

APPLICATION NO	PA/2017/159
APPLICANT	Rockscape Contract Services
DEVELOPMENT	Planning permission to construct new access road with junction onto the A18 (east of Pilfrey Bridge) to serve North Moor Farm, Crowle
LOCATION	North Moor Farm, Crowle
PARISH	Belton
WARD	Axholme Central
CASE OFFICER	Andrew Willerton
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr John Briggs – highway safety) Objections by Crowle and Ealand Town Council and Keadby with Althorpe Parish Council
POLICIES	

National Planning Policy Framework: Paragraph 14 states that at the heart of the National Planning Policy Framework there 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 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 28 states that support should be given to the growth and expansion of all types of business and enterprise in rural areas, and the development and diversification of agricultural and other land-based rural businesses should be promoted.

Paragraph 32 states that decisions should take account of where safe and suitable access to the site can be achieved and whether improvements can be undertaken within the transport network that cost-effectively limit significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 34 states that plans and decisions should ensure developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

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, reflect the identity of local surroundings and materials, 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 100 states 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.

Paragraph 103 states that planning applications in areas of flood risk should only be considered by the planning authority if they are informed by a site-specific flood risk assessment following the sequential test and, if required, the exceptions test, and it can be demonstrated that the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location, and the development is safe from flooding and any residual risk can be safely managed.

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm cannot be avoided or adequately mitigated. Opportunities to incorporate biodiversity in and around developments should be encouraged.

Paragraph 129 states that 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. This assessment should be taken 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 196 states that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise and that the National Planning Policy Framework forms a material consideration.

Paragraph 197 states that in addressing and determining development proposals local planning authorities should apply the presumption in favour of sustainable 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)

CS6 (Historic Environment)

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

CS17 (Biodiversity)

CS18 (Sustainable Resource Use and Climate Change)

CS19 (Flood Risk)

North Lincolnshire Local Plan:

RD2 (Development in the Open Countryside)

HE5 (Development affecting Listed Buildings)

LC14 (Area of Historic Landscape Interest)

T1 (Location of Development)

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

LC4 (Development Affecting Site of Local Nature Conservation Importance)

DS1 (General Requirements)

DS14 (Foul Sewerage and Surface Water Drainage)

DS16 (Flood Risk)

CONSULTATIONS

Highways: No objection, but advises conditions and an informative.

Drainage: No objection, but advises an informative.

Environmental Health: Supports the application as the proposal would reduce the number of vehicles using the current access road which causes dust issues to neighbouring properties.

Environment Agency: No objection.

Ecology: Originally advises refusal of the application due to insufficient information. Following receipt of additional information now has no objection subject to conditions.

HER: Originally objected to the proposal but following receipt of amended plans and additional information now has no objection.

Conservation Officer: Originally objected to the proposal but following receipt of amended plans and additional information now has no objection.

National Grid: Originally issued a holding objection but now has no objection to the proposal.

IDB: No objection, but advises a condition.

PARISH AND TOWN COUNCILS

Keadby with Althorpe Parish Council objects to the proposal as the installation of the access would be a danger to road users of the A18. It was stated that there have been no accidents in the period 2014–2016 at the current access road junction with the A161 and there is no safety benefit to the new access road junction. It was also stated that the proposed junction location suffers with fog and would increase the probability of an accident.

Crowle and Ealand Town Council objects to the proposal as it was considered that it would result in an adverse impact on road safety. It was noted that the A18 is derestricted and the speed limit at the point of access is 60mph. It was considered inappropriate to have large goods vehicles turning onto such a road. It was highlighted that during construction of the windfarm a temporary speed limit of 40mph was imposed on the A18 and thus a precedent has been set in terms of the adverse impact large good vehicles have on highway safety to access the A18.

PUBLICITY

The application has been advertised by site notice and within the local press for a period of not less than 21 days prior to writing this report. A round of public consultation has taken place following receipt of amended plans and additional information to re-site the access road junction. As a result of public consultation 10 letters of comment have been received from eight properties/businesses; four of the letters object to the proposal and five support the scheme. One letter of general comment has also been received. The letters of objection raise the following concerns:

- the A18 has a speed limit of 60mph and to have a large number of HGVs turning into and out of the proposed access road causes great concern with regard to highway safety
- the provision of the access road could lead to greater expansion of an already growing development at North Moor Farm which, in turn, would lead to more traffic using the access road leading to the site
- the proposal would lead to highway safety issues and disruption to an existing access on the A18 to South Pilfrey Farm
- noise and disturbance to South Pilfrey Farm as a result of additional traffic movements
- the proposed junction site on the A18 is an accident black spot (an accident occurred on 4 March 2017) and supporting comments on visibility are contested
- increase in traffic to the A18 which is already busy.

