

APPLICATION NO	PA/2022/2222
APPLICANT	Mr Lee Coulbeck, Phillips 66 Ltd
DEVELOPMENT	Planning permission to construct an air products nitrogen skid to enable deliveries outside of normal working hours
LOCATION	The Newton Building, Eastfield Road, South Killingholme, DN40 3NF
PARISH	South Killingholme
WARD	Ferry
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by South Killingholme Parish Council

POLICIES

National Planning Policy Framework:

Section 4: Decision-making

Section 6: Building a Strong, competitive economy

Section 8: Promoting Healthy and safe communities

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 RD2: Development in the Open Countryside

Policy DS7: Contaminated Land

Policy DS9: Development of Land in the Vicinity of Established Hazardous Installations and Pipelines

Policy DS10: New Hazardous Installations and Pipelines

Policy DS11: Polluting Activities

Policy DS16: Flood Risk

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

Policy IN6: Defined Industrial Buffer Areas

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 CS18: Sustainable Resource Use and Climate Change

Policy CS19: Flood Risk

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 concerning this application are:

Policy SS1: Presumption in Favour of Sustainable Development

Policy SS2: A Spatial Strategy for North Lincolnshire

Policy SS3: Development Principles

Policy SS10: Development Limits

Policy RD1: Supporting Sustainable Development in the Countryside

Policy DQE1: Protection of Landscape, Townscape and Views

Policy DQE5: Managing Flood Risk

Policy DQE6: Sustainable Drainage Systems

CONSULTATIONS

Highways: No comments to make.

Environmental Protection: No objection subject to conditions.

LLFA Drainage Team: No objection subject to the imposition of conditions.

Health & Safety Executive (HSE): Does not advise, on safety grounds, against the granting of planning permission in this case.

PARISH COUNCIL

South Killingholme Parish Council objects to the application indicating that the refinery (Phillips 66) promised that a chemical industry would not cross over Eastfield Road.

The Parish Council believed that the new project would breach the conditions, if the Newton Building and the area called the overflow car park become an industry of a chemical nature.

The village wishes to keep the buffer zone intact and any breach of this towards the village would set an unacceptable precedence for future encroachment.

The parish council has an environmental plan to maintain the maximum number of green spaces around the village in line with the climate change emergency. This proposal would wear away the policy in terms of extra transport fumes and noise, and the destruction of a car park or part of a car park intended for overflow use only during lockdowns.

PUBLICITY

A site notice has been posted. No responses have been received.

ASSESSMENT

Planning history

PA/2021/1407: Planning permission to create new access – approved with conditions 1/11/2021.

The site and proposal

Planning permission is sought to construct an air products nitrogen skid to enable deliveries outside normal working hours at The Newton Building, Eastfield Road, South Killingholme.

The site is outside any development boundary and within the complex of the Phillips 66 Humber oil refinery. The application site is bounded by Eastfield Road to the west, the railway line to the north, and refinery process units and storage tanks to the east and south.

On the opposite side of the road (Eastfield Road), there are developments alongside the road such as a depot, factory, and The Newton Building. Beyond these developments is the buffer zone between the South Killingholme settlement.

The applicant has submitted plans showing details of the air products' nitrogen skid and construction of the proposed tanks.

The key issues to be considered in the processing of this application are:

- **principle of development**
- **layout, siting and design, and impact on the character of the area**
- **residential amenity**

- **highway matters and parking**
- **drainage and flood risk**
- **economy**
- **security**
- **health, safety and emissions.**

Principle of development

Phillips 66 Humber oil refinery is an established oil refinery to the east of Eastfield Road and it is proposed to construct an air products nitrogen skid to enable deliveries outside normal working hours within the site.

The site is on existing employment land as designated by Inset Maps Inset 38 - South Killingholme in the local plan, and employment uses within the site do not conflict with other policies in the plan.

The National Planning Policy Framework advocates the support of the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings.

