

<b>APPLICATION NO</b>	<b>PA/2017/2022</b>
<b>APPLICANT</b>	Mr Housman
<b>DEVELOPMENT</b>	Planning permission to change the use of a grain store to mixed use comprising light industry (B1), general industry (B2), and storage and distribution (B8)
<b>LOCATION</b>	Warehouse, Marsh Lane, Barnetby le Wold
<b>PARISH</b>	Barnetby le Wold
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Andrew Willerton
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllrs Rob Waltham and Carl Sherwood – significant public interest)  Objection by Barnetby-le-Wold 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.’

The NPPF makes it clear that sustainable development comprises three strands: economic, social and environmental. It also states that sustainable developments should be approved without delay.

Paragraph 14 also states that in cases where the development plan is absent, silent, or relevant policies are out of date, planning permission for sustainable development should normally be granted.

Paragraph 19 states that planning ‘...should operate to encourage and not act as an impediment to sustainable growth. Therefore 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 including through the conversion of existing buildings.

Paragraph 32 states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken to limit significant impacts of the development.

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.

The NPPF places heavy emphasis on the delivery of new homes and paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

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 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.

The overarching message of the NPPF is that local planning authorities should adopt a positive and pro-active approach to planning proposals, particularly those that result in sustainable development.

#### **North Lincolnshire Local Plan:**

RD2 (Development in the Open Countryside)

RD6 (Re-use and/or Adaptation of Rural Buildings from Industrial and Commercial uses in the Open Countryside)

T2 (Access to development)

DS1 (General Requirements)

#### **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)

CS7 (Overall Housing Provision)

#### **CONSULTATIONS**

**Ecology:** No objections subject to conditions.

**Environment Agency:** No objections subject to conditions.

**Highways:** Object on grounds of unacceptable impact on traffic levels, insufficient parking provision and substandard access arrangements.

**Environmental Health:** Object on grounds of insufficient information relating to noise/disturbance.

## **PARISH COUNCIL**

Object to the scheme on grounds of highway impacts.

## **PUBLICITY**

The application has been publicised by site notice. Seventeen letters of objection have been received raising the following concerns:

- The proposed development would have an unacceptable impact on traffic levels.
- Insufficient and misleading information has been supplied.
- The proposal may lead to pollution.
- The proposal would allow for an unacceptably wide range of uses.

## **ASSESSMENT**

### **Principle of development**

The proposal seeks planning permission to change the use of the existing building to B1/B2/B8 uses. The applicant contends that the building benefits from an existing B8 (storage) use. However, the planning history for the site demonstrates that the site has recently been used as an unauthorised auction house. Furthermore, the building, when used for storage, was only used for the storage of agricultural grain and it is not considered clear that it has ever had an established use to be used for B8 purposes more generally. In any case, the introduction of the auction house use effectively means that the previous use could be argued to have been abandoned.

The site is outside the Housing and Employment Land Allocations Development Plan Document defined development limit for the settlement and is, for the purposes of planning, considered to be within the open countryside. Policies CS1, CS2 and CS3 of the Core Strategy, and policy RD2 of the North Lincolnshire Local Plan, govern the types of development that are acceptable in the open countryside. Policies CS2 and CS3 generally restrict development in such a location to that which is for the purposes of agriculture or forestry, uses that require a countryside location, or for the development of the tourism industry. Whilst the proposed use is not considered to constitute such development, policy CS1 does permit other uses where they would occupy an existing rural building, as does policy RD2. Local planning policy indicates that a change of use of a vacant agricultural building to an alternative commercial use is acceptable.

Policy RD6 is most relevant with regard to the determination of this proposal as it governs alternative commercial uses of agricultural buildings in the open countryside. The policy requires the building to be capable of conversion without substantial alteration. The building is visibly of substantial construction and capable of conversion without significant alteration. The council's ecologist has been consulted and has raised no objection to the proposal. It was noted in the ecologist's response that the steel portal-framed building with a sheeting roof would have negligible biodiversity value.