The letters in favour of the development support the scheme for the following reasons:

- There have been issues with HGV traffic traversing a public bridleway and footbridge across the M180 from Belton, including mounting the kerb at Bracon on Temple Gardens, and so the alternative access road is supported.

- The proposal would alleviate traffic adjacent to Little Hurst Cottages at the current A161 junction reducing current noise and dust issues and improving the quality of life for the occupiers of these properties.
- The current junction at the A161 is adjacent to a bend and has poor visibility—near misses have occurred—and the proposed junction arrangements to the A18 have greater visibility and are safer.

One letter of general comment has been received which refers to Pilfrey Bridge as an accident 'black spot' and the new junction would present a major hazard for road users. It is queried whether a one-way system could be introduced whereby vehicles enter one way and leave the site by the existing access track.

ASSESSMENT

This application was deferred at the last meeting of the planning committee to enable members to view the site prior to making a decision.

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 (HELA) DPD which was 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 of the Planning Practice Guidance (PPG).

The application site comprises 0.78 hectares of agricultural land to the north-east of North Moor Farm Anaerobic Digestion Site. Planning permission is sought for the construction of a new access road with a junction onto the A18 (East of Pilfrey Bridge). The application site specifically follows the route of the proposed access road and for the vast majority is an existing agricultural track. Works are required, however, to the north-eastern corner of the site to bridge over a series of drains and form the new junction.

The main issues for consideration with regard to the determination of this application are whether the proposed access road would be to the detriment of highway safety; result in significant harm to a listed structure and an area of historic landscape interest; result in significant harm to areas of ecological importance; or result in an increase in flood risk.

Principle

The application site is outside of any development limit as defined by the HELA DPD. The site, for the purposes of planning, is therefore considered to be within the open countryside and NLLP policy RD2 and NLCS policies CS1, CS2 and CS3 apply. These policies combined seek to control development in the open countryside and permit development that is essential for the efficient operation of agriculture or forestry. Section 3 of the NPPF states that support should be given to the growth and expansion of all types of business and enterprise in rural areas.

The applicant states that this proposal is required to provide an alternative means of access to the farm site as there are difficulties with the existing access arrangement to the A161 to the west. The applicant considers that there are road safety issues with regard to visibility at the junction of the current access track with the A161, given that there is a bend in the road approximately 100 metres from the junction, and difficulties faced by HGVs on the access track at a 90 degree 'S' bend where HGVs must negotiate travel under a historic railway viaduct and bridges over drainage infrastructure.

It is considered, on the basis of the justification provided by the applicant, that the proposal would assist in the delivery of the efficient operation of agriculture and would support rural enterprise; the principle of development is therefore acceptable.

Highway safety

The key issue for consideration with regard to the development of the access road is whether the proposed new junction onto the A18 would be to the detriment of highway safety. A number of objections, including from the town and parish councils, specifically consider that this proposal would result in an adverse impact on the safe operation of the highway given that the road is not restricted and is subject to the national speed limit of 60mph.

The applicant has submitted a Transport Statement with this application. This document highlights the previously mentioned justification for the new access arrangements and ultimately considers that the proposed new junction would improve highway safety. The Transport Statement refers to the Design Manual for Roads and Bridges in terms of the minimum requirements for visibility for this classification of road. The applicant considers that the visibility offered at the position of the new junction is in excess of these requirements. It was stated with the report that traffic activity would equate to 5 vehicles per day (10 trips) entering the site from the east and 20 vehicles per day (40 trips) from the west. The report determines that whilst a number of accidents have occurred on this stretch of the A18 in recent years these are a result of driver behaviour rather than any deficiency with the geometry of the existing road layout.

Highways have raised no objection to the scheme subject to the imposition of conditions. They recommend a right-turn holding lane be created on the A18 in addition to localised widening and associated improvements. The applicant has responded to Highways' recommendation and does not consider it necessary as visibility meets the minimum requirement. The applicant also does not consider it is economically justified to provide the right-turn holding lane to serve the application site. The technical note submitted by the applicant conflicts with the response received from Highways insofar as it was stated that the provision of such a facility could result in an adverse impact as a result of drivers ignoring road markings and using the lane to overtake.

Highways have considered the response received from the applicant, in addition to the amendment to re-site the junction further to the east, and have not altered their original response and the requirement for a right-turn holding lane to be provided. On the basis of the response received from Highways and the provision of the right-turn holding lane, it is not considered the proposal would be to the detriment of highway safety.

