number of trees. This has resulted in further encroachment into the open countryside. In addition it has eroded an area of land which formed a greened edge to the south of a vehicle storage site. The proposal is therefore considered to have a detrimental impact on the character and appearance of the countryside, particularly as a green piece of land has been removed to form what is effectively an industrial compound in the open countryside. In addition several other planning applications were submitted around the same time as this one to address the expansion of a number of existing businesses further east into the countryside; a number have expanded by a depth of 40 metres. Cumulatively these businesses have resulted in 2.83 hectares of land being developed in the countryside. Similarly, the expansion of these existing businesses has resulted in the loss of green space which contained a number of trees, the resultant effect being the appearance of a number of industrial compounds (bordered by palisade fencing) in place of land which formed a clear green edge and delineated the industrial estate from the open countryside. Therefore the cumulative impact of a number of businesses expanding their operations into the countryside (some to a depth of 40 metres further to the east), together with the retention of this new business encroaching into the countryside, is considered to be contrary to policy RD2 of the North Lincolnshire Local Plan. The proposal results in

employment-related development not considered appropriate to the open countryside and which is considered detrimental to the character or appearance of the open countryside in terms of siting, scale and use.

Notwithstanding the content of the above paragraph, a design and access statement has been submitted in support of this planning application. This document makes reference to a previous planning application (PA/2011/1340) on the adjacent site to expand Pro-truck (HGV storage and auctions) which was approved by the Planning Committee on 8 February 2012. In referring to this previous planning application the agent states the Planning Committee gave significant weight to the fact that existing businesses should be allowed to expand within the estate in order to safeguard jobs. In respect of this application it states this proposal will safeguard jobs and representations were made on behalf of the applicant for this land to be included in the allocated employment site to the west (in the HELA DPD).

The applicant has provided no details of alternative site selection; in addition the applicant made representation on the employment sites being considered in the HELA DPD and supported a proposal to extend development from their site further to the east towards the River Torne, however the applicant chose not to pursue this representation. In addition the siting of this 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.

It is noted that the proposal will safeguard jobs and this is a factor to consider when assessing the proposal in its totality. However, this proposal concerns the expansion of an existing business. Therefore 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.

This application also seeks to deliver a compensatory woodland buffer due east of the aforementioned developments. The proposed buffer is approximately 50 metres in depth and includes the provision of a 5 metre high bund and drain to the eastern edge. This use is considered acceptable within the open countryside and in principle is acceptable.

On balance, despite the fact 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 thus considered to be acceptable subject to assessment of technical factors and sustainability.

### **Impacts on the highway network and residential amenity**

The nearest residential property is some distance to the south of the site, however the access road to the site through the existing industrial estate is close to these properties.

The Highways team had previously raised concerns over the continuing nature of piecemeal development in this area and the requirement for this to be addressed through the submission of a formal transport assessment. The development being considered here is a form of piecemeal development outside the defined development boundary for Sandtoft Industrial Estate. A formal transport assessment would be required to address transport issues. The agent has submitted a transport statement with this planning application, which accounts for the cumulative impact of this development, together with

the extension to existing businesses adjacent to the site (the subject of PA/2016/1933, PA/2016/1939, PA/2016/1939, PA/2016/1934, PA/2016/1936, PA/2016/1931, PA/2016/1613, PA/2016/1940, PA/2016/1938 and PA/2016/177). The transport statement highlights that this site typically generates 56 two-way commercial vehicle movements and 18 staff/visitor car movements over a 6-day period; this breaks down to an average of 10 two-way commercial vehicle movements and 2 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. Following receipt of this additional information the Highways team has raised no objections to the proposal on highway grounds.

The Environmental Health team has considered the application and has no objection but has requested that a light impact assessment, including mitigation methods and their implementation, to be undertaken to ensure that any lighting to be installed does not result in significant light pollution that will have adverse impact upon the residential amenity of nearby properties. A condition was also proposed to restrict the operational hours of the facility to prevent adverse impact on nearby residential properties with regard to noise disturbance.

### **Impacts on ecology and landscape**

It is important that ecological matters are considered in respect of this application given that there has been encroachment into the open countryside. To facilitate this development an area of land containing a number of trees has been removed. An ecological report has been submitted with this application which states that the site comprises areas of semi-improved grassland, rough grassland, ruderals and a wet ditch located adjacent to the eastern boundary of Sandtoft Industrial Estate. The results of this assessment state that the developments have resulted in the loss of habitat most likely including semi-improved grassland, scrub and trees and it is unlikely that the work resulted in a breach in the legislation relating to statutorily protected species. The report recognises there has been a loss of habitat and mitigation is proposed in the form of bat boxes, bird nesting boxes and improvements to the adjacent land, including managing the wet ditch, additional planting of hedgerow (native species), habitat piles and removal of unnecessary vegetation.