Policy RD2 of the local plan (Development in the Open Countryside) sets out the council's approach to proposals for development in the open countryside. The policy states that land within the open countryside will be strictly controlled and only development which is appropriate to the open countryside will be permitted.

Policy RD3 (Industrial and Commercial Development in Minimum and Medium Growth Settlements) states that proposals for industrial and commercial development, including extensions to buildings, limited infilling between buildings, redevelopment of existing sites and conversion of rural buildings in minimum and medium growth settlements, will be permitted provided that the proposal does not lead to an over-intensification of activity on the site to the detriment of residential amenity and highway safety; 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 the site is within walking or cycling distance of the local workforce, or is capable of being served by public transport.

Policy CS3 of the Core Strategy (Development limits) seeks to restrict development outside development boundaries to that which is essential for the functioning of the countryside. The policy aims to ensure that the countryside is protected from inappropriate development and that no uncontrolled expansion of settlements will take place.

As indicated earlier, the site is outside the development boundary of South Killingholme but forms part of the Humber Refinery (Phillips 66 Ltd, Eastfield Road, South Killingholme). The new nitrogen skid would be within the refinery land but outside the refinery security fence line to allow out-of-hours deliveries by air products.

The refinery has recently received planning permission for a new car park entrance off Eastfield Road (PA/2021/1407). This new entrance will be used to provide road tanker access to the new nitrogen skid.

The new skid, serviced on behalf of the refinery by Air Products, will contain nitrogen storage tanks, vaporisers and a controlled pressure let-down manifold. All will be contained within a high-level secure fence with access gates on three sides.

Current refinery security CCTV surveillance in this area of the site will also give additional security protection to the new plot.

It is judged that the air products nitrogen skid is required and there is no reason to dispute the wishes of the applicant to expand their business; therefore the proposals are considered acceptable in principle.

Overall, the development is considered acceptable; however, it is subject to compliance with other material considerations and relevant policies of the local development plan.

Layout, siting and design, and impact on the character of the area

The NPPF [Section 12] 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. Further, permission should be refused for development that fails to take the opportunities for improving the character and quality of an area and the way it functions.

Policy DS1 of the local plan (General Requirements) expects a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused.

All proposals will be considered against design quality and should reflect or enhance the character, appearance and setting of the immediate area, and the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.

Policy CS5 (Delivering Quality Design in North Lincolnshire) requires all new developments in North Lincolnshire to be well-designed and appropriate for their context. The council will encourage contemporary design if it is appropriate for its location and is informed by its surrounding context. A design that is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.

As indicated earlier, the site is within the complex of the Phillips 66 Humber oil refinery. The application site is bounded by Eastfield Road to the west, the railway line to the north, and refinery process units and storage tanks to the east and south.

Given the site is within the Phillips 66 Humber oil refinery complex, and the new skid (serviced on behalf of the refinery by Air Products) will contain nitrogen storage tanks, vaporisers and a controlled pressure let-down manifold, all will be contained within a high-level secure fence with access gates on three sides, plus the current refinery security CCTV surveillance in this area of the site will give additional security protection to the new plot.

In addition, it is considered that the proposed development, due to its design, height, scale, massing and materials to be used, would conform to the characteristic of structures within the business compound and would therefore not raise any planning issues. It would not have a significant adverse impact on the landscape or the visual appearance of this open countryside.

Residential amenity

Policy DS1 (General Requirements), on amenity impact, requires 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.

There are no residential properties close to the site. The nearest residential dwelling is within the development boundary of South Killingholme, approximately 0.58 kilometres away, on the opposite side of Eastfield Road.

This is considered an adequate separation distance that would ensure the proposed development does not have an over-dominant impact on the residential dwellings. Furthermore, the separation distance would ensure that the proposal does not appear incongruous with, result in overshadowing, or cause loss of light to those properties.

Given the topography of the site and the generous distance between the proposed development and the nearest dwelling, it is considered that the proposal would not result in any undue overbearing or overshadowing impacts.