Paragraph 28 of the NPPF is clear that support should be given to all types of businesses that operate in rural areas. In principle, it is considered that the change of use to B1/B2/B8 accords with planning policy and is generally acceptable.

## Highways

The site is accessed from the settlement of Barnetby via Marsh Lane and is approximately 800 metres from the edge of the settlement boundary. Marsh Lane is a single track sealed road which is unclassified, the majority of which is adopted by the local highway authority.

The council's highways section have objected to the scheme on the grounds that the existing highway infrastructure is insufficient to cater for the likely increase in traffic flows that would be generated by the proposed change of use. The department has also expressed concerns that there is insufficient parking available at the site. Both of these issues could lead to blockages along the highway, conflicting vehicular movements and damage to the highway.

As previously stated, the applicant is of the view that the site already benefits from a B8 (storage and distribution) usage. However, no compelling evidence has been supplied to support this assertion and no certificate of lawfulness has been obtained. It is considered unlikely that the site benefits from such a usage based on the information presently available to the local planning authority. In any case, the proposed usage (B1/ B2/ B8) has the potential to introduce a much wider and more intensive range of uses in highway terms.

The concerns raised by the council's highway section are therefore considered legitimate and it is considered that the proposal would be detrimental to highway safety and efficiency.

## Amenity

The application site is approximately 330 metres from the nearest residential property on Marsh Lane although it is noted vehicles accessing the site would utilise Marsh Lane, which would result in the effects of the proposal being much closer to residential properties.

The council's Environmental Health Officer has commented as follows:

*"The application site is located approximately 330m away from the nearest residential property, however access to the site is along a narrow track which passes in very close proximity to residential properties.*

*No information has been provided with regard to the intended activities on site, however the planning class uses applied for have the potential for significant adverse impact on local residents due to the comings and goings to the site, ie deliveries, employees, contractors, etc.*

*No information has been submitted with the application to demonstrate that the increased volume of traffic, visitors etc to the site will not have an adverse impact on local residents."*

The information supplied in support of the application lacks detail and it is considered reasonable to conclude that the range of uses proposed has the potential to result in a significant impact on neighbouring uses as a result of vehicular movements and other commercial activities. It is therefore considered that insufficient information has been

supplied to enable the local planning authority to carry out an accurate assessment in this regard.

### **Other issues**

The council's ecologist has confirmed that the scheme would not have an unacceptable impact on any ecological asset subject to appropriate conditions. Furthermore, the proposal would not result in an unacceptable impact in terms of drainage or flood risk.

It is accepted that the proposal would allow for commercial investment in a relatively rural area. However, the benefits of the scheme in this regard are considered to be outweighed by the harm identified above.

### **Conclusion**

For the reasons set out above, it is considered that the proposed development is contrary to adopted planning policy and guidance. There are not considered to be sufficient material considerations to justify the departure away from the current development plan.

### **RECOMMENDATION: Refuse permission for the following reasons:**

1.

The proposed development would result in a significant increase in vehicular movements on the adjacent highway network, and in particular Marsh Lane, which is unsuitable to accommodate two-way traffic flows. The proposal would result in potential vehicular conflicts which would represent a hazard to highway safety and would cause damage to the highway. The proposal is considered contrary to policy T2 of the North Lincolnshire Local Plan in this regard.

2.