The council's ecologist has considered the submitted report and notes it covers mostly land which is subject to the proposed compensatory woodland given that land has been developed as hard standing prior to being able to carry out such a survey. The ecologist concurs with the findings of the report and recommends applying the precautionary principle to the parts of the site where development has already taken place. This approach means it must be assumed that lost habitats may have supported protected or priority species or may have had ecological interest in their own right. The ecologist notes that this application proposes a buffer to act as compensation for habitat that has been lost which is generally supported. It is recommended that conditions be imposed to secure a biodiversity management plan and its subsequent implementation.

This application proposes the retention of a concrete batching plant including silos which are a maximum of 17 metres in height. A concrete batching plant facility of similar scale and design was approved under PA/2015/0916 in October 2015. It is considered that although the batching plant is within the countryside it is not out of character with the area given it is sited adjacent to an existing industrial estate and would not result in adverse visual impact upon the character and appearance of the open countryside.

The retrospective development the subject of this application has resulted in the loss of a number of trees within a clear buffer between the countryside and the industrial estate. It is considered that compensation is sought for this loss in terms of providing an appropriate screening of the development from the open countryside. The applicant has submitted a plan which illustrates the creation of a 50 metre buffer running north/south adjacent to the eastern edge of this application site and PA/2016/1933, PA/2016/1939, PA/2016/1934, PA/2016/1936, PA/2016/1931, PA/2016/1940, PA/2016/1938 and PA/2016/177. The buffer proposed will consist of a compensatory woodland area and a 5 metre high bund to the eastern edge of the drain. The buffer will form a defined natural barrier between the development and the open countryside in addition to creating appropriate screening. It is necessary to secure the creation of this buffer through the provision of a Unilateral Undertaking and secure its retention, management and maintenance also in order to prevent future encroachment into the open countryside.

### **Flood risk**

The site is located within flood zone 2/3(a) of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for general industry 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 considered to be appropriate. The Environment Agency has been consulted and has noted the above and stated that due to the scale and nature of the application it does not wish to make comments on this application.

### **Conclusion**

Although the application site is outside of any defined development and the use of land is not appropriate to the open countryside the land is adjacent to an existing permitted business, the application will support economic growth of existing business which should be supported. It is essential that appropriate screening be created to protect the open countryside which will be achieved subject to the implementation of the buffer to be secured through a Unilateral Undertaking. In addition this buffer should be retained accordingly thus creating a natural barrier which will prevent further encroachment to the open countryside. It has been demonstrated that the application will not have an adverse impact upon the existing highway network or residential amenity and poses no issue in terms of flood risk. It is therefore the recommendation of this report to grant planning permission subject to the completion of an agreement to secure the implementation, retention, management and maintenance of the identified buffer.

### **RECOMMENDATION**

**The committee be minded to grant permission subject to conditions and the completion of a Unilateral Undertaking to secure the implementation, retention, management and maintenance of the identified buffer with the decision delegated to the Head of Development Management upon the signing of the Agreement and authorisation to refuse the application should the Agreement not be signed.**

1.

The development hereby permitted shall be carried out in accordance with the following approved plans: 'Ever Ready Concrete - Site Plan' Ref: 598-16 drawing no 1 of 2, 'Ever Ready Concrete - Location Plan' Ref: 598-16 drawing no 2 of 2, 'Typical Section' Ref: 598-16 drawing no 1 of 1, 'Batching Plant' Ref: 936 drawing no 1 of 3.

#### Reason

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

2.

Within six months of the grant of permission a biodiversity management and landscape plan shall be submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of woodcrete bat boxes and bird nest boxes to be installed in retained trees;
- (b) restrictions on lighting to avoid impacts on bat roosts, 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) prescriptions for the management of woodland, neutral and acid grassland in the approved landscape buffer;
- (e) enhancement measures as described in section 5 of the submitted ecological assessment report dated April 2016;
- (f) details of the bund and drain to the east of the site;
- (g) proposed timings for the above works.

#### Reason

To enhance and protect the appearance of the open countryside and to conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy (2011).

3.

The biodiversity management and landscape plan submitted pursuant to condition 2 above shall be carried out in full 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. Within 18 months of the grant of permission the applicant or their successor in title shall submit a report to the local planning authority providing evidence of compliance with the biodiversity management and landscape plan.

#### Reason

To ensure the implementation and maintenance of the landscaping scheme and to conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy (2011).

4.

