

PLANNING COMMITTEE – 6 DECEMBER 2021

Application No:	21/01879/FUL
Proposal:	Part Retention (Retrospective) & Part Proposed Erection of Open-Ended Structure for Casting Equipment
Location:	Staunton Works, Alverton Road, Staunton In The Vale, NG13 9QB
Applicant:	J P Concrete Products Ltd
Agent:	Nick Grace
Registered:	10.09.2021 Target Date: 29.10.2021
	Extension of Time Agreed until 08.12.2021

The application has been referred to the Planning Committee by the Local Member, Cllr I Walker given its potential impact on the visual amenity of the area, its retrospective nature which allows Members to consider these impacts and given the recent decision relating to the adjacent site, it is considered this warrants the wider consideration of the committee in the interests of consistency and transparency.

The Site

The site is situated at the long established Staunton Industrial Estate, approximately 750m to the north-west of Staunton-in-the-Vale which is located in the open countryside to the south of the District. This part of the industrial estate comprises a mix of concrete, compacted bare ground and field.

The proposed development site is located adjacent (east) of existing industrial buildings within the Estate. An existing industrial estate access lies to the south of the application site and connects to the public highway C3 (Grange Lane) that runs parallel with the A1 to the east. A further access to the site is from the north also from the C3 road which appears to exclusively serve the adjacent Farrell Transport Ltd site.

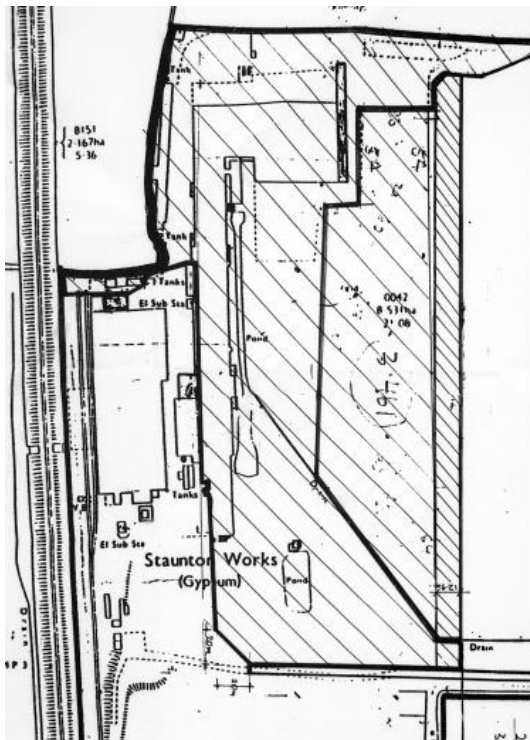
The site lies within flood zone 1 although lies in an area that is prone to superficial deposit flooding according to the Environment Agency maps.

Relevant Planning History

- 94/51746/LDC – Use of site (wider site including land to the east) for general industrial purposes within Use Class B2, certificate issued 04.12.1995.
- 94/51747/LDC – Retention of existing buildings (non-compliance with planning conditions requiring removal of such buildings) certificate issued, 04.12.1995.
- 94/51748/OUT – Demolition of some existing buildings and replacement with new buildings and use of site for B1, B2 and B8, Approved 18.09.1995.
- 98/51825/FUL – Change of use of agricultural land for open storage, approved

25.08.1998.Condition 4 states:

04
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (Use Classes) Order 1987, or any amending legislation, the premises shall not be used other than for the purposes of the storage of materials which will be used in the manufacture of timber products at, and storage of those timber products manufactured from, that adjacent land occupied by Bullock and Drifill Ltd, unless otherwise agreed in writing, by the Local Planning Authority.
Reason:
To ensure that the use is or remains compatible with the surrounding area, and that the proposal accords with local plan policy.



- 01/00141/CMW – Renewal of permission 97/00599 for the restoration of land by using imported materials.
- 02/02452/FUL – Proposed extension for storage of Glulan & I Beams, approved 19.12.2002
- 09/00995/FULM – Change of use (of this site and wider site including land immediately to the north) for storage and associated haulage, refused 17.02.2010 on the grounds of noise and nuisance to amenity from the proposed operation and number of vehicle movements. However this was allowed on appeal with conditions to restrict the number of HGV's using the site to no more than 25 (at any one time).