The Environmental Protection Team have been consulted and has no objection or adverse comments to make on the application.

The Health and Safety Executive (HSE) has been consulted because the development is within the consultation distance of major hazard sites/pipelines. The HSE has considered the proposal and has no objections or adverse comments to make.

Overall, this proposal is unlikely to raise any significant noise issues arising from the expected nitrogen deliveries and is unlikely to cause unacceptable harm to residential amenity given the separation distance.

Highways and parking

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by satisfactory access. Policy T19 is concerned with parking provisions as well as general highway safety. Both policies are considered relevant.

Planning permission to create a new access to the site (PA/2021/1407) was approved with conditions on 1/11/2021 and therefore access to the site is not under consideration.

Highways have reviewed the proposal and have no objection or comments to make on the application.

Based on Highways' comments, it is considered that the access arrangements are acceptable, and the proposal would not be harmful to highway safety.

Drainage and flood risk

Policy CS19 of the Core Strategy is concerned with flood risk and policy DS14 is concerned with foul sewage and surface water drainage.

The site lies within an area at low risk of flooding (SFRA flood zone 1). The LLFA Drainage Team have been consulted on the application and has commented that the development falls within lower threshold assessment levels (over 500m² buildings and hard paved areas) and fails to provide information to support the proposals.

There would seem to be no feasible surface water drainage outfall within the vicinity of the development and/or the existing surface water drainage network needs to be fully identified. Taking the above into consideration, the LLFA Drainage Team has no objection to the proposed development subject to the imposition of planning conditions, which will be applied should permission be granted.

Economy

The National Planning Policy Framework states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.

The local development plan supports the growth of the local economy and the development of existing employment sites, assists businesses in growth and encourages the growth and expansion of existing employment uses where it does not conflict with other policies in the plan.

The Phillips 66 Humber oil refinery is one of the major employers in the area and the development proposed would aid the expansion of an existing business. Therefore, there would be economic benefits associated with the development proposal as per the NPPF.

The proposal is considered to align with the economic objective of the local development plan and the NPPF.

Security

The NPPF requires planning decisions to ensure that development proposals create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The applicant has included within the proposed plans details of the security measures at the site.

It is considered that sufficient and acceptable levels of security around the tanks have been provided to the extent that it is considered they would deter crime and efforts to tamper with/steal the tanks, in accordance with the NPPF.

Parish council comments

South Killingholme Parish Council objects to the application indicating that the refinery (Phillips 66) promised that a chemical industry would not cross over Eastfield Road. The parish council believes that the new project would breach the conditions, if the Newton Building and the area called the overflow car park become an industry of a chemical nature.

The village wishes to keep the buffer zone intact and any breach of this towards the village would set an unacceptable precedence for future encroachment.

Having reviewed the comments made by the parish council, a further consultation was sent with a location plan explaining that the site is on the east side of the road and does not cross over Eastfield Road as alleged in the response and asked whether they would remove their objection considering clarification of the site.

In response, the council decided to retain their objection reiterating the earlier reason for the objection.

Conclusion

For the above reasons, it is considered that the proposed liquid nitrogen storage tanks would accord with local development plan policies and the NPPF.

It is considered that the principle of the development is acceptable and there is a justified need for the proposals and that this is sustainable development that supports the rural economy, without significant adverse impact on rural landscape character, highway safety, flooding or residential amenity. It is considered that the proposed development, due to its siting, size, scale and massing, would not appear incongruous within the landscape.

The application is therefore recommended for approval, subject to conditions.

Pre-commencement conditions

The pre-commencement conditions included in the recommendation have been agreed with the applicant.