Any trees or plants which die, are removed, or become seriously damaged or diseased within five years from the date of planting as required by the biodiversity management and landscape plan submitted, approved and implemented pursuant to conditions 2 and 3 above 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 gives its written consent to variation.



Reason

To ensure the successful establishment of the approved landscaping scheme for the site in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy (2011).

5.

No external lighting shall be installed or come into operation at the site until details of the lighting to be installed/retained has been submitted to and approved in writing by the local planning authority. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall then be installed, maintained and operated in accordance with the approved details unless the local planning authority gives its written consent to a variation.

Reason

To protect the character and appearance of the open countryside and the amenity of nearby residential properties from light pollution in accordance with saved policy DS1 of the North Lincolnshire Local Plan (2003) and policy CS17 of the North Lincolnshire Core Strategy (2011).

6.

The hours of operation shall be limited to:

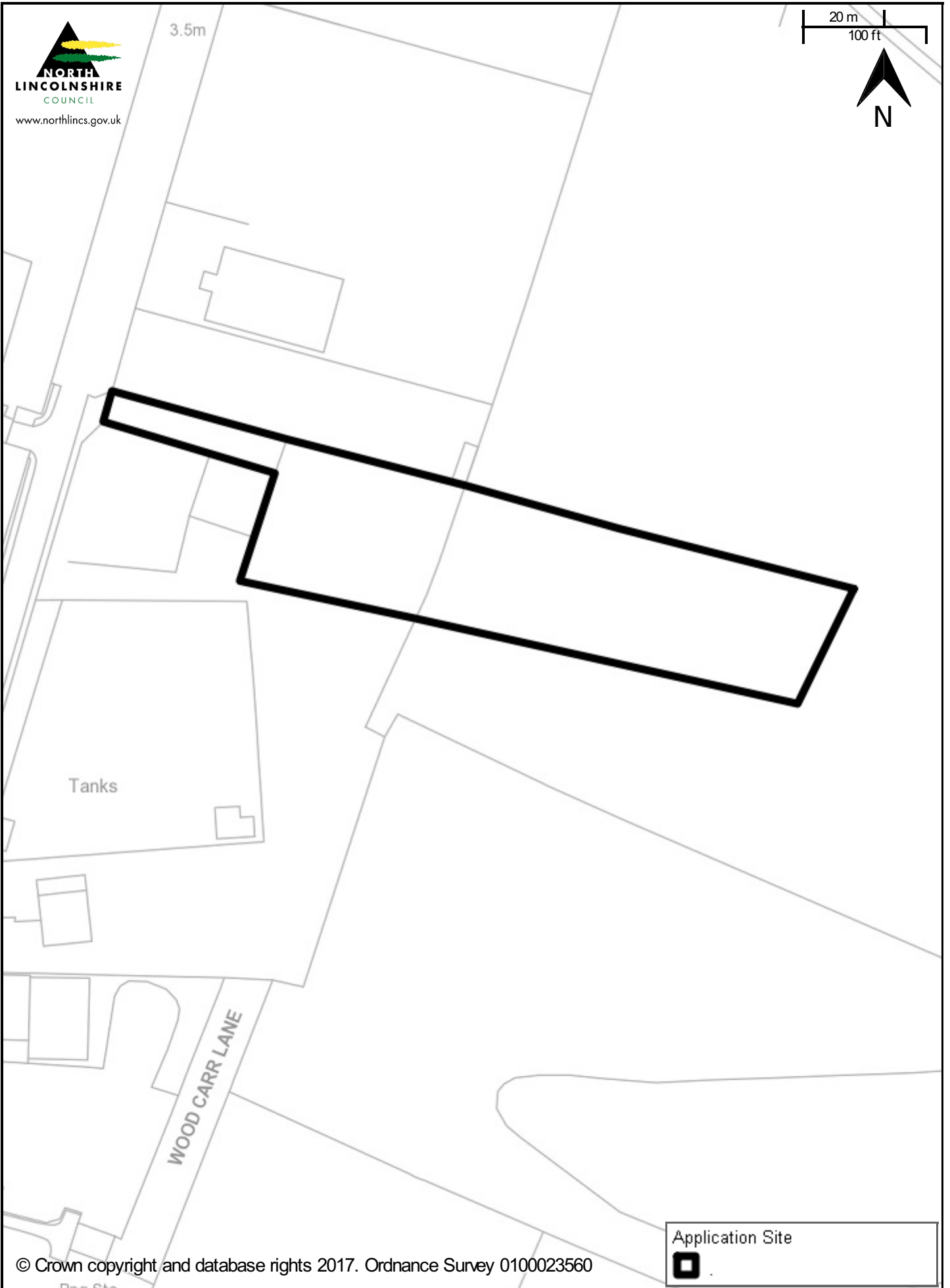
- 7am to 6pm Monday to Friday
- 7am to 1pm on Saturdays.
- no operation on Sundays or public/bank holidays.