Land to south

- 12/00224/AGR –open cattle area, prior approval not required, 23.04.2012.
- 97/51912/CMM – Restoration of land to agricultural, county matter

Land to East

- 21/00295/FULM - *Erection of commercial storage units and erection of new office with associated parking. Refused 07.07.21 as didn't represent a proportionate expansion of an existing business and the need for a rural location not adequately demonstrated and the harm was not outweighed.*

The Proposal

Full permission is sought for the retention an existing concrete casting structure and its cover and a proposed new identical additional structure immediately to its east.



The casting structure(s) are open sided fabric (heavy duty PVC) shelters anchored by concrete blocks and portacabin type structures. The structure that is already in situ is placed over a casting table which takes on the appearance of a conveyor belt which tilts to allow concrete to be more readily extracted from their molds. Both (existing and proposed) are required in connection with the adjacent existing business operating from the site; JP Concrete Products Ltd.

The structures are each 12.2m wide by 37.2m in length with a rounded roof that extends to 4.5m at their highest point.

The Submission

Amended Location Plan, drawing no. 70-001 Rev P04
New Temporary Shed 101, P01 1/1
New Temporary Shed 102, P01 1/1
Topographical Survey
Proposed Site Plan, 70-002 Rev P04
Covering Letter 12 July 2021
Site Photos

Departure/Public Advertisement Procedure

Occupiers of 18 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 7 - Sustainable Transport
Core Policy 6 – Shaping our Employment Profile
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations & Development Management DPD

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

DM10 – Pollution and Hazardous Substances

DM12 – Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2021

NPPG

Landscape Character Assessment SPD

Consultations

Staunton Parish Meeting – (30.09.2021)

There were 14 objections, 0 in favour and 0 abstentions.

The main reasons were as follows:

- These two large structures will have a negative impact on the landscape. The fact they are white in colour means they stand out in a particularly unsympathetic way in the rural setting.;
- As they are open structures the lights shine outside causing serious light pollution for the village;
- There is already significant noise from the concrete plant, including at weekends;
- This development will increase HGV traffic on roads already deemed unsuitable for such vehicles due to the County Council imposed 7.5t weight limit.

Also, it is far from clear whether the existing use class for the site allows a concrete batching plant at all (we have repeatedly asked NSDC and have not had an answer). We believe this development is within the Farrell Transport's ownership and this site was granted permission (on appeal) with strict limits on the number of vehicles on site. The increased lorry movements due to the concrete works is likely to breach this limit.

NCC Highways Authority – No objection.

NSDC Environmental Health – Summary of advice:

This proposal includes reference to the operation of a bulk cement batching plant which is regulated under the Environmental Permitting (England and Wales) Regulations 2016 (as amended). The applicant is required to make a formal application for an Environmental Permit from Environmental Health at Newark & Sherwood District Council. Operation of the plant without a current Environmental Permit is an offence. However this is a separate process from the planning regime and does not prevent the authority from determining the application.

In respect of lighting and noise, the Environmental Health Officers have concluded that based on the information provided (more information was requested) the proposal would be unlikely to have adverse issues and if any arose they could be looked at under the relevant EH legislation and potentially guarding for lights etc. could be requested.

Representations have been received from three local residents/interested parties raising objections which can be summarised as follows:

- Will increase the number of HGV'S to the site and traffic along Grange Lane which has a 7.5t weight limit and negative impact to nearby residential dwellings;
- There has been a noticeable increase in the general traffic over the past few years along Grange Lane at speeds over the national speed limit which resulted in a petition requesting a 40mph limit;
- Regular huge articulated lorries carrying huge concrete products travelling through Orston/Alverton, causing a danger to road users as they struggle to get around the bends on the right side of the road.
- Should be noted that the Inspector on granting permission on appeal for Farrells to go ahead imposed some very strict limitations and conditions including no more than 25 HGV's to operate from the site. There is concern that this number of HGV's could be surpassed regularly by both visiting 3rd party HGVs as well as those of Farrell itself;
- Believe the applicant is operating from the site without the necessary planning permission environmental certificates etc;
- In last 11 years the estate has expanded/creeped with planning authority not seeming to care about the negative long term impact and degradation;
- It already has negative impacts in terms of visual, light and noise pollution affecting local residents (including at weekends);
- The building is white and an eyesore on the landscape, green would be better
- Illegal building has increased noise especially as it is open sided.