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:

- Plans Details & Sections Dwg. No. W14-A21-D014-1812-6100-B401 Rev. 2
- Plans Sections & Details Dwg. No. W14-A21-D014-1812-6835-B601 Rev. 0
- Plans Sections (1 of 6) Dwg. No. W14-A21-D014-1812-6100-B501 Rev. 2
- Site Location Plans Dwg. No. W14-A21-D014-1812-6200-C010 Rev. 1
- Site Marking Plan Dwg. No. W14-A21-D014-1812-6200-B001 Rev. 1
- Site Sections 1 of 2 Dwg. No. W14-A21-D014-1812-6200-B013 Rev. 0
- Site Sections 2 of 2 Dwg. No. W14-A21-D014-1812-6200-B014 Rev. 0
- Vehicle Tracking Plan Dwg. No. W14-A21-D014-1812-6200-B003 Rev. 1
- Existing & Proposed Block Plans Dwg. No. W14-A21-D014-1812-6200-B012 Rev.0
- Plans & Details 1 of 3 Dwg. No. W14-A21-D014-1812-6100-B201 Rev. 3.

Reason

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

3.
If during development any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with and has been submitted to and approved by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

To protect human health.

4.

No development shall take place 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. 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. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

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.

5.

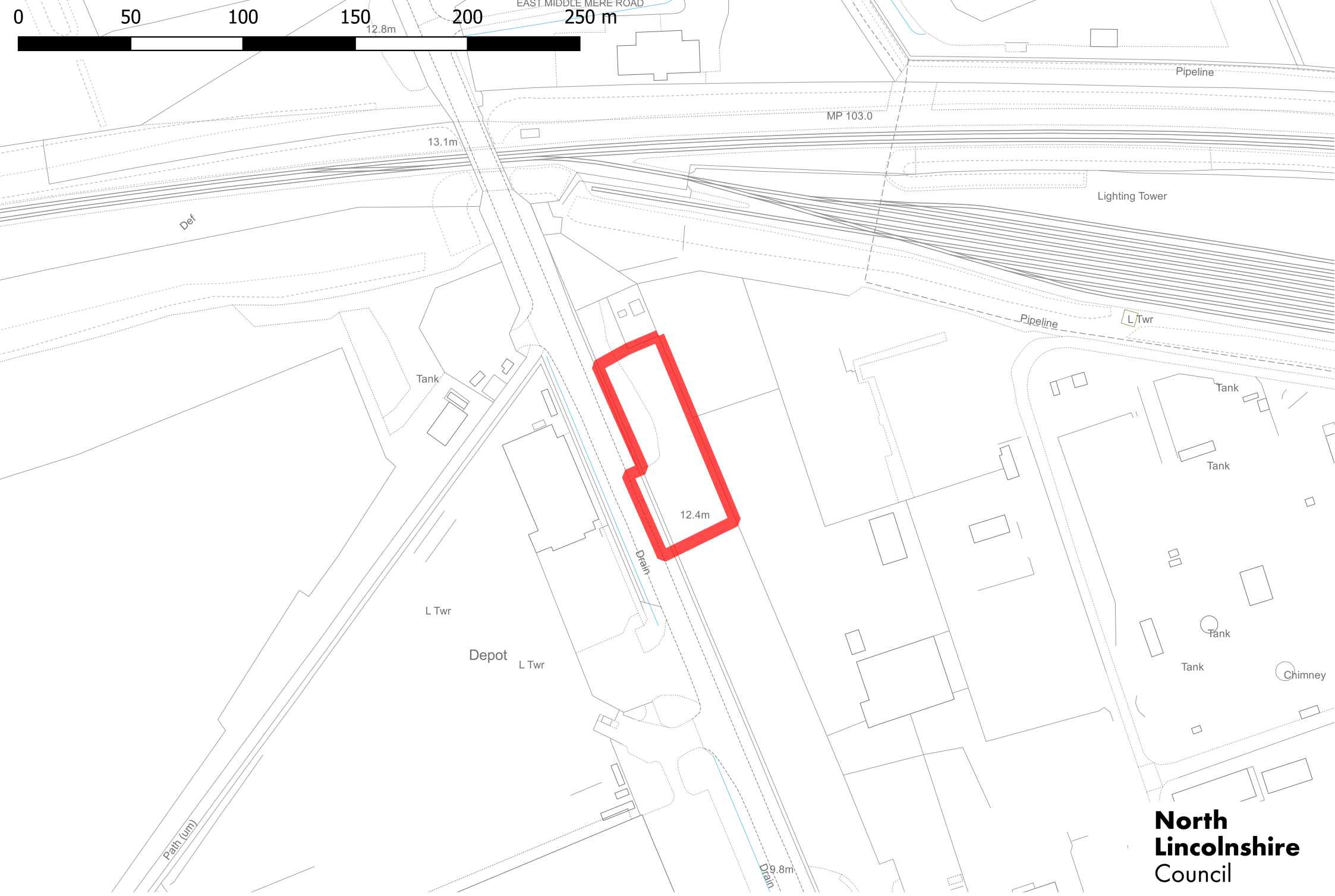
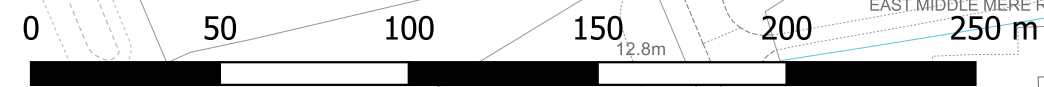
The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 4 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with 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, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