Reason

To protect 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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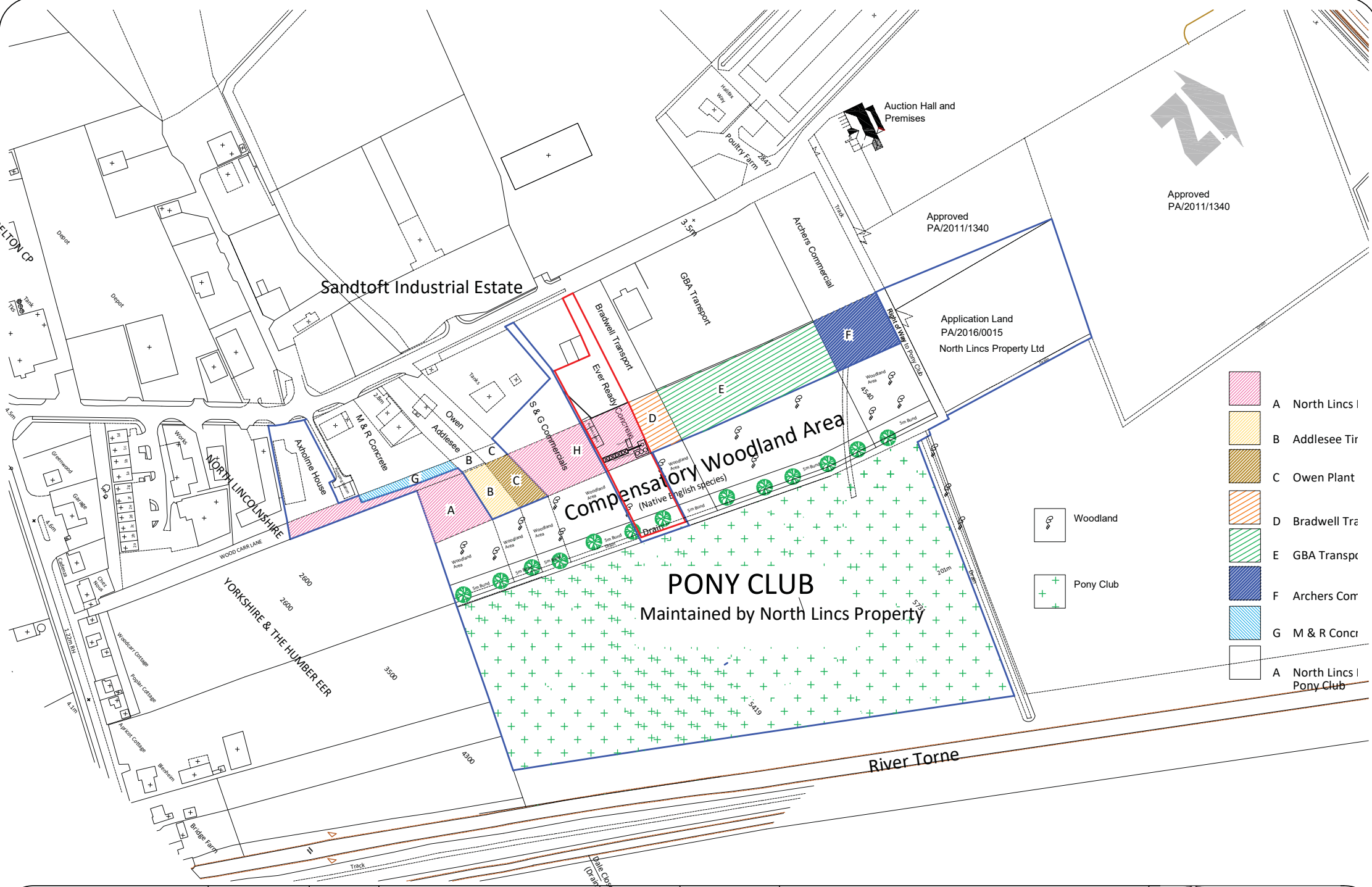
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Approved  
PA/2011/1340

Approved  
PA/2011/1340

Application Land  
PA/2016/0015  
North Lincs Property Ltd

-  A North Lincs I
-  B Addlesee Tir
-  C Owen Plant
-  D Bradwell Tra
-  E GBA Transp
-  F Archers Corr
-  G M & R Concr
-  A North Lincs Pony Club

-  Woodland
-  Pony Club