APPLICATION NO PA/2022/1861

APPLICANT Mr Joe Clarke

DEVELOPMENT Planning permission to erect portal-framed commercial units for

general light industrial, storage and distribution

LOCATION Poplar Farm, Ulceby Road, South Killingholme, DN40 3JB

PARISH South Killingholme

WARD Ferry

CASE OFFICER Jennifer Ashworth

SUMMARY Grant permission subject to conditions

RECOMMENDATION

REASONS FOR Objection by South Killingholme Parish Council **REFERENCE TO**

POLICIES

COMMITTEE

National Planning Policy Framework:

Section 2: Achieving sustainable development

Section 6: Building a strong, competitive economy

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

North Lincolnshire Local Plan:

Policy DS1: General Requirements

Policy DS7: Contaminated Land

Policy DS12: Light Pollution

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

Policy T1: Location of Development

Policy T2: Access to Development

Policy RD2: Development in the Open Countryside

Policy RD3: Industrial and Commercial Development in Minimum and Medium Growth

Settlements

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering More Sustainable Development

Policy CS3: Development Limits

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS11: Provision and Distribution of Employment Land

Policy CS16: North Lincolnshire's Landscape, Greenspace and Waterscape

Policy CS17: Biodiversity

Policy CS19: Flood Risk

Housing and Employment Land Allocations DPD (2016) -

Policy PS1: presumption in favour of Sustainable Development

The site lies within the open countryside outside the development limits of South Killingholme as shown on Proposals Map. A protected future highway scheme is allocated to the southern boundary of the site. This is now completed.

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies regarding this application include:

SS1: Presumption in Favour of Sustainable Development

SS2: A Spatial Strategy for North Lincolnshire

SS3: Development Principles

SS8: Employment Land Requirements

SS11: Development Limits

EC1: Employment Land Supply

EC2: Existing Employment Areas

EC6: Supporting the Rural Economy

RD1: Supporting Sustainable Development in the Countryside

DQE1: Protection of Landscape, Townscape and Views

DQE3: Biodiversity and Geodiversity

DQE5: Managing Flood Risk

DQE6: Sustainable Drainage Systems

The site lies within the open countryside outside the development limits of South Killingholme as shown on the Submission Local Plan Inset Map.

CONSULTATIONS

Highways: No comments to make.

LLFA Drainage: No objection subject to conditions requiring a detailed surface water drainage design to be provided.

National Highways: No objection.

Environmental Protection: No objection subject to conditions. Initial consultation response requested further information which the applicant provided. The recommended conditions include one relating to the nearest residential receptor to ensure it remains within the same ownership as the planning unit to prevent adverse living conditions. Further conditions are recommended to control operating hours, address construction/demolition operations, address the potential for asbestos and regarding refuse-derived fuel being stored on the site.

PARISH COUNCIL

Object on the grounds of insufficient boundary screening: it is an unsightly aspect to open fields and surrounding open countryside close to the village.

PUBLICITY

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

ASSESSMENT

This application was deferred at a previous meeting of the planning committee to allow members to visit the site before making a decision.

Planning history

PA/2022/257:

Planning permission to erect new boundary fencing, change use of land for B8 storage purposes (to form extension to site approved under PA/2021/134) following demolition of former pig farm buildings, and change use of retained agricultural building to Use Classes B2 and B8 – approved 09/05/2022

PA/2021/134: Planning permission for change of use of land and buildings to business,

light industry, storage and distribution (Use Classes B2, B8 and E(g)) -

approved 23/03/2021

PA/2015/0204: Planning permission to demolish existing structures, retain farm shop and

erect new buildings, and use the site as a materials recycling facility, including the provision of a waste transfer station and realigned access –

refused 29/07/2015

PA/2014/0422: Planning permission for the siting of a container for use as a boiler house

