

## **DELEGATED ASSESSMENT**

**Application no:** PA/2021/2257

**Proposal:** Planning permission to create a lorry park with associated car parking, fencing, external lighting columns and landscaping

**Location:** Land at junction of Victory Way and Falkland Way, Humber Bridge Industrial Estate, Barton-upon-Humber

**Applicant:** Mr Lee Holmes, Wren Kitchens

**Officer:** Rebecca Leggott

### **Site Characteristics**

The application site is located within the defined development limits of Barton upon Humber which is a Market Town as defined within the Core Strategy. The site is also located within Flood Zone 3 (North and Northeast Lincolnshire SFRA 2011).

The site is located within the Humber Bridge Industrial Estate. To the north of the application site is open land consisting of Sites of Special Scientific Interest and National Nature Reserves. To the east, south and west of the site are commercial and industrial units. From a site visit the site appears to have been cleared but still unused.

The site is also part located within the BARE – 1 allocation within the Housing and Employment Land DPD.

### **Proposal**

Planning permission to create a lorry park with associated car parking, fencing, external lighting columns and landscaping.

### **POLICY**

- Core Strategy – CS1, CS2, CS3, CS5, C11, CS18, CS19.
- Local Plan – IN1, IN3, T1, T2, T3, T19, DS1, DS7, DS11 and DS16.
- NPPF

### **Planning History**

**PA/2007/2009** Planning permission to erect 11 industrial units (to include offices, access roads and car parking). FP/CONDS, 20/11/2008.

**7/1976/0769** Construct roads and sewers to serve industrial development. FP/CONDS. 11/11/1976.

**GBC4/1980/0017** Construct roads and sewers to serve an industrial site. FULLREG3. 29/01/198.

**GBC5/1991/0026** Construct workshop/ factory units for light industrial/manufacturing/ warehouse use. OLRREG 4. 05/09/1991.

## **CONSULTATIONS**

### **Barton upon Humber Town Council:**

Barton upon Humber Town Council have not raised objections to the proposed development in principle. However, the Town Council have commented that there are concerns regarding light pollution. They also wish for the ecology conditions to be applied and support the resurfacing of Falklands Way to accommodate the potential increased traffic.

### **EA:**

The EA have raised no objections to the proposed development. The EA note and support the use of oil separator to reduce the risk of pollution. However, the EA have advised that a flood warning and evacuation plan should be submitted to the LPA and agreed in consultation with the Emergency Planning staff.

It is noted that a flood warning and evacuation plan has been submitted. This has been issued for agreement with the LLFA.

### **Barton Raid:**

Barton Raid have no comments to make on the proposed development.

### **Anglian Water:**

AW have raised no objections to the proposed development in principle. However, AW have advised that the applicant should check the site for an AW asset which cross or are within close proximity to the site. Any encroachment zones should be reflected within the site layout. The applicant can do this by accessing AW's infrastructure maps on Digat. Furthermore, any proposals which require the diversion or crossing over of any AW assets AW's permission will be required.

### **Ecology:**

The Natural Environment Policy Specialist has raised no objections to the proposed development in principle. However, has advised that the proposals will affect Flat Open Farmland and Waterfilled claypits in the proposed AONB extension area.

The proposed landscaping should be secured by condition. The applicant will need to provide the information reasonably required for the LPA to carry out a Habitats Regulations Assessment. A District Level License application is proposed to address the risk of harm to great crested newts. The Biodiversity Metric Assessment has been carried out fairly and reveals biodiversity enhancement of >10%, which is acceptable. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a net gain in biodiversity in accordance with Policy CS17, the National Planning Policy Framework and Biodiversity Metric 3.0.

Furthermore, a number of conditions have been advised: (1) protected species license, (2) biodiversity management plan, (3) compliance with the biodiversity management plan, (4) landscaping scheme, and (5) HRA.

### **Environmental Protection:**

The Environmental Protection Team have raised no objections to the proposed development in respect of contaminated land, air quality and lighting. This is subject to the following conditions: (1) Site Investigation, (2) Remediation Strategy, (3) Verification Report, (4) Reporting of Unexpected Contamination and (5) lighting scheme.