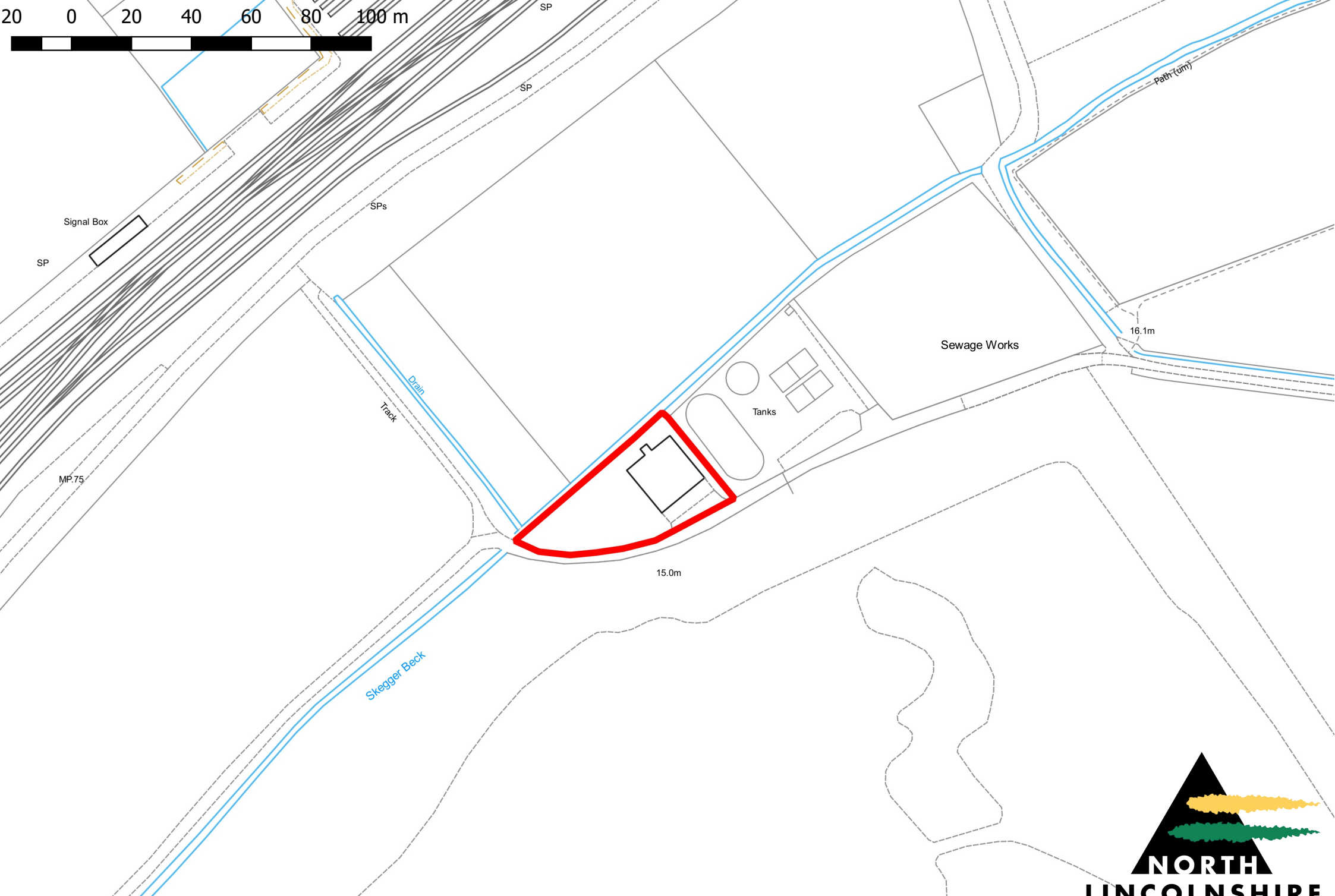
The proposed development would result in a significant increase in parking demand at the site, which would likely lead to an overspill onto the adjacent track and highway verge. This would represent an obstruction to the free flow of traffic leading to potential hazards to other road users and cause damage to the highway. The proposal is considered contrary to policy T2 of the North Lincolnshire Local Plan in this regard.

3.

Insufficient information has been supplied with the application to demonstrate that the proposed use would not have an unacceptable impact on neighbouring living conditions as a result of an increase in vehicular movements or other commercial activities. The proposal is considered contrary to policy DS1 of the North Lincolnshire Local Plan in this regard.

### **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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