

APPLICATION NO	PA/2019/1608
APPLICANT	Mr Carney
DEVELOPMENT	Planning permission to change the use of land to the sale of cars, including the siting of a sales office
LOCATION	Vacant land on Sandtoft Industrial Estate, Belton
PARISH	Belton
WARD	Axholme Central
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Belton Parish Council Departure from the development plan

POLICIES

National Planning Policy Framework: Paragraph 47 – Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

North Lincolnshire Local Plan: DS1, DS7, DS11, RD2, T2, T19, LC12

North Lincolnshire Core Strategy: CS1, CS3, CS5, CS19

CONSULTATIONS

Highways: No objections subject to conditions.

Environment Agency: No comments received.

Drainage (Lead Local Flood Authority): No objections subject to conditions.

Environmental Protection: No objections subject to conditions.

PARISH COUNCIL

The parish council objects to a change of use on this site. The original proposal for B1 uses was also considered vague.

PUBLICITY

The proposal has been advertised by site and press notice in accordance with Article 15 of the DMPO 2015 as amended.

One letter of objection has been received which raises many concerns about the proposal. The main two issues revolve around loss of trees and a restrictive covenant that is written within the deeds of the sale. The former is discussed under the tree section of this report whilst the covenant is a civil matter outside the remit of planning. Any restrictive covenants on the land would be completely separate to the planning regime and would not be removed or altered by any grant of planning permission; therefore the potential existence of a covenant is not a material planning consideration and cannot be considered in the determination of this planning application.

ASSESSMENT

Site characteristics

The site takes up a corner plot of Sandtoft Road and Sandtoft Industrial estate and straddles the development boundary, the larger, eastern part of the site being located within the development boundary and the smaller, western part of the site falling outside the development boundary. As part of the site sits outside the defined development limit it is recognised as open countryside for policy purposes. The site is also located within flood zone 2/3a in accordance with the North and North East Lincolnshire SFRA 2011.

The applicant seeks to change the use of the land and erect a sales cabin in relation to the sale of cars on site.

The main issues for consideration are:

- **the principle of development;**
- **flooding and drainage;**
- **environmental issues/amenity;**
- **highways;**
- **character.**

Principle of development

Policy CS1 of the Core Strategy sets out the council's overarching spatial strategy for the district. In policy terms the application site is located within the open countryside and policy CS1 states of these areas:

'In the countryside, support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings. Tourism development will also be supported, in particular the development of green tourism making the most of the area's important natural and built environments.'

Policy RD2 of the North Lincolnshire Local Plan is concerned with development in the open countryside and has two parts: firstly, it sets out in principle what development types are appropriate; and secondly, it puts forward a criteria-based assessment against which to assess those development types that are acceptable under the first part. The proposal is not an essential use for the functioning of the open countryside and is therefore contrary to the aforementioned planning policies.

Paragraph 47 of the NPPF states that "...Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."

The proposal, whilst not in accordance with the strategic policies of the plan, is located in and around other commercial and industrial development that would also be contrary to the same strategic policies. The proposal would be located between existing non-countryside uses and therefore its harm, in broad terms, upon the open countryside is limited. A recent approval by planning committee for a security cabin to the south, as well as a concentration of commercial and industrial uses to the north, are material considerations in assessing this application. Whilst the proposal is therefore not in accordance with the policies of the plan in principle, there are material considerations that indicate a departure from the plan should be allowed in this instance, in line with paragraph 47 of the NPPF.

Flooding and drainage

The site is located within flood zone 2/3a in accordance with the North and North East Lincolnshire SFRA 2011. Policies DS14 of the North Lincolnshire Local Plan and CS19 of the Core Strategy are considered relevant.

The proposal is well below the 250 square metres which is the threshold for minor development in flooding terms and therefore standing advice from the Environment Agency (EA) should be followed. The EA has not responded to the consultation response and it is considered that there is no objection to the proposed development. The council's drainage team has no objections to the proposal subject to the imposition of conditions to ensure an appropriate drainage scheme across the site. Given that the site is located within flood zone 2/3a, and whilst materials are described as 'permeable' on plan, the area is large and infiltration rates/methods of disposal need to be carefully considered. The conditions are therefore considered necessary to mitigate the development and will be duly attached.

The proposal is therefore considered to accord with policies DS14 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy.