Comments of the Business Manager

Introduction

JP Concrete Products have been operating from this site since c2019 and manufacture concrete products for the construction and agricultural industries amongst others. Concrete mixing takes place within the building whilst storage of their finished products is outside in their yard. The company have recently purchased a casting 'table' (a metal table taking on the appearance of a wide metal conveyor belt that tilts to allow products to be removed easier from their molds) which is housed externally and covered with a temporary structure albeit which has a degree of permanency. This application seeks to regularize the existing covered structure, the casting table and to erect an identical structure immediately adjacent to it.

It is not clear when the concrete storage began; the aerial photographs suggest that this may have been relatively recently. However looking at the planning history at the site, it is clear that the site has had permission in 1998 for open storage on this site (for manufactured timber products) and this would have had similar impacts to the previous use. Given this, a material consideration, it has already been established that outside storage activity on the site is acceptable. I also note the Council has informally confirmed to the occupiers (JP Concrete) in writing, that the site has an established B2 (general industrial) use prior to their occupation. I therefore conclude that the existing business operating at this site appears to be operating lawfully.

The Principle

The spatial strategy seeks to focus employment development in the sub-regional centre, Service Centres and Principal Villages, with a range sites having been made available in such locations. The Development Plan seeks to ensure that development in the open countryside is strictly controlled (through policies SP3 and DM8) and it is important that any permissions granted do not form a material consideration that undermines the ability of the District Council to resist inappropriate development proposals elsewhere.

The application site lies in the countryside. Policy DM8 (Development in the Open Countryside) strictly controls development in the open countryside limiting it to certain exceptions of which there are 12. Exception no. 8 'Employment Uses' is considered the most applicable to this proposal. This states:

'Small scale employment development will only be supported where it can demonstrate the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of Core Policy 6. Proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment.'

I therefore assess the scheme against this exception having regard to the following key factors; 1) whether the proposal can be considered to be small-scale and whether it is a proportionate expansion of an existing business and 2) whether there is a need for this development to be in a rural location and 3) whether there would be a contribution to ongoing local employment.

Whether the proposal is small-scale and whether it is a proportionate expansion of an existing business

Core Policy 6, underpinning Policy DM8, requires that development sustaining and providing rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact. Policy DM8 refers to proportionate expansion, so a judgement needs to be reached as to whether the scale of this proposal is acceptable and proportionate. There is no definition in policy DM8 as to what is meant by a 'proportionate' expansion of an existing business. While proportionality should be considered in relation to the existing JP Concrete site, it is reasonable to view this in the wider context of the whole Industrial Estate. In terms of whether the 'expansion' is proportionate, it remains a matter of judgement as to whether such an increase is appropriate.

In this case the use is well related to the existing concrete business and wouldn't be able to operate effectively as a standalone development so I am satisfied that it does represent an expansion of an existing business.

The existing and proposed structure take up only a small part of the application site identified by the land edged red and blue (as requested during the application process).

The site area comprises an area of c1,048m² compared with the wider site (excluding the access) that JP Concrete have control of which equates to some c22,380m² additional land. Not all of this land is in use for their commercial activities but the majority of the site is now used for storage of the finished concrete products and associated vehicle parking. The proposal does not constitute an extension in physical land take as the land upon which it is sat already has a commercial use for storage albeit it represents an expansion of the built form and so an assessment needs to be made

as to whether this is proportionate. According to the plans the existing buildings have an approximate floor area of c 1430m². The combined two structures forming part of this submission would equate to c848m² in floor area which is relatively large in comparison to the manufacturing unit. However taken in the context of the wider yard, I am minded to conclude that this is not disproportionate particularly given the other impacts (including visual) which I shall discuss later in this report.

Whether there is a need for this development to be in a rural location and where there would be a contribution to local employment.