associated with farming fish and erection of a polytunnel for growing plants

- approved 24/09/2014

PA/2012/1444: Planning permission for the construction of a landscape bund with

associated fencing – approved 23/01/2013

7/1975/1032: Erect a pig fattening unit – approved 23/01/1976

PA/1998/0796: Prior notification for the construction of a 15 metre high

telecommunications tower – prior approval not required 20/07/1998

7/1980/0116: Construct a dry weaner pool – approved 03/04/1980

7/1974/0493: Form B application to erect an overhead line and pole-mounted

transformer – approved 18/10/1974

Site location and proposal

The site is a former pig farm which, as stated by the applicant, ceased operations over 10 years ago. The current site includes a large, stoned yard with a number of small light/general industrial units. The applicant has confirmed that the site is used by a contracting company for the storage of materials for local utility projects. There is also an existing tenant, a HGV mechanic operating out of the recently refurbished unit on the southern side of the site. The site is bounded by Poplar Farm (to the south), a house owned by the applicant and a building that was formerly a farm shop. The boundary treatments to the west and south are palisade fencing with a mature native mixed hedgerow to the east.

The site is south-west of South Killingholme, approximately 300 metres from settlement boundaries. Access to the site is from the A1077 Ulceby Road, close to the new A160 dual carriageway, which links the A180 and M180 motorway to Immingham Docks and the power station. Due to the proximity of the site to the new roundabout, its access was relocated as part of the new road scheme. The site is within the open countryside and within SFRA flood zone 1. The nearest residential property is the former farmhouse, which is adjacent to the proposed units and is owned by the applicant's family. This would remain within the same ownership. There is a row of eight semi-detached houses approximately 200 metres to the east of the site. Other residential properties are in excess of 300 metres away.

Planning permission is sought to erect a portal-framed commercial unit (split into two industrial units) for general light industrial, storage and distribution. The existing hedge on the eastern boundary is to be retained and a 4 metre high boundary wall is to be constructed (granted planning permission under a previous application). The principle of B2 and B8 uses has been granted through a previous application (PA/2021/134). The external

footprint lost by demolition equates to 370 square metres; the external footprint gained by the new building equates to 750 square metres.

No boundary trees or hedges would be removed or affected by the change of use of the site. The existing earth bunds and landscaping provide screening, along with the new boundary wall that will provide both visual and sound protection.

The following considerations are relevant to this proposal:

- principle of development
- impact upon residential amenity
- impact upon character and appearance
- impact upon highway safety
- pollution and the environment.

Principle of development

Policy CS1 of the Core Strategy states, '...Rural settlements and the open countryside will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should consider levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

Policies CS2 and CS3 relate to developments that takes place outside defined limits of settlements or in rural settlements in the countryside. Both policies only permit development which is essential to the functioning of the countryside.

Policy RD2 strictly controls development within the open countryside but does support employment-related development which is appropriate to the open countryside provided that:

- (a) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries;
- (b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan;
- (c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;
- (d) the development would not be detrimental to residential amenity or highway safety;
- (e) account is taken of whether the site is capable of being served by public transport; and
- (f) the development is sited to make the best use of existing and new landscaping.

Policy RD3, Industrial and Commercial Development in Minimum and Medium Growth Settlements, is also relevant. South Killingholme is identified as a minimum growth settlement. The policy supports proposals for industrial and commercial development and the redevelopment of existing sites provided:

- (i) the proposal does not lead to an over intensification of an activity on the site to the detriment of residential amenity and highway safety;
- (ii) the proposal would not be detrimental to the character or appearance of the settlement or the open countryside in terms of siting, scale, massing, design and use of materials; and
- (iii) the site is within walking or cycling distance of the local workforce, or is capable of being served by public transport.

The principle for development on the site has previously been established as shown by the planning history for the site. In this case, the site has been in use for this purpose (storage and distribution business) and seeks to expand its scope. The site is well contained and would not encroach further into the surrounding countryside. Whilst the floor space (750 square metres) for the proposed portal-framed building is somewhat substantial, it will replace an existing outdated building of 370 square metres (a difference of 380 square metres), and would be on the footprint of the existing building, extending west into the existing yard area, in close proximity to the existing lot of land and workshop/storage buildings.

The NPPF represents a material consideration in determining this application. Paragraph 8 sets out key considerations for sustainability, namely social, economic and environmental objectives. In economic and social terms, the new units will allow the site to continue to operate in time with modern requirements. The industrial nature of the proposal limits its social relevance; however, the site is close to the wider industrial zones to the north and east and would not disperse economic activity in the area. Whilst this proposal may not add significant environmental improvement, the existing landscaping and earth bunds will be retained and all hedgerows will be protected.