Environmental issues/amenity

Policy DS1 of the local plan in part is concerned with amenity and it states that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing. Policy DS11 of the local plan is concerned with polluting activities and is also considered relevant.

The proposal would see the siting of a modest cabin on site; however, the main impacts to neighbouring amenity would be from the use itself. The council's Environmental Health team has been consulted and has put forward a series of conditions to mitigate the scheme; these relate to the control of operational hours and the erection of a suitable fence where the site abuts residential gardens, as well as a condition reaffirming the terms of the permission. All the conditions are considered necessary to protect levels of neighbouring amenity. The last condition, which reaffirms the terms of the permission, will be attached given that the description of the proposal has changed during the application process from

an open B1 use to the sale of cars, which is a sui generis use; this is to avoid any doubt as to what is being approved.

It is therefore considered that the proposal would align with policies DS1 and DS11 of the North Lincolnshire Local Plan.

Highways

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by a satisfactory access. Policy T19 of the local plan is concerned with parking provision as well as general safety and is also considered relevant.

The applicant proposes to create new access points and ample parking is available within the site. The council's highways department has assessed the application and has no objections or comments to make. The officer does, however, propose conditions relating to the construction of access points and surfacing, as well as a condition that no signage shall be positioned within the limits of the adopted highway. The conditions are considered necessary, related and reasonable and will be attached.

The proposal is therefore considered to accord with local plan policies T2 and T19.

Character impacts

Policy CS5 of the Core Strategy seeks to raise the design standards of the area, whilst policy RD2 of the North Lincolnshire Local Plan seeks to restrict and restrain developments allowed in the open countryside; both are considered relevant.

The area is industrial in nature and at present the security cabin is located on a grassed corner close to Sandtoft Road and some residential properties beyond. To the north the built form becomes industrial with a mix of large and small buildings, palisade fencing and car parking. This proposal would therefore not overly detract from the existing character of the area. The only built form on site is a sales cabin and this is of modest scale. The materials are not described within the submission; however, given that a security cabin is sited to the north, and many of the buildings in the area vary in terms of materials and appearance, a condition on materials in this instance is not deemed necessary.

Therefore, subject to the aforementioned mitigation, the proposal is considered to accord with policy CS5 of the North Lincolnshire Core Strategy, as well as the second part of policy RD2 of the local plan.

Trees

Policy LC12 of the local plan seeks to protect trees and retain them wherever possible. The council's Tree Officer has suggested that an arboricultural report is required. However, from site visit and echoed by the objector's comments, it is clear that there are no trees left on site. Whether or not a licence for the felling of those trees was obtained (if required) is outside of planning control. This assessment focuses only on the material considerations that the officer has the remit to consider. There are no trees left to protect.

Conclusion

The proposal is partly contrary to the strategic policy aims of the plan in that part of the application site falls outside of defined development limits, in the open countryside. That said, there are material considerations, such as the ad hoc nature of commercial and industrial development that already exists in this area, and as such the proposal would align with paragraph 47 of the National Planning Policy Framework. Further mitigation is required in relation to neighbouring amenity, flooding and highway safety. These matters have been discussed within the report and conditions are recommended to be attached to any permission.

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: C/01/01/2619/A.

Reason

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

3.

The proposed development shall not be brought into use until:

- the vehicle access points serving the site (which shall have been constructed within highway limits to the appropriate standard);
- the site boundary treatments;
- the surfacing of the site; and
- the vehicle parking facilities;

have been provided in accordance with the amended details. Once provided these facilities shall be retained.

Reason

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

4.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

5.

No signage associated with the use shall be positioned within the limits of the adopted highway.

Reason

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

6.

The use of the land shall be restricted to the sale of cars.

Reason

To define the terms of the permission and in the interests of residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

Amplified music and broadcasting systems shall not be used.

Reason

In the interest of protecting neighbouring amenity in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

8.

Hours of operation and deliveries shall be limited as follows:

- 8am to 6.30pm Monday to Saturday
- Closed on Sundays and public/bank holidays.

No vehicle movements shall be permitted outside of the above hours.

Reason

To protect amenity in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

9.

No vehicle maintenance or spraying shall be permitted on site.

Reason

To protect amenity in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

10.

Prior to the first use, and notwithstanding the approved plans, an acoustic barrier or masonry wall shall be erected on the south and east boundaries of the site. A detailed technical specification of the acoustic barrier or wall shall be submitted to and approved in writing by the local planning authority. The specification shall include details of the location,

size and design of the barrier, with predicted noise reduction over the frequency spectrum. The approved acoustic barrier or wall shall be installed prior to commencement of the use of this site and shall be maintained thereafter.