Historic environment

The application site is within an Area of Special Historic Landscape Interest subject to NLLP policy LC14 and is adjacent to a Grade II Listed South Level Engine Drain Syphon. The proposal, as originally submitted, attracted objections from both the Historic Environment Record (HER) and conservation officer due to insufficient information being provided. The authority could not, therefore, adequately assess the impacts of the proposal on heritage assets.

The applicant has since provided a heritage statement and has proposed re-siting the junction of the access road with the A18 10 metres further to the east to lessen its impact on the setting of the Grade II Listed Syphon. The applicant has also confirmed that instead of a bridge structure it is proposed to culvert the existing drainage ditches. Whilst this would result in some harm to the setting of heritage assets it would result in lesser harm than if a modern bridge structure were to be installed. The applicant has confirmed that the road surfacing material is to be compacted earth, and tarmac is only to be applied to the roadway at the junction. No other above-ground works are proposed and thus the development does not impact landscape character. It is considered that the development would not result in significant harm to heritage assets to warrant its refusal.

Ecology

The council's ecologist originally recommended refusal of the application as it was not supported by a habitat survey. The applicant has since supplied additional information to assess the ecological importance of the site, including an updated water vole survey. The ecologist has considered the submitted information and notes that Local Wildlife Sites have not been taken into consideration, and relevant mitigation and enhancement measures have not been proposed. The ecologist has applied the precautionary principle whereby it is assumed there would be impact in the absence of survey information. Notwithstanding these issues, the ecologist no longer objects to the proposals but recommends the imposition of conditions to secure a biodiversity management plan and its subsequent implementation.

Flood risk and drainage

The application site is within Flood Zone 2/3a of the Northern Lincolnshire Strategic Flood Risk Assessment (SFRA) (2011). The Environment Agency has been consulted on the proposal and, whilst no Flood Risk Assessment (FRA) was supplied, the applicant has confirmed that no significant land raising is involved with regard to the creation of the access road. Accordingly, the Agency has raised no objection to the proposal.

With regard to surface water, the council's Drainage team has been consulted on the application and has raised no objection. It is noted that the proposal involves development involving works to existing drainage infrastructure which requires separate consent from the council in its capacity as the Lead Local Flood Authority. The Internal Drainage Board for the area has also commented on the application. The Board refers to the requirements for its consent for works that affect drainage infrastructure it has responsibility for. It was recommended that a condition be imposed to require details of a surface water drainage scheme for the site to be secure and subsequently implemented.

It is not considered that the proposal for which approval is sought would increase flood risk elsewhere and matters relating to surface water drainage can be secured by condition.

Other matters

Environmental Health originally stated that they had no comments to make with regard to the proposal but have since amended their response to support the scheme. They refer to issues of dust being created by traffic using the current access road to the A161. Letters of support have also been received from residents of housing immediately north of the junction who note the benefits of the proposal.

Comments have been received in relation to the potential for further growth of North Moor Farm as a result of the proposed new access. Whilst North Moor Farm has been expanded in recent years to accommodate an anaerobic digestion facility, each application must be determined on its own merits.

The site is within close proximity of a National Grid pipeline. The company initially imposed a holding objection on the application whilst it assessed its impact, but has since confirmed that it has no objection to the proposal.

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: 13382-5000-C-SK10 Revision C, 13382-5000-C-SK01, 13382-5000-C-SK11 Revision A, 13382-5000-C-SK12 Revision 1, 13382-5000-C-SK02, 13382-5000-C-SK03, 13382-5000-C-SK04, 13382-5000-C-SK05, 13382-5000-C-SK06, 13382-5000-C-SK07, 13382-5000-C-SK08 Revision 2 and 13382-5000-C-SK09.

Reason

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

3.

No development shall take place until details showing the method of constructing the new vehicular access, including the provision of an adequate right-turn holding lane with localised widening and amended lining scheme, have been submitted to and approved in writing by the local planning authority.

Reason

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

4.

The proposed new access shall not be brought into use until all within-highway works required by condition 3 above have been completed in accordance with the approved drawings.

Reason

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

5.

The new access road shall be constructed to a suitable standard and length into the site in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

6.

No development shall take place until a scheme for the provision, implementation and future maintenance of a surface water drainage system have been submitted to and approved in writing by the local planning authority in conjunction with the lead local flood authority. Once approved, the surface water drainage scheme shall be implemented in accordance with the approved details and timings, and shall be retained and maintained in accordance with the approved scheme thereafter.

Reason

To ensure that the access road is served by a satisfactory drainage system without increasing the risk of flooding elsewhere in accordance with policy DS14 of the North Lincolnshire Local Plan and policy CS18 of the North Lincolnshire Core Strategy.

