

APPLICATION NO	PA/2018/75
APPLICANT	Mr Paul Rackham, Property Recycling Group PLC
DEVELOPMENT	Planning permission to construct an access road
LOCATION	Former sugar beet factory, access roads to power station, Scawby Brook
PARISH	Scawby
WARD	Ridge
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Scawby Parish Council

POLICIES

National Planning Policy Framework: Paragraphs 9 and 118 apply.

North Lincolnshire Local Plan: Policies T1, T2, T19, DS7, DS11 and DS14 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS17 and CS19 apply.

Allocation: BRIE-1

CONSULTATIONS

Highways: No objections subject to conditions.

Ecology: No objections subject to conditions

Arboriculture: No comments received.

Drainage: No comments received.

Environment Agency: No objections.

Environmental Health: No objections subject to conditions.

PARISH COUNCIL

Objects to the application on the grounds that no traffic management plans have been submitted with the application which would ensure that all construction traffic follows an agreed and acceptable route to the site to cause minimal disturbance to the area. They have also stated that a strategy should be in place to alleviate further HGV traffic which will be associated with future planned development of the area.

PUBLICITY

The site has been advertised by means of a site notice. No comments have been received.

ASSESSMENT

The applicant is seeking to construct an access road between Silversides Lane and the former sugar beet factory. The area is bounded by drains, scrub and trees and is predominantly located within Flood Zone 1. Much of the proposed access road is located within the BRIE-1 allocation for Former Brigg Sugar and in turn the entire road is located within the settlement boundary for Brigg.

The following issues are relevant to the proposal:

- **principle of development**
- **ecology**
- **flooding**
- **environmental issues.**

Principle of development

Policy CS1 of the Core Strategy sets out the overall spatial strategy for North Lincolnshire. The site is located within Brigg which is specified as a market town within the Core Strategy. It states of such areas that small and medium scale employment opportunities will be encouraged to meet the need to provide local jobs. The retention of existing local employment sites will be supported and, where appropriate, additional land will be allocated. Around 10 hectares of employment land will be provided in the market towns, with the majority being focussed in Barton upon Humber and Brigg.

Much of the site is also located within BRIE-1 which states that the brownfield site comprises vacant industrial buildings, associated storage areas, washing areas, lagoons and grassland. It is likely that the existing structures will require demolition prior to redevelopment. The site is allocated in the North Lincolnshire Local Plan for B1 (Offices/Light Industrial), B2 (General Industrial) and B8 (Storage and Distribution) uses.

The applicant proposes to formulate a new road that includes spurs into the area to allow for access to future development. The applicant does not state what the future development is for and, given the site allocation and other policies that make up the North Lincolnshire planning policy framework, there are certain policy constraints in place to what would be achievable. The site only connects to Silversides Road via a cycle/pedestrian link.

This application is only concerned with the proposal for an access road to improve the accessibility within the site. There are remnants of older road networks around the site highlighting that much of it has been previously developed, but is no longer fit to serve the development of the site. It is therefore considered that the proposal would align with both policies CS1 and BRIE-1.

Highways

Policy T1 of the North Lincolnshire Local Plan (which aligns with the overall spatial strategy) states that development proposals, which generate a significant volume of traffic movement, will be permitted provided that they are located:

- (i) in the urban area of Scunthorpe and Bottesford, Barton upon Humber, Brigg, and the areas identified for development at the South Humber Bank and Humberside International Airport.

The proposed road goes close to Silversides Lane but does not attach other than a pedestrian/cycle link. The council's Highways department have been consulted and have stated that the road does not have any particular end use traffic generation and as such put forward planning conditions. The conditions relate to ensuring that the road is built in accordance with the approved plans prior to use, and submission of drainage, construction, services and lighting. Highways have also requested a condition for a construction phase traffic management plan showing details of all associated traffic movements and this relates to satisfying policy T19. These conditions are considered to satisfy the tests for conditionality outlined within Planning Practice Guidance (formally Circular 11/95).

Given the above, it is considered that the proposal is acceptable and would align with the aims of policies T1 and T19 of the North Lincolnshire Local Plan.