Reason

To protect amenity in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

11.

No development shall take place until a detailed flood risk statement and drainage scheme has been submitted to and approved in writing by the local planning authority. Full-scale ground investigations must be carried out along with a feasibility assessment for infiltration. The approved drainage scheme shall be implemented prior to the car sales use being brought into operation and shall be retained thereafter.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

12.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site has been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

13.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy and paragraph 163 of the National Planning Policy Framework.

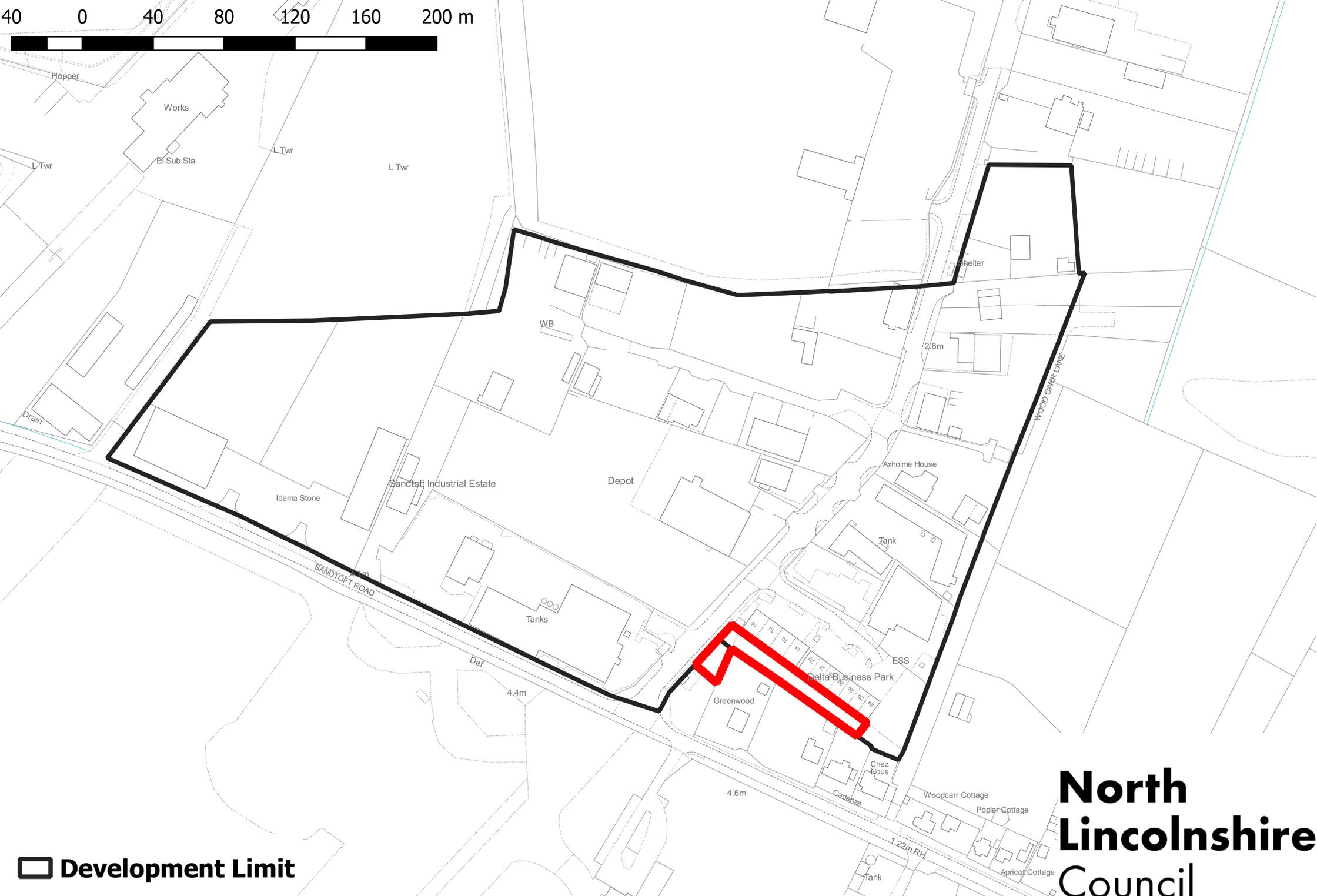
Informative 1

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 2

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.