It is therefore considered that the principle of development is acceptable.

Impact upon residential amenity

Policy DS1 is partly concerned with ensuring that development (including changes of use) does not unduly impact on neighbouring amenity in terms of noise, smell, fumes, dust or other nuisance and notes that no pollution of water, air or land should result which poses a danger or creates detrimental environmental conditions.

The site adjoins The Poplars to the southern boundary – the only residential property within 200 metres of the site. This property is under the same ownership as the application site, and previously formed part of the same agricultural unit. The uses within the proposed building carry a risk of noise nuisance and a modest risk of odour etc, and commercial vehicles would enter and leave the site regularly each day.

The industrial use is an existing established use on the site, and the previous use of the wider site was that of a pig farm. It is not considered that the nuisance likely to result from the proposed building would be significantly more acute than those on the site at present. In essence, the building will seek to replace an existing, albeit smaller, building on the site.

The confirmation from the applicant that the proposal site and The Poplars remain under the same ownership is a material consideration when assessing the impact on residential amenity. On balance therefore, the history of the site and the nature of the current and proposed uses, in addition to the connection between the adjacent residential property and the site, would ensure that there are no unacceptable impacts to residential amenity. There is a significant gap between the site and the closest residential dwelling, other than The Poplars, sufficient to limit any harmful impacts resulting from noise or other disturbance.

Environmental Protection have raised concern regarding the potential for adverse noise to be an issue and recommend the inclusion of a condition that the application site shall remain in the same ownership as the adjacent dwelling (The Poplars) on the basis that subdividing the planning unit would result in future occupiers of the house potentially being subject to adverse living conditions that they had no control over.

Previous planning consents have tied the site to the adjacent residential dwelling. It is considered reasonable to add this condition at this time. The same wording will be carried forward.

The existing permission for this site (PA/2021/134) includes a condition restricting the operating hours of the site. A further operating hours condition is recommended to protect residential amenity between the hours of 7pm and 7am. A condition to control construction hours is also recommended. It is considered that these conditions are reasonable and fair given the close proximity to the adjacent property.

With the recommended conditions, it is considered that the site would not result in significant residential amenity impacts and would therefore be in accordance with the relevant policies of the development plan.

Impact upon character and appearance

As noted above, in line with policies RD2, RD3 and DS1, it is important that any development respects the appearance of the site and wider area. In this case, the existing building will be demolished and replaced by a portal-framed commercial unit. The unit will be higher than the existing building on site. The proposed ridge is approximately 9.2m.

The additional hardstanding would remain and would be screened from the open countryside by existing landscaping earth bunds along the boundaries (as approved in 2013). The hedge on the eastern boundary is proposed to be retained and a 4 metre high concrete fence will be created in accordance with previous permission PA/2022/257. This same permission confirmed that any existing gaps within the hedgerow would be replanted. There have been no changes to these proposals as part of this new application. The parish council has objected on the grounds that there is insufficient boundary screening and the proposal is an unsightly aspect to open fields and surrounding open countryside close to the village.

As mentioned, screening is in place at the site as granted by an earlier permission; views into to site are therefore restricted. The existing East Halton Road and agricultural fields provide a break between the site and the closest existing eight properties to the east; this is further interrupted by HGVs and other road users who uses this route on a daily basis. The wider village of South Killingholme is set much further east and as such the proposal is not considered to result in a negative impact. The existing site and the buildings already form

part of the countryside landscape in this location. The applicant is seeking to expand facilities within the main body of the site and not to extend further into the open countryside.

The proposed building will replace an existing building on site. It is considered that the impact on the landscape is minimal relative to the previous agricultural use and existing industrial use on the site.

Impact upon highway safety

Policies T2 and T19 seek to ensure that proposals are acceptable in terms of impact upon highway safety and have sufficient parking available. In this regard the council's highways officer has been consulted and they have no objections or comments to make.

The site uses an existing tarmacked access to the south off the site onto the A1077. There is good visibility from the wide access head along the straight section of highway. The access point is approximately 150 metres from the Habrough Roundabout which links to the Humber Road dual carriageway. The site is therefore considered to be in a highly accessible location for HGVs and other vehicles, and the access as existing is appropriate for the uses proposed. There is also a separate driveway, which runs parallel to Ulceby Road, providing access to the adjacent former farmhouse.