Informative

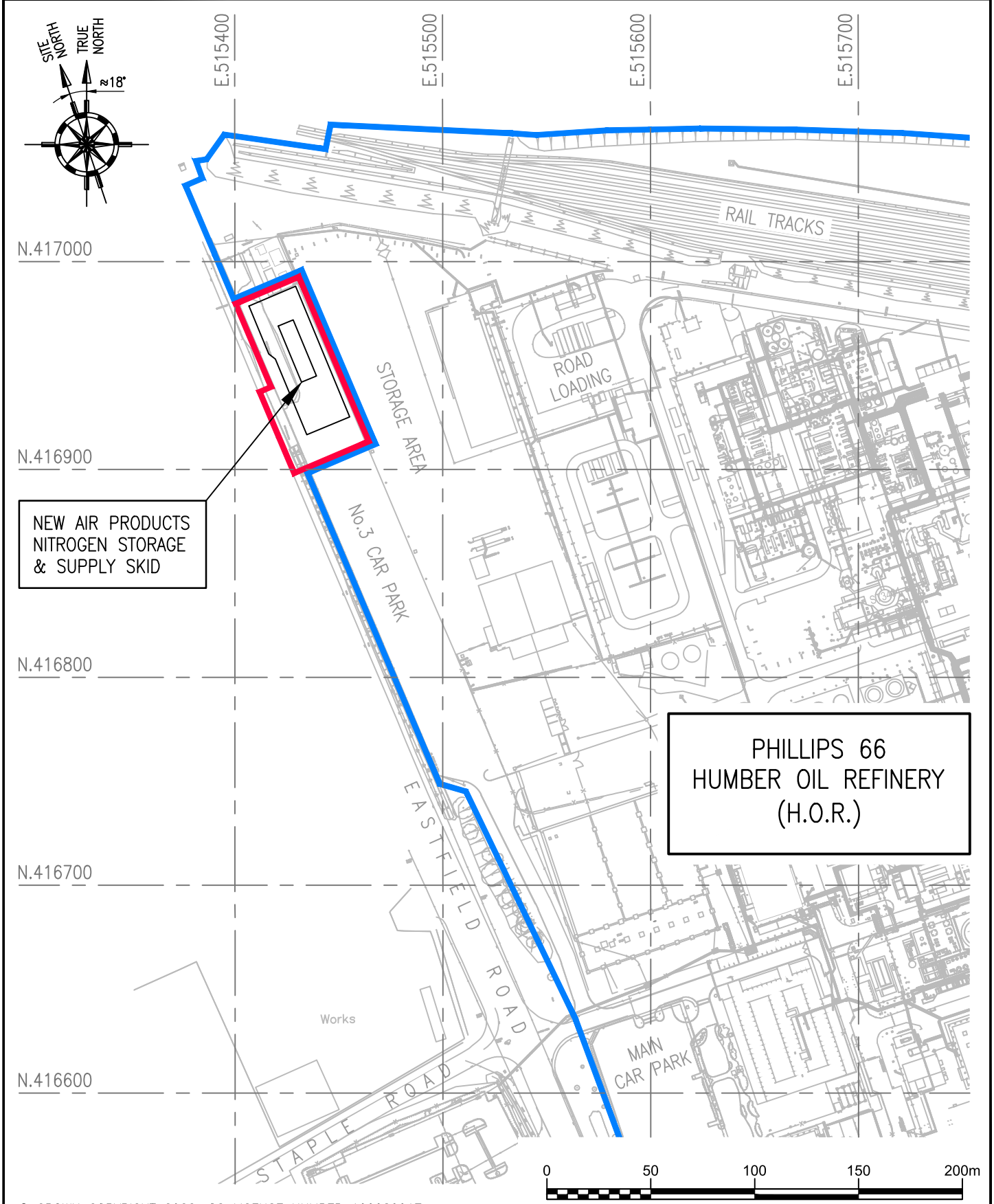
In determining this application, the council, as a local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