However, objections have been raised in respect of noise. This is due to concerns for the following:

- The proposed hours of use for the lorry park have not been provided, it is unclear therefore whether the site is proposed to operate on a 24 hours, 7 days a week basis. Clarification on this matter must be provided.
- Background noise monitoring was undertaken between 12:30 - 16:45 on Sunday 06 March 2022. This department would expect sufficient monitoring to encompass the proposed time the development will operate which may include night time hours. Background noise levels will be lower during night time hours than those monitored during a Sunday afternoon.
- The report concludes that the worst case 1-hour periods of the day for HGV movements will be 32 HGV movements from 08:00 – 09:00 and 50 HGV movements from 17:00-18:00. However, no monitoring has been undertaken at these times.
- No noise monitoring has taken place at NSR4, which is the closest receptor to the lorry park and a nursery which is a sensitive receptor.
- No penalty has been applied to the specific noise level to calculate the rating level as defined by BS4142. This is surprising given the impulsive nature of door slamming etc and the intermittent nature that the lorries will enter and leave the site throughout the day. There has been limited justification for this omission and no commentary on an objective assessment to calculate penalties.

- No predicted external noise levels have been provided for nearby sensitive receptors.
- The raw data has not been provided within the appendixes of the report.
- Noise modelling software has been used to predict the specific sound level of the HGV movements at the nearest sensitive receptors. The Cadna modelling outputs (maps) have not been provided within the report.
- The predicted increase in noise from HGVs on the public road have been assessed as a change in ambient noise level based on the Environmental Management and Assessment (IEMA) effect descriptors. The IEMA has, however, not been followed in its entirety as only the existing and proposed LAeq have been compared. The Guidance states that:

*“The Guidelines accept that a simple change in noise levels using a single noise indicator may fail to adequately reveal the actual noise impact of the proposal. The character of the noise must be considered and the Guidelines suggest comparing several noise indicators such as the LAeq, LAmx and LA90 as a more rigorous approach.”*

The report has made no commentary on the character of the noise or comparison to different indicators as stated above.

In addition to the above, the Environmental Protection Officer has also noted that the plans show a ‘future amenities pod’. However, this does not form part of this planning application and the current proposals.

#### **Humberside Police:**

Humberside Police have raised objections to the proposed development. This is due to the lack of information relating to security details.

Having considered the Humberside Police’s comments the planning agent has provided further information by way of a ‘Security Design’ document to support the proposals. Further comments have been sought from the Humberside Police who have confirmed that this information is acceptable, and the initial holding objection has been withdrawn.

#### **LLFA:**

The Flood Risk and Surface Water Project Officer has raised objections to the proposed development. This is due to the lack of consideration for the use of SuDS on this site and also the lack of consideration for mitigation for the series of water courses that exist on the development site.

Having considered the LLFA’s comments the planning agent has provided further information to support the proposals. Further comments have been sought from the

LLFA who have confirmed that this information is acceptable, and the initial objection has been withdrawn. This is subject to a condition ensuring compliance with the information provided.

**Highways:**

The Highways Officer has raised no objections to the proposed development subject a condition relating to (1) details of proposed access, parking spaces, access aisles, cycle parking and surface markings and (2) improvements to the footway along Victoria Way.

**Historic Environment:**

The Historic Environment Officer has raised no objections to the proposed development.

**Tree Officer:**

The Tree Officer has raised no objections to the proposed development. However, has commented that, the site appears to have been previously cleared with most of the green infrastructure now remaining around the edges of the site. The landscaping suggested appears to be reasonable, however the ecological information will need to be considered by the council ecologist who may have comments to make.

**Spatial Planning:**

The Senior Planning Specialist has raised no objection to the proposed development. In summary, the proposal site has been allocated for employment use since the 2003 North Lincolnshire Local Plan. In policy terms a lorry park would fulfil the wider economic growth aspirations of the 2011 Core Strategy whilst delivering an allocated employment site set within an established employment area subject to the provisions of BARE-1. Although little weight can be given to the new Local Plan at this stage in time, the proposed 'Existing Industrial Area' designation would also be supportive of the proposal in this location. The proposal will require assessing with regard to the current development plan, the economic justification/rationale put forward and the provisions of national policy.

**PUBLICITY:** A site notice has been displayed in accordance with article 15 of the DMPO 2015 (as amended)

**LETTERS OF COMMENT:** 19 responses have been received. Including 2 letters of support raise support and 17 letters of objection raise concerns for the following:

Highways

- Concerns regarding whether this is a relocation of the fleet from Wren or whether this is addition.
- Increased traffic along Falkland Way.