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:

- details of measures to avoid harm to bats, nesting birds, water voles, reptiles, amphibians, fish and watercourses during vegetation clearance and construction works;
- details of bat boxes and nest boxes to be installed in retained trees;
- restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- details of habitat enhancements to be carried out for water voles and aquatic plants;
- details of buffering habitat and other measures to minimise the risk of pollution of aquatic habitats;
- proposed timings for the above works in relation to the completion of the access road.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire 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 agreed in writing by the local planning authority. Prior to the completion of the approved development, 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 North Lincolnshire Core Strategy.

Informative 1

The applicant is advised to contact the council's Drainage Team in its capacity as the Lead Local Flood Authority and the Internal Drainage Board to determine if any other consents are required for works to drainage infrastructure.

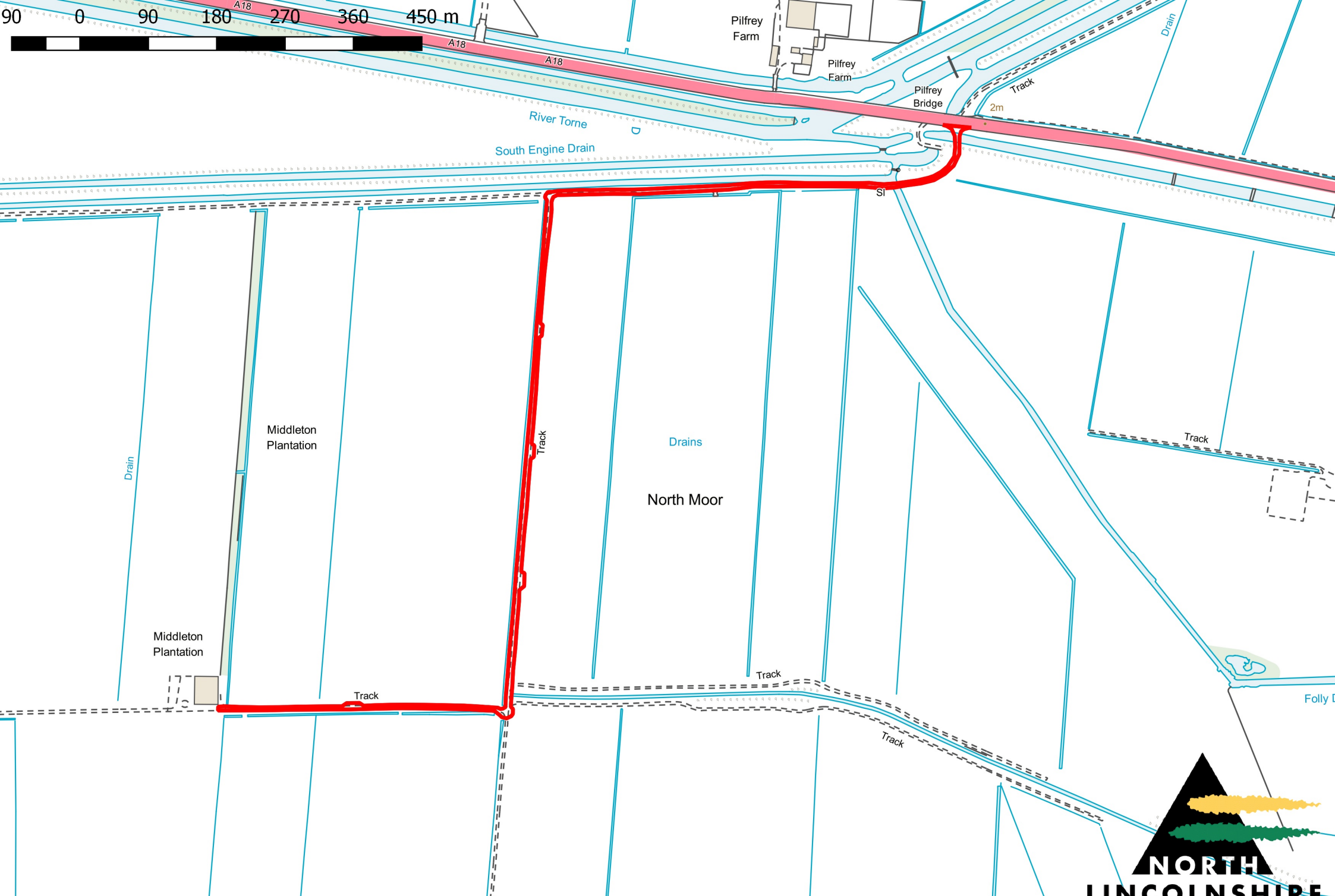
Informative 2

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 3

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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