**North
Lincolnshire
Council**


PA/2022/2222

PA/2022/2222 Proposed location (not to scale)



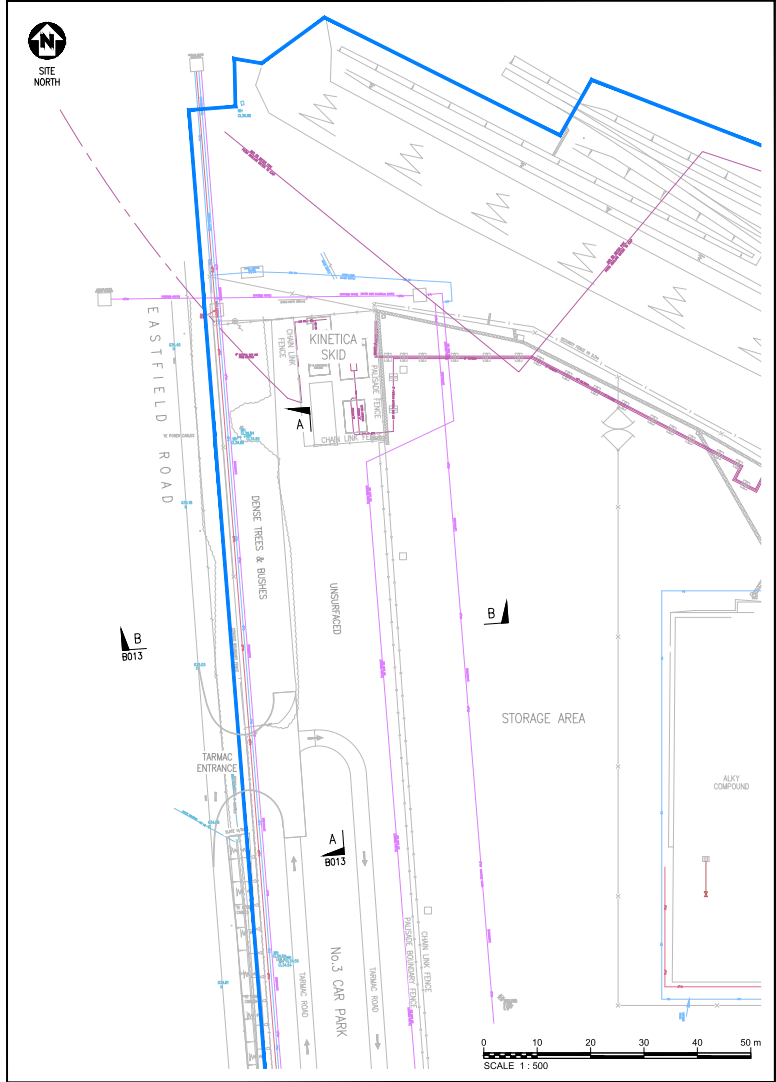
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SCALE 1 : 2500