- Poor condition of Falkland Way
- Increased likelihood of accidents
- Traffic lights should be installed at the Falkland way and Barrow Road junction
- Proposals shouldn't be built until the relief road is complete

#### Pollution

- LUX level is not correct
- light pollution
- air pollution
- noise pollution, hours of operation and gate logs

#### Ecology

- Close proximity to nature reserve
- Declining bird population

## **ASSESSMENT**

The following considerations are relevant to this proposal:

- Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage
- Contaminated Land
- Ecology

### **Principle of Development**

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011), and the Housing and Employment Land Allocations DPD (2016).

Policy CS1 sets out the overarching spatial strategy for North Lincolnshire, It states that, in the Market Towns *"...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."*

Policy CS2 prioritises *"...Previously developed land and buildings within the defined development limits of North Lincolnshire's Market Towns, followed by other suitable*

*infill opportunities then appropriate small scale greenfield extensions to meet identified local needs”*

Policy IN3, supports proposals for B1, B2 and B8 industrial and commercial developments in Barton upon Humber, “*provided that:*

- i) the development should respect its position and setting within the landscape and be compatible with existing and proposed surrounding uses, in particular adjoining residential areas. Landscaped buffer zones shall be provided to separate uses where appropriate. Consideration will be given to the use of other measures such as sound insulation, pollution control and restricted hours of working to minimise potential amenity problems, with the use of conditions and legally binding agreements as necessary; and*
- ii) sites should be planned and laid out on a comprehensive basis. Particular attention should be paid to the layout, density, design, height and materials of the development. These should be in keeping and compatible with the layout of any existing nearby or adjacent development; and*
- iii) outside storage areas which are open to public view from beyond the site should be screened. Open storage and handling of loose materials and refuse will not be permitted. Enclosed roofed storage areas will be required to store such materials; and*
- iv) provision should be made within the curtilage of each industrial site for loading, off loading and vehicle turning facilities; and*
- v) comprehensive landscaping schemes, including suitable boundary treatment, should be submitted as part of a detailed planning application and be treated as an integral part of the development.”*

Furthermore, this site was allocated under Policy BARE- 1 for B1, B2, B8 employment uses under the adopted 2016 Housing and Employment Land Allocations DPD. Whilst the eastern section is 'white land' located within the wider development limit for Barton. A similar employment allocation was established within the 2003 North Lincolnshire Local Plan. The site was also identified as under CIN6 Humber Bridge Industrial Estate as a 'Committed Industry' site. Which is a historic allocation from the, Committed Industrial Sites, January 1999 for, 3.6ha for use classes, B1, B2, B8 on 100% greenfield.

As the proposals involve the creation of a new industrial development consisting of a lorry park with associated infrastructure within the defined development limits it would comply with Policy CS1, CS2 and IN3 and therefore would be acceptable in principle. However, proposals that are acceptable in principle are still required to meet the policy test set out in the criteria of Policy IN3. The impact on acknowledged interests against the above policy tests is considered in the following parts of the report.

## **Design and Impact on the Character and Appearance of the Area**

Core Strategy policy CS5 (Delivering Quality Design in North Lincolnshire) states that *'...all new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'*

The application site is located within the development limits of Barton upon Humber and is located within the Humber Bridge Industrial Estate. It is noted that the site is surrounded by industrial units with the exception of open land to the north.

The proposals would involve the creation of 156 lorry parking spaces, 51 car parking spaces, new substation, security fencing, external lighting columns and landscaping. It is noted that the proposed lorry park comprises of an open parking facility with security fencing and lighting

The materials to be used are as detailed within the Proposed Site Surfacing Plan. The majority of the site surfacing will be concrete with sections of tarmac surfacing for the car park as well as soft landscaped areas around the site and a pond to the south west corner of the site. The soft landscaped areas are further detailed within the detailed landscape proposals. The proposed materials are considered to be acceptable.

In considering the above, site is located within an existing industrial area. Therefore, it is considered that the proposal will not have an adverse impact on the character and appearance of the area. Therefore, the proposals will comply with Policy IN3 (i), (ii), (iii) and (v) of the LP and Policy CS5 of the CS.