The applicant has been asked to justify the need for this development. They state that the casting tables were on sale from a company that had gone into administration but unfortunately due to their size they did not fit into the existing building on the site. They were stored outside but were getting damaged by the weather and given their value (if purchased new would cost in the region of £120K) they had to quickly get them under cover and therefore the shelter was erected in early 2021. The applicant states that this has enabled them to increase output and create additional employment.

They add that the business has grown over a two year period and they wish to expand both their casting facilities and staff levels further to help meet the demand. They add that the existing structure on site does not give sufficient space to cope with this demand and there is a need for more covered space. If approved the other half of the structure would be used to place additional molds that they do not currently have the space for.

I am satisfied that the existing business has demonstrated that they require the additional covered area to allow them to expand their commercial activities. Whether this needs to be located in a rural location is a more interesting consideration. One would expect most concrete manufacturing businesses to be occupying an industrial estate in an established urban area where expansion (externally) could perhaps be facilitated more readily. In fairness to the applicant they occupy a site that is located on an industrial estate (granted through a CLUED) albeit in a rural area and want to utilize the site that they lease to better meet their needs. To allow the business to be retained on this site for the remainder of their (7 year) lease, they say they need the covered structures to expand and grow their activities, a reasonable request for a business occupying a site with an established industrial use. The expansion into the existing yard area has been justified and that this can only really be located on land adjacent to the existing facility such that in this instance there is a need for the rural location.

According to the application form and supporting statement, no new employment would ensue from this proposal. However this meets the minimum policy test by sustaining local employment in accordance with Policy DM8 and CP6. There could, of course, be employment resulting from companies benefitting their products but this is not an easy thing to measure.

Landscape and Visual Impacts

Core Policy 9 of the N&SDC Core Strategy requires that all new development should achieve a high level of sustainable design and layout which is accessible to all and which is of an appropriate form and scale to its context complimenting the existing building and landscape environments. Criterion 4 of Policy DM5 of the Development Management and Allocations DPD considers local distinctiveness and character and requires that in line with Core Policy 13 of the Core Strategy, all development proposals should be considered against the assessments contained within the

Landscape Character Appraisal (LCA).

A LCA has been prepared to inform the policy approach identified within Core Policy 13 of the Core Strategy. The LCA has recognised a series of Policy Zones across the five Landscape Character types represented across the District. The site falls within Policy Zone 10 (Alverton Village Farmlands) within the South Nottinghamshire Farmlands Regional Character Area. Here, landform is predominantly flat with the landscape being in a mix of arable and pastoral farmland. The landscape condition is described as very good with its sensitivity described as moderate giving a policy action of 'conserve'. In terms of built features this means conserve what remains of the rural landscape by concentrating new development around existing settlements of Alverton, Kilvington and Staunton in the Vale.

The two structures proposed are relatively large in scale but it must be noted that they are/would be seen in the context of existing approved structures that are larger as a backdrop. I note that some local residents have raised concerns regarding the colour or the roofing fabric. In my view given that these are seen in the context of existing (white and grey) structures being in the background and against the sky, the white/grey colour is not particularly stark nor harmful.



The landscape character assessment SPD and CP13 sets out landscape actions and objectives (conserve) of limiting development to around the settlements. Clearly this isn't a settlement but it is an established industrial site. However this proposal is for what appears as a fairly lightweight structure with open ends and has a temporary appearance given it is formed of a covered steel frame anchored by concrete blocks and portacabin type structures.



Furthermore it is set against an existing structure at the adjacent Farrell Transport site which is larger and the proposal doesn't encroach any further into the countryside than that. I therefore take that view that the impacts of this proposal would have only a minor adverse visual impact. I also consider that in the event of an approval a condition that requires that both structures are removed from the land after 5 years or when the existing occupiers cease to occupy the site (whichever is the sooner) would be reasonable given that this would allow the business to expand whilst allowing further assessment of how the structures have help up to the elements over the approval period.

Highway Impacts

Together Spatial Policy 7 and Policy DM5 seek to ensure that new development minimises the need for travel, provide safe and convenient accesses for all, be appropriate for the network in terms of volume and nature of traffic generated, ensure the safety of highway users, provide appropriate and effective parking and service provision and ensure schemes do not create or exacerbate existing problems.