Ecology

Policy CS17 of the Core Strategy is concerned with biodiversity and is reinforced by paragraphs 9 and 118 of the National Planning Policy Framework (NPPF). Paragraph 9 seeks to achieve a net gain for biodiversity whilst paragraph 118 sets out the principle for biodiversity.

The applicant has submitted an ecological appraisal along with the planning application. The council's ecologist has reviewed the submission and states that it is appropriate for the site in question in terms of a preliminary assessment. The ecologist therefore has no objections to the proposal subject to planning conditions. The conditions relate to the approval of the ecological assessment and the submission of a biodiversity management plan. It is considered that both of these conditions would pass the tests for conditionality and will be duly attached.

Given the above, it is considered that the proposal would be in accordance with policy CS17 of the Core Strategy as well as paragraphs 9 and 118 of the NPPF.

Flooding and drainage

Policy CS19 of the Core Strategy is concerned with flood risk and policy DS14 of the North Lincolnshire Local Plan with drainage; both are considered relevant. The site is located wholly within flood zone 1 though there are ditches and drains that run along the proposed access road.

The Environment Agency has been consulted and has stated that it has no objections to the proposal. In terms of drainage, the applicant has provided some information in relation to the construction materials and how surface water will be drained. However, Highways have put forward a condition which would request further details (and this is discussed within the above section).

Given the above, it is therefore considered that the proposal is in accordance with policies CS19 of the Core Strategy and DS14 of the local plan.

Environmental issues

Policy DS7 of the North Lincolnshire Local Plan states that in the case of proposals for development on land known or strongly suspected as being contaminated, applicants will be required to demonstrate that the level of contamination can be overcome by remedial measures or improvements. Furthermore, policy DS11 of the local plan seeks to protect amenity levels by mitigating causes of pollutants.

The council's Environmental Health team have been consulted and have advised that conditions restricting construction hours and requiring a method of dust protection be attached to any permission. The applicant considers this to be acceptable. However, the Environmental Health team have also stated that there is a requirement for a phase 1 desk top study and remediation and verification reports prior to development. The applicant has put forward further information that shows historical contamination studies carried out on the site and this information is currently under review. At present, without a secondary response from Environmental Health, it is considered that the original comments are still valid and the condition will be upheld.

It is therefore considered that the proposal is in accordance with policies DS7 and DS11 of the local plan.

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: Site Location Plan 4693-02-01; General Arrangement of Proposed Access Road 4693-02-02.

Reason

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

3.
No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

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

4.

No development shall take place until full details of the drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent access road and pedestrian/cycleway connection to Silversides Lane, have been submitted to and approved in writing by the local planning authority.

Reason

To protect amenity and highway safety in accordance with policies DS1 and T19 of the North Lincolnshire Local Plan.

5.

The proposed access road shall be constructed in accordance with the approved details, prior to the occupation of any section of the development site served by it.

Reason

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

6.

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:

- (a) details of measures to avoid harm to badgers, bats, nesting birds, amphibians, reptiles and water voles during vegetation clearance and construction works;
- (b) details of bat roosting and bird nesting features to be installed in retained trees;
- (c) restrictions on lighting to avoid impacts on bat foraging areas, bird nesting sites and sensitive habitats;
- (d) prescriptions for locally native trees and shrubs of high biodiversity value to be planted and retained;
- (e) prescriptions for the management of road verges for botanical diversity;
- (f) proposed timings for the above works in relation to the construction works;
- (g) monitoring procedures and remedial measures triggered by monitoring.

Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

7.

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 commencement of

use of the access road, 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 protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

8.

Construction and site clearance operations shall be limited to the following days and hours:

- 7am to 7pm Monday to Friday

- 7am to 1pm on Saturdays.

No construction, demolition or site clearance 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

In the interests of amenity and in accordance with policy DS1 of the North Lincolnshire Local Plan.

9.

Prior to any demolition, site clearance or construction activities taking place the applicant shall submit a dust management plan to the local planning authority for approval. The approved dust management plan shall be adhered to until the construction phase has been completed.