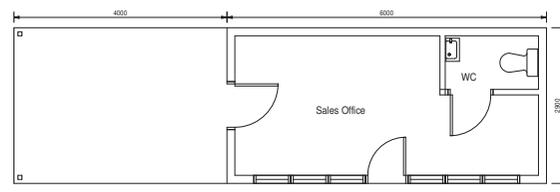


 Development Limit

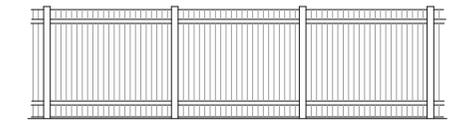
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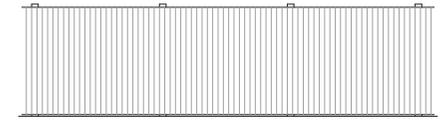
PA/2019/1608 Site layout (not to scale)



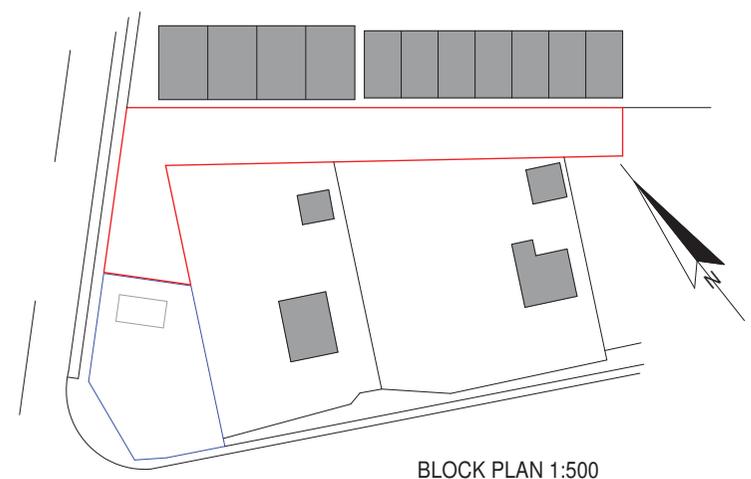
SALES OFFICE FLOOR PLAN 1:50



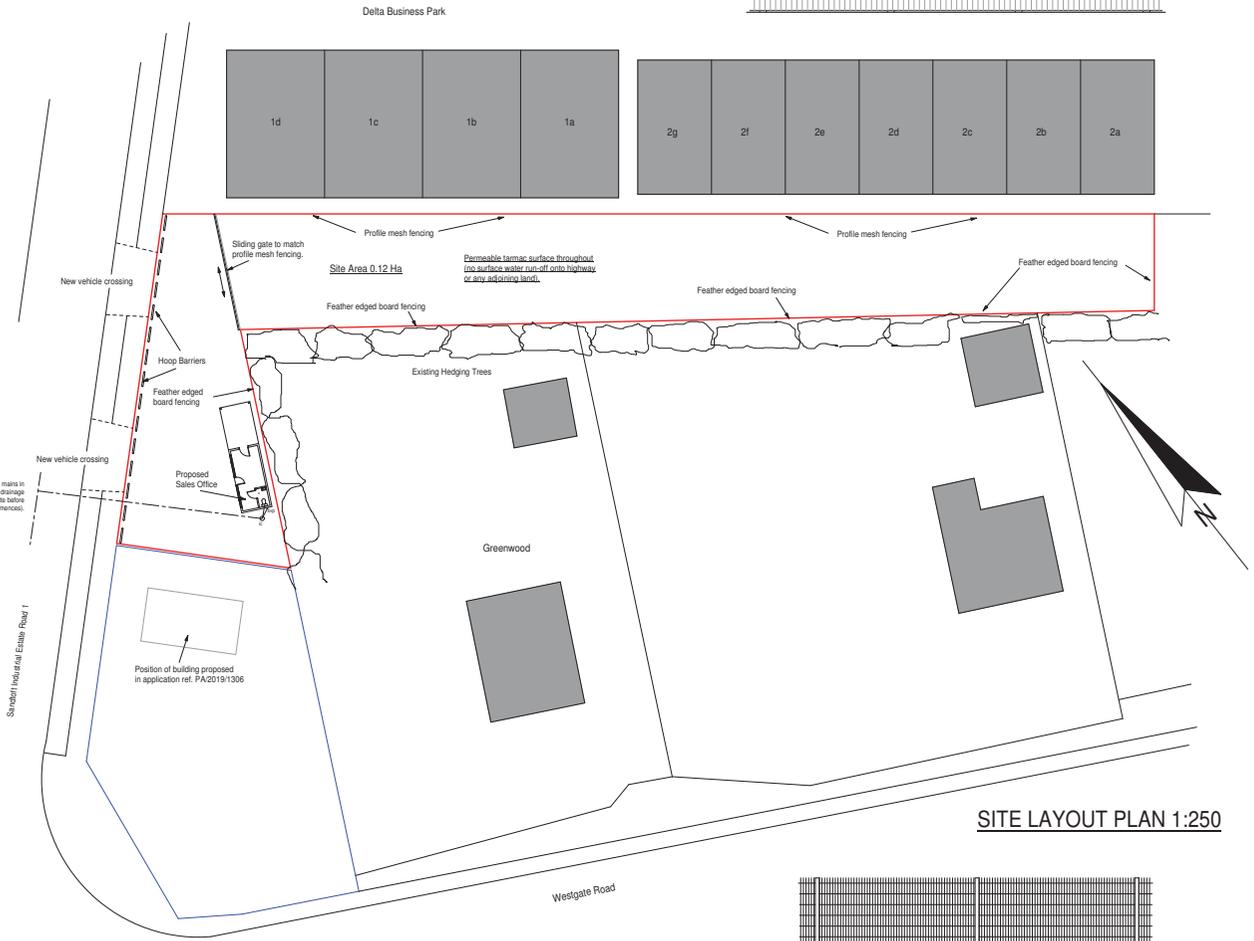
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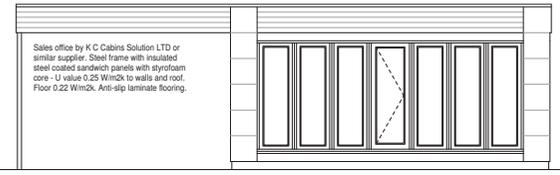
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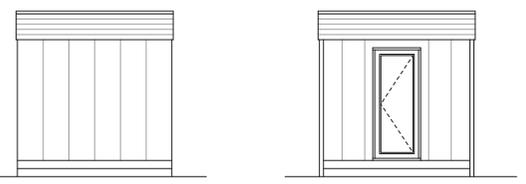
BLOCK PLAN 1:500



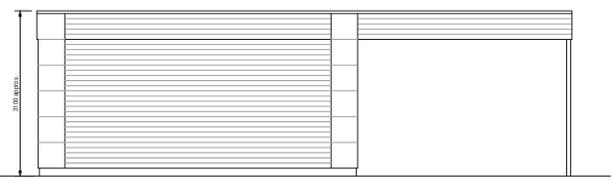
SITE LAYOUT PLAN 1:250



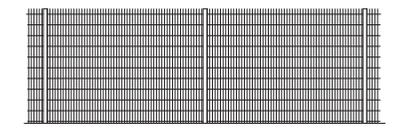
SALES OFFICE WEST ELEVATION 1:50



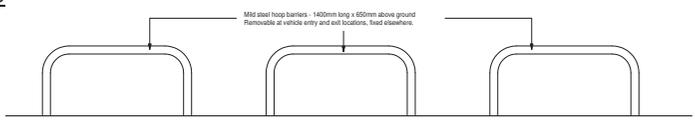
SALES OFFICE END ELEVATIONS 1:50



SALES OFFICE EAST ELEVATION 1:50



PROFILE MESH FENCING 2.0m HIGH 1:50



HOOP BARRIERS TO SITE FRONTAGE 1:25



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Drawing title: PROPOSED DETAILS		Client: MR. S. CARNEY		R M Potterton Ltd. Architectural Services	
Revisions:	Drawing No. C/01/01/2619/A	Scale at A1: 1:50, 1:500, 1:250	Date: 12-09-2019	2A Northfield Road Messingham Scunthorpe North Lincolnshire DN17 5SA	
Project: PROPOSED SALES SITE AT SANDTOFT INDUSTRIAL ESTATE, DN9 1PN		Telephone: (01724) 761752 Mobile: 07844 292219 rmpotterton@hotmail.co.uk			