The site has access onto the C3 road which links Newark to the north with the A52 at Elton-on-the-Hill to the south. The proposal would utilise the existing access arrangements on site; no changes are proposed to this.

In terms of whether the expansion does or would lead to increased movements, the company indicate that it doesn't/wouldn't as they are taking on fewer, more complex, bespoke orders with better profit margins as a result of having the casting tables thus not impacting on vehicular movements. This is important because this site, in combination with the Farrell site adjacent, is subject to a controlling condition imposed on appeal decision 09/00995/FULM restricting the number of HGV's using the site to no more than 25 (at any one time).

The applicant has confirmed that two HGVs with low loading trailers operate from their site and are used to transport plant and machinery around the UK and are used 3-4 times a week between them. They are not used for the delivery of products (which I understand are collected at agreed times).

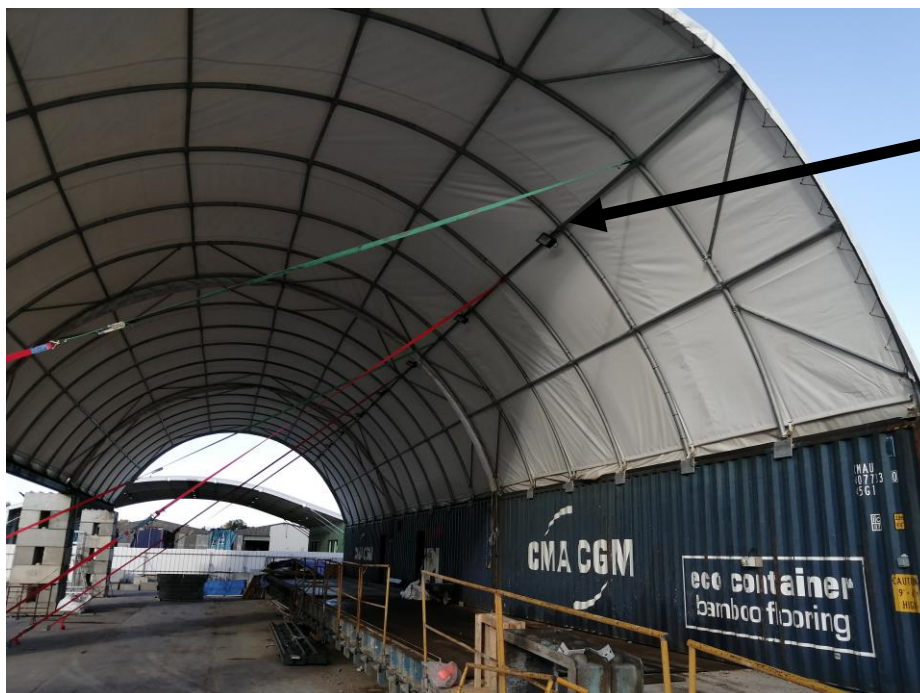
I note from our records that an allegation has previously been made that the wider site was operating more than 25 vehicles; this was investigated and no breach was identified. I appreciate that there are concerns that this could happen in the future as a consequence of approving this scheme but there is no reason to believe this to be the case. If it does occur and is reported, our planning enforcement team can investigate further. In my view this is not a valid reason to withhold this planning permission.

NCC Highways Authority have commented that the surrounding highway network is covered by an environmental weight limit; the purpose of this weight limit is not to prevent access to premises but to prevent rat running by HGVs along less suitable local roads to avoid unforeseen delays, and closures on the nearby strategic highway network e.g., the A1, A52 and A46. They have accepted that the proposal would not generate additional traffic and that according to the supporting information the more voluminous production is being relocated to another part of the country which has the benefit of reduced traffic generation compared to the extant, existing use. As such NCC Highway Authority raise no objection.

Residential Amenity

Given the site's isolated location in the countryside, the nearest residential neighbours are some distance from the site, almost 700m away from the site. As such I have no concerns that the scheme would give rise to impacts such as overlooking, overlooking, loss of light etc. Concern has been expressed regarding general disturbance from noise and light pollution which it is said are already occurring from uses already operating closer to the objector in question. The concerns regarding light pollution from the Parish Meeting are also noted.