## **Impact on Residential Amenity**

Policy DS1 is partly concerned with impacts upon residential amenity. 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 North Lincolnshire Local Plan is concerned with polluting activities. It states that, *planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise do not pose a danger by way of toxic release; result in land contamination; pose a threat to current and future surface or underground water resources; or create adverse environmental conditions likely to affect nearby developments and adjacent areas.*

The application is accompanied by a number of documents including but not limited to a noise assessment, construction statement and air quality assessment. Further information has also been received stating that the hours of operation are proposed to be between 08.00 and 22:00. However, no days have been specified.

It is noted that the proposals do not include any new buildings and there are no residential properties surrounding the site. Therefore, the proposals are not considered to have any impacts on surrounding properties in respect of overlooking or overshadowing.

Comments have been sought from the Environmental Protection Team. In summary there are no objections with the exception of concerns regarding noise, as detailed within the consultations section of this report. The key concerns relate to, proposed hours of use, days and times which noise monitoring has been carried out, lack of data within the noise assessment and the lack of consideration for the specific character of the noise.

In considering these comments, the applicant has provided further information. In respect of the comments regarding the nursery school, the proposals would not cause any significant adverse impacts over and above those of the noise levels from the existing industrial units. However, further details in respect of noise levels were provided in accordance with the guidance contained in BB93 Acoustic Design for Schools.

In respect of comment relating to no penalty applied/limited justification for penalties. The site is located within an existing industrial estate and therefore this is not considered to be reasonable or necessary. The BS4142 assessment has shown that the predicted specific noise level would remain below the measured background noise levels (measured on Sunday afternoon) and therefore have a low impact.

In respect of the predicted external levels. The predicted noise levels are shown in Table 4-3 for residential premises for the BS4142 assessment and in Table 5-2 for the change in ambient noise level assessment.

In respect of the comments in relation to, no monitoring between 08:00 and 09:00 and 17:00 and 18:00 hours. The noise consultants have stated that they consider that the measured background noise levels between 08:00 and 09:00 hours and/or 17:00 and 18:00 hours would not differ significantly from those already measured on Sunday afternoon. However, during the week, it is considered that the background noise levels would be higher.

In respect of comments relating to the predicted increase in noise from HGVs. Measured noise levels on Sunday were predominantly controlled by road traffic noise, both cars and HGV's, as maximum noise levels ( $L_{Amax}$ ) are likely generated by passing

HGVs it is unlikely that this would change; it is expected that the background noise level ( $L_{A90}$ ) would change slightly in line with the change in  $L_{Aeq,T}$ . The character of the noise would not differ from those already experience at the receptors, i.e. road traffic (cars and HGVs).

It is noted that the proposals may introduce more vehicle and movement to the site. However, having considered the information provided in that this would move the lorry's parking from the existing Wren site. As detailed within the submitted Transport Assessment the proposals would in fact reduce the overall HGV movement in the wider area. Furthermore, the proposals are located within an existing built-up industrial area of Barton upon Humber. It is noted that there is a new housing estate further along Falkland Way. However, consideration for the noise impacts of the existing industrial estate were considered through that application and noise mitigation measures were conditioned. Therefore, the introduction of a lorry park to the area are not considered to pose a significant impact.

Whilst it is noted that the proposals may have some impacts it is considered that a number of conditions can be attached to any permission granted in order to obtain further information to determine appropriate working hours and noise mitigation measures.

On balance, whilst it is noted that the proposals may have some impacts on respect of residential amenity the scheme would not have significant adverse impacts on the residential amenity of the occupiers of properties within proximity to the site. Therefore, the proposals will comply with Policy DS1 and DS11 of the LP.

### **Flood Risk and Drainage**

Policy CS19 (this policy sits alongside DS16 of the local plan) is concerned with flood risk and states that the council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk-based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood.

The site is located within Flood Zone 3 of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for 'less vulnerable' development. Given the proposals are within Flood Zone 3 and the proposals are create a lorry park with associated car parking, fencing, external lighting columns and landscaping a Sequential Test is required. The applicant has carried out a Sequential Test which is deemed to be passed. Furthermore, the Exceptions Test is not required given the proposals are for less vulnerable development. Therefore, the proposals are acceptable in respect of flood risk.

It is noted that a drainage strategy has been submitted with the application. This states that the applicant intends on using mains for foul water drainage and existing water courses for surface water drainage.