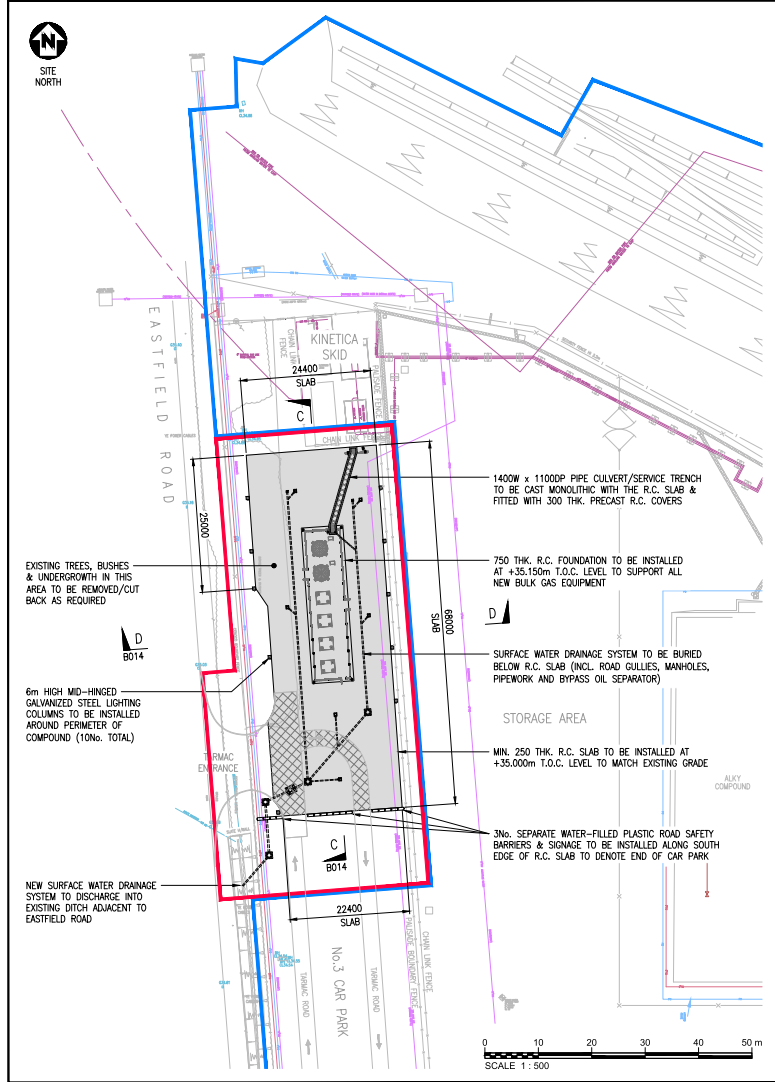
 Humber Refinery			Title REPLACE AIR PRODUCTS NITROGEN BACK-UP WP C00 : OVERALL CIVIL WORKS CIVIL G.A. SITE LOCATION PLAN	
			Discipline CIVIL	Date 10.01.23
Drawn MW	Scale 1:2500 @ A4			

Cad File Ref. CZ0010

PA/2022/2222 Proposed siting (not to scale)