Reason

In the interest of amenity and in accordance with policy DS11 of the North Lincolnshire Local Plan.

10.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to

the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

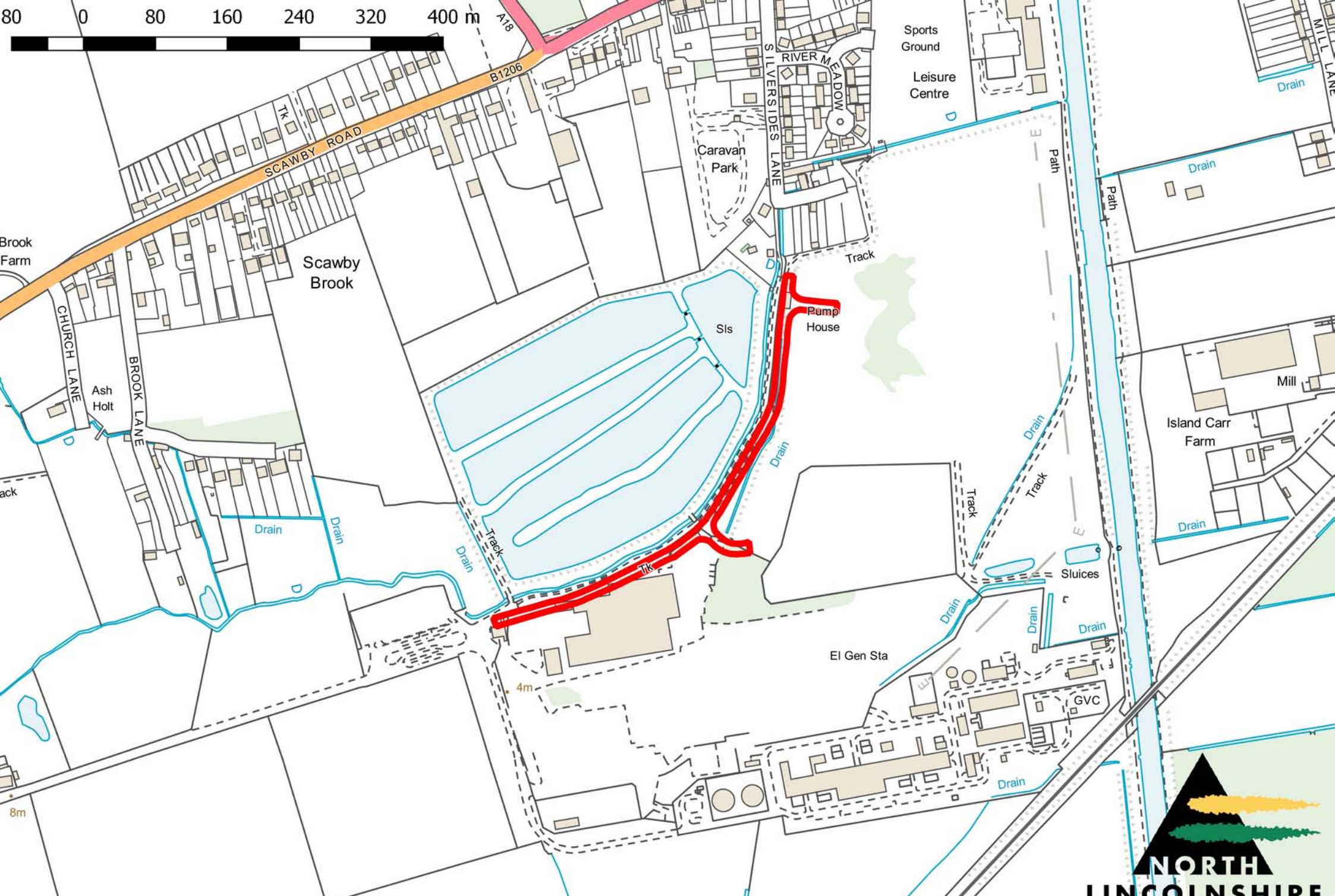
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

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

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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