There would be areas of hard standing within the site useable for car parking for staff and visitors, sufficient to meet the parking standards set out in the North Lincolnshire Local Plan.

The applicant has set out the operating hours and vehicle movements to the site which establishes that the vehicle movements are not considered to increase by significant amounts.

Highways have reviewed the proposals and do not have any objections in relation to highway access or safety.

Overall, the access arrangements, parking provision and overall impact on the highway network safety and capacity are regarded as acceptable. There are no outstanding objections from the Highways department and the application is considered to be in accordance with policies T1, T2 and T19 of the local plan in this regard.

Pollution and the environment

The proposed development seeks to replace an existing building on site to allow the site to operate to meet modern requirements. The existing building is considered to be outdated and tired. The Environmental Protection team were consulted and requested further information and understanding of the site prior to making comment.

The structures to be demolished may contain asbestos containing materials (ACMs). The applicant must ensure that any asbestos contained within building structures is managed and disposed of appropriately to ensure that asbestos fibres do not present an unacceptable risk to workers or future occupants of the site. Asbestos contaminated waste must be disposed of appropriately at a licenced waste facility. The legal requirements for managing and working with asbestos are set out in the Control of Asbestos Regulations 2012.

The team were unsure whether general storage permission B8 would also permit the future storage of waste such as refuse derived fuel (RDF) and the council must protect against this possibility by seeking to limit this.

This was provided by the applicant and conditions are recommended to control the site as follows:

- The uses hereby approved shall not operate and no employees shall remain on the site between the hours of 7pm and 7am on any day, unless otherwise agreed in writing by the local planning authority.
- Construction, demolition and site clearance operations shall be limited to the following days and hours:
 - 8am to 6pm Monday to Friday
 - 8am 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.

- No demolition work shall commence until an asbestos survey of buildings to be demolished has been submitted to and approved in writing by the local planning authority. Development shall not be carried out other than in accordance with the approved details.
- Waste transfer notes following removal and disposal of any asbestos materials shall be sent to the local planning authority to demonstrate correct disposal.
- No refuse derived fuel shall be brought onto or stored on the site.

These conditions were also placed on the previous permission PA/2022/257.

It is not considered, given the existing nature of the site, that harm to ecology or the environment would be increased.

Flood risk

Policy CS19 is concerned with flood risk whilst policy DS14 is concerned with foul sewage and surface water drainage. The application site is within flood zone 1.

The proposed use is similar in nature to existing businesses at the site and will replace an existing building, albeit on a larger footprint.

The LLFA Drainage team have considered the proposals and recommend a series of conditions to address surface water drainage at the site.

Conclusion

The proposal will allow an existing commercial site to continue to operate in line with modern day requirements, offering space suitable to future businesses. The site, whilst in the open countryside, is existing and the development seeks to replace an existing building on site. It is considered that there are no material considerations which outweigh the benefits.

Pre-commencement conditions

Pre-commencement conditions have been agreed.

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:

- Location Plan 1433/001
- Site Plan 1433/003
- Block Plans 1433/002
- Proposed Plans 1433/004.

Reason

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

3.

The uses hereby approved shall not operate and no employees shall remain on the site between the hours of 7pm and 7am on any day, unless otherwise agreed in writing by the local planning authority.

Reason

To protect residential amenity.

4.

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

- 8am to 6pm Monday to Friday
- 8am 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

To protect residential amenity.

5.

No demolition work shall commence until an asbestos survey of buildings to be demolished has been submitted to and approved in writing by the local planning authority. Development shall not be carried out other than in accordance with the approved details.

Reason

To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, 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 DS1 of the North Lincolnshire Local Plan.

6.

Waste transfer notes following removal and disposal of any asbestos materials shall be sent to the local planning authority to demonstrate correct disposal.

Reason

To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, 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 DS1 of the North Lincolnshire Local Plan.

7.

No refuse derived fuel shall be brought onto or stored on the site.

Reason

In the interest of environmental health and to protect residential amenity.

8.