From visiting the site and noting the lighting already installed it is clear that these are located well inside the structure and are orientated so that they do not illuminate the surrounding yard or countryside. No other external lighting is present or proposed.



Existing lighting installed on site inside the structure

Indeed it noted that the internal lights are only on until 6pm. Our EHO has raised no objection to this and has stated that if it were to be an issue it could be considered under environmental health nuisance legislation. I am satisfied that subject to conditions to require details of any further external lighting, the lighting should neither be a source of nuisance to amenity nor have a harmful visual impact on the countryside. Any nuisance arising from the lighting installed can be considered by Environmental Health as required under their legislation.

In terms of general disturbance the EHO has raised no concerns about this given the distance between the site and residential properties. Furthermore, outside activities including storage is already a fallback position on this site as previously noted from a 1994 permission and the appeal decision to allow Farrells Transport to operate a haulage business from the site, which in itself generates outside activity, not subject to any restrictive controls (other than the number of HGV's allowed to operate).

For these reasons I conclude that the proposal would not cause harm to residential amenity and in this regard would comply with CP9 and DM5.

Other Matters

The application did not need to be accompanied by a flood risk assessment as the site area is under the 1ha size threshold. The proposal would make no changes to the ground as the hard standing upon which the structures are to be mounted is already in situ. It is therefore not considered that the proposal would amount to harm in terms of either drainage or ecology.

Planning Balance and Conclusion

Development in the countryside is strictly controlled and requires careful scrutiny. Having assessed the scheme, I have concluded that the scheme represents a proportionate expansion of

an existing rural business and that a need has been demonstrated for the erection of the structures to enable the business to expand and thrive. I therefore conclude that the principle of this expansion is acceptable and would bring about some economic benefits such as sustaining jobs with the potential to create jobs in the future.

Whilst the concerns from both the Parish Meeting and some local residents are noted, it is not considered that the proposal, if conditioned as suggested, would amount to unacceptable harm to residents' amenity either in terms of general disturbance nor from the external lighting proposed.

No highway harm has been identified and there is no objection from the statutory consultee.

The site lies within an area that has a fallback position for use as outside storage and is adjacent to an existing haulage yard. Whilst the structures would add more clutter to the landscape, taking into account the context and backdrop of industrial buildings I do not consider that the visual appearance of the structures in question would be demonstrably harmful particularly when weighed against the economic benefits of the scheme. Indeed one structure is already in place and is viewed against a higher structure erected on the adjacent site. Notwithstanding this, I do however consider it would be reasonable to condition that the structures are only given a temporary consent given that they are not designed for permanency and these should be removed after 5 years or when the business ceases to operate from this site.

On balance I therefore recommend approval subject to the conditions below.

Recommendation

That planning permission is approved (partly in retrospect) subject to the conditions and reasons shown below

Conditions

01

The structures hereby permitted shall be removed and the land restored to its former condition on or before 7th December 2026 or when the premises cease to be occupied by the existing leaseholders/applicant, whichever is the sooner.

Reason: To allow the existing occupier to expand but whilst recognising that the nature of the structure and the position in a countryside location make it unsuitable for permanent permission.

02

There shall be no external lighting installed on site unless prior details have first been submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and measures to reduce overspill and light pollution and shall be retained for the lifetime of the development. The internal lighting shall be installed and retained in accordance with the details contained within this application (maximum of 150 lumens) and shall only be switched on between the hours of 0700 and 1800 on any day.

Reason: In the interests of residential and visual amenity.

03

The development hereby permitted shall not be carried out except in accordance with the following approved plans, reference

Amended Location Plan, drawing no. 70-001 Rev P04

New Temporary Shed 101, P01 1/1

New Temporary Shed 102, P01 1/1

Topographical Survey

Proposed Site Plan, 70-002 Rev P04

Reason: So as to define this permission.

Notes to Applicant

01

The applicant is required to make a formal application for an Environmental Permit from Environmental Health at Newark & Sherwood District Council if they have not already done so.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on ext 5834.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Lisa Hughes

Business Manager – Planning Development

Committee Plan - 21/01879/FUL