EXISTING PLAN
HUMBER OIL REFINERY
SCALE 1:500



PROPOSED PLAN
HUMBER OIL REFINERY
SCALE 1:500

Notes

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CORRECT SETTING OUT OF ALL WORK ON SITE.
2. ALL DIMENSIONS ARE IN MILLIMETERS (mm) UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS NOTED 'REF' ARE PROVIDED FOR REFERENCE ONLY AND TO BE CHECKED ON SITE.
4. ALL LEVELS ARE IN METERS (m) UNLESS NOTED OTHERWISE.
5. PHILLIPS 66 HUMBER OIL REFINERY (HOR) MAIN SITE DATUM LEVEL = 30.480m.
6. ALL COORDINATES SHOWN ON THIS DRAWING RELATE TO ORDINANCE SURVEY NATIONAL GRID.
7. DO NOT SCALE FROM THIS DRAWING.
8. THIS DRAWING TO BE READ IN CONJUNCTION WITH THE HUMBER REFINERY ENGINEERING STANDARDS, ALL OTHER RELEVANT DRAWINGS (INCLUDING BY OTHER DISCIPLINES) AND THE SPECIFICATIONS.
9. ALL WORKMANSHIP AND MATERIALS TO BS EN 1992 AND RELEVANT PHILLIPS 66 STANDARDS.
10. FOR CONCRETE NOTES AND SPECIFICATION SEE DRG No. W14-A21-D014-1812-6200-8002.

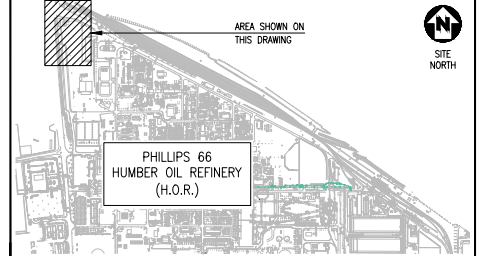
Legend

- EXTENT OF NEW AIR PRODUCTS COMPOUND SLAB (TOTAL AREA = Approx. 1600m²)
- EXISTING TARMAC SURFACE TO BE DEMOLISHED (TOTAL AREA = Approx. 200m²)
- SITE APPLICATION BOUNDARY
- PHILLIPS 66 SITE OWNERSHIP BOUNDARY

Reference Drawings

C00 - OVERALL CIVIL WORKS	
W14-A21-D014-1812-6200-B001	CIVIL G.A. SITE MARKING PLAN
W14-A21-D014-1812-6200-B002	CIVIL G.A. CONCRETE NOTES & SPECIFICATION
W14-A21-D014-1812-6200-B003	CIVIL G.A. VEHICLE TRACKING PLAN
W14-A21-D014-1812-6200-C010	CIVIL G.A. SITE LOCATION PLAN A4 SHEET
W14-A21-D014-1812-6200-B011	CIVIL G.A. SITE LOCATION PLAN A1 SHEET
W14-A21-D014-1812-6200-B012	CIVIL G.A. SITE BLOCK PLANS
W14-A21-D014-1812-6200-B013	CIVIL G.A. SITE SECTIONS SHEET 1 OF 2
W14-A21-D014-1812-6200-B014	CIVIL G.A. SITE SECTIONS SHEET 2 OF 2

Key Plan



TO BE USED FOR COMMENT	DATE	BY	CHKD	APP'D

Worley
energy | chemicals | resources

PARK SQUARE
BIRD HALL LANE, CHEADLE HEATH
STOCKPORT, CHESHIRE
SK5 0XF

PROJECT TITLE
REPLACE AIR PRODUCTS NITROGEN BACK-UP

PROJECT NO.
60-PY10-04

DRAWING NO.
CI.C210/0012

REVISION
0

Rev.	Date	ISSUED FOR COMMENT	Description	Drn	Chk.	App'd.
0	14.09.22	ISSUED FOR COMMENT				

T.I.D. No.	TBC
Tech. Memo / S/MOC No.	TBC
A.S.C.	C001
Unit Description	FCC
Discipline	CIVIL
Drawn	MW
Date	AUG' 2022
Scale	1:500 @ A1
Drg No.	W14-A21-D014-1812-6200-B012
Rev.	0

PHILLIPS 66 Humber Refinery

REPLACE AIR PRODUCTS NITROGEN BACK-UP
WP C00 : OVERALL CIVIL WORKS
CIVIL G.A.
SITE BLOCK PLANS