None of the units hereby approved shall be occupied until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This must also take into account all existing hard paved areas/buildings on the developed site.

The drainage scheme shall demonstrate that surface water run--off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run--off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime so that flood risk, both on and off

the site, is not increased. SuDS must be fully considered in accordance with current PPG guidance.

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 159 to 169 of the National Planning Policy Framework.

9.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 8 above, completed prior to the occupation of any building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

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.

10.

The application site shall remain in the same ownership as the adjacent dwelling (Poplar Farm House) on the basis that sub-dividing the planning unit would result in future occupiers of the house potentially being subject to adverse living conditions that they have no control over.

Reason

To protect residential amenity.

11.

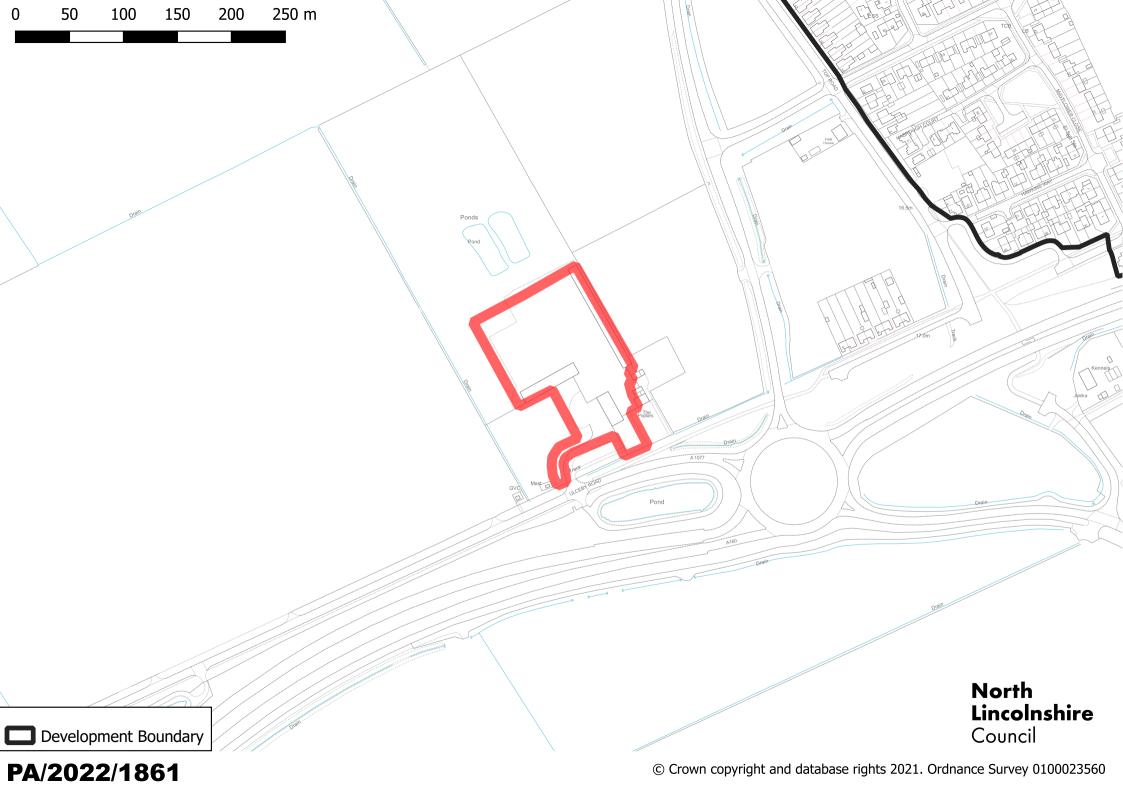
The approved building hereby permitted shall only be used for the following use(s): Class E (g) and Class B8 of The Town and Country (Use Classes) (Amendment) (England) Regulations Order 2020 or any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification and no other uses are permitted without the prior approval in writing of the local planning authority.