Comments have been sought from the LLFA, Anglian Water and the Environment Agency. The LLFA had raised objection to the proposed drainage strategy due to the lack of consideration for SuDS and lack of site investigation as to whether there are existing water courses through the site. Anglian Water however have raised no objections to the proposed development and discharge of water into there water courses. The EA have raised no objections subject to the submission of a Flooding Evacuation Plan which has since been provided.

Having considered the responses received and discussed this with the applicant further information has been provided by the applicant. This details why the use of soakaway features have been deemed unsuitable and also that no formal water courses are present on the development site. Further discussions and comments were sought from the LLFA who in summary have raised no objections to the proposed development on the basis of the above information.

Therefore, proposal is considered to comply with policies DS16 of the North Lincolnshire Local Plan, CS19 of the Core Strategy and the National Planning Policy Framework in terms of flood risk.

## **Highways**

Policy T1 of the North Lincolnshire Local Plan is concerned with the location of development and is succinct with the spatial strategy of the Core Strategy. Policy T2 is concerned with access to development, and it states that all proposals should be provided with a satisfactory access. Policy 19 relates to car parking provision and standards, and in summary requires that developments which result in additional parking needs shall incorporate proposals to fully meet that demand.

The application is supported by a Transport Assessment. It is noted that the applicant, Wren, have an existing manufacturing facility off Falkland Way. The assessment shows how the scheme will have a net benefit in terms of reducing the number and length of journeys which currently take place. The documents also set out that Wren have a lack of capacity to store HGV's on site as a consequence HGV's are currently sent to other facilities at Brough, Howden and Scunthorpe for storage. It is then necessary to make additional trips to collect these HGVs so that they can be loaded up at The Nest. Therefore, it is demonstrated that this facility would support the growth of the existing facility and also reduce the number of HGV movements too and from the main site, The Nest.

Having considered the above, it is also noted that the proposals would as a result have significant environmental benefits for congestion and emissions as well as financial impacts on cost and time for Wren Kitchens.

The council's Highways department has been consulted and does not object to the development subject to a conditions requiring, *'Any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to and approved in writing by the local planning authority.'*

Subject to the aforementioned, it is considered that the proposal is in accordance with policies IN3 (iv), T1, T2, T19 of the North Lincolnshire Local Plan.

### **Contaminated Land**

Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

The application is supported by a planning application form and a Site Investigation Report. The planning application form sets out that the land is not known to be contaminated and that the proposed use would not be vulnerable to the presence of contamination, which is agreed as the proposed use of the site would be use for the parking of vehicles.

Comments have been sought from the Environmental Protection Team which raise no objections in respect of contaminated land subject to a number of standard conditions.

Having regard to the above, it is considered that there is limited potential contamination to be present at the site. Subject to the aforementioned conditions, the proposal is in accordance with policies DS7 of the Core Strategy and paragraph 178 of the NPPF.

### **Ecology**

Policy CS17 of the Core Strategy, as well as paragraph 170 of the NPPF, relates to biodiversity. Paragraph 174 states, in part, that a net gain for biodiversity should be achieved.

It is noted that the application is supported by an Ecological Impact Assessment, Landscape Summary, GCND Level License 2, Barton upon Humber Bird Data, Barton upon Humber Wintering Bird Survey, External Lighting Strategy, HRA draft and additional information to assist Natural England re Air Quality.

Comments have been sought from the LPA's Natural Environment Policy Specialist. In summary the latest comments raise no objections subject to a number of standard conditions.

Comments have also been sought from Natural England. In summary the latest comments raise no objections subject to a number of conditions in order to secure the mitigation measures re noise reduction, external lighting, drainage and pollution control.

Planning conditions are not proposed to any permission in order to minimise harm to protected and priority species and habitats as given the existing condition of the site such species are unlikely to be present. Conditions however will seek biodiversity enhancement in accordance with the with Policy CS17, the National Planning Policy Framework and Biodiversity Metric 3.0.

The proposal subject to such mitigation is therefore in accordance Policy CS17 of the Core Strategy and paragraph 170 of the NPPF.

## **Conclusion**

The proposal for planning permission to create a lorry park with associated car parking, fencing, external lighting columns and landscaping is considered to represent a sustainable form of development. The application is acceptable in principle and has satisfied both the Sequential Test. Conditions attached are outlined within this report and pre-commencement conditions have been agreed with the applicant.

**RECOMMENDATION: Grant full permission subject to conditions.**