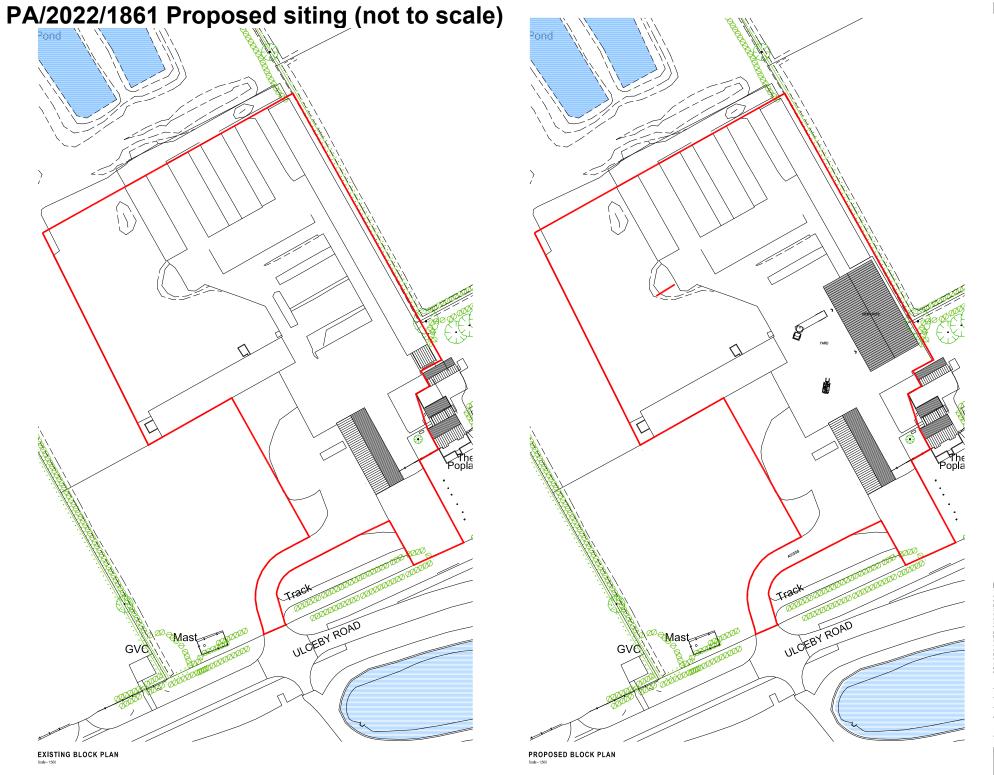
Reason

To safeguard residential amenity, and to regulate and control development on this site.

Informative

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.







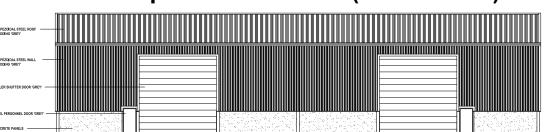
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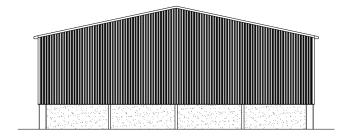
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Locations		
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Hyde Architecture

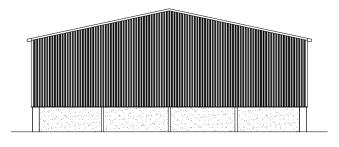
PA/2022/1861 Proposed elevations (not to scale)

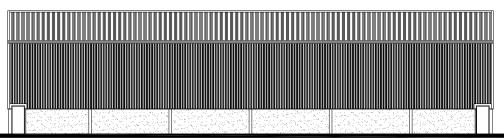




WEST ELEVATION

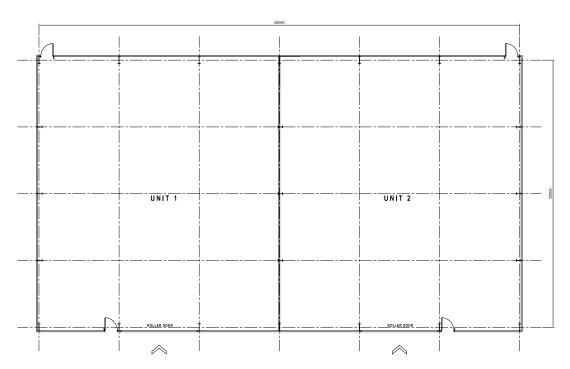
SOUTH ELEVATION





NORTH ELEVATION

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PROPOSED FLOOR PLAN