

## PLANNING COMMITTEE – 15 JANUARY 2019

<b>Application No:</b>	<b>18/02020/FULM</b>	
<b>Proposal:</b>	<b>Change of use of land for use as a construction industry and agricultural plant training centre and the construction of industrial and agricultural plant and lifting operations (retrospective)</b>	
<b>Location:</b>	<b>Land at Newark &amp; Notts Showground, Fosse Road, Winthorpe</b>	
<b>Applicant:</b>	<b>Mr David Lidster, DL Training</b>	
<b>Registered:</b>	<b>14 November 2018</b>	<b>Target Date: 13 February 2019</b>

**This application is being referred to the Planning Committee for determination by the adjacent ward member (Cllr M Dobson) on the grounds of visual amenity.**

### The Site

The site lies within the parish of Coddington and forms an open area of land adjacent to the Newark Showground, to the north-east of (and outside of) Newark Urban Area and east of Winthorpe village. The site forms part of the old runway of the former airfield such that it is already laid with hardstanding. There are existing grassed bunds alongside its boundaries. Access to the site is taken from the east off Drove Lane, via an existing metal field gate and an existing vehicular track laid with hardcore. There is an area on site cordoned off for customer and staff parking close to the entrance.

The site is already in use as a training centre for construction, agricultural and industrial plant. On site are a number of portacabins for welfare and teaching purposes as well as training equipment and plant including a 9m high scaffolding and 4 cranes; the highest being 29m from ground level. The site is bound in places by metal herras fencing to define its boundaries.

Land to the north forms part of the Newark Showground which is an Agricultural Events Centre. Newark Air Museum lies to the east. Land to the south-east appears to be agricultural (albeit I note has previously been used for the storage of topsoil) and land to the west is in agricultural use.

The site lies within an area prone to surface water flooding. The lies within an area defined as the 'Newark Showground Policy Area' according to the Allocations and Development Management DPD.

### Relevant Planning History

01/01395/FUL - Creation of a new farm access and road due to the existing access being closed (in Coddington parish) approved 5<sup>th</sup> October 2001.

08/01386/CMA – Storage of topsoil. Withdrawn 27 June 2008.

08/01925/CMA – Storage of topsoil for a period of 3 years. Comments offered to NCC as decision maker.

### ***Land to the south-east***

17/00107/CMA - Request for screening - Temporary use of land for the Proposed recycling of excavated material from Newark Sewer Scheme including processing, crushing and screening.

10/00523/FULM - Use of part of old runway to store and handle British Sugar topsoil and related products. Refused 15 June 2010. Allowed on appeal 25 January 2011, reference APP/B3030/A/10/2131553.

### The Proposal

Full planning permission is sought for the retrospective change of use of the land for a training centre for the construction industry including commercial and agricultural plant and equipment. To facilitate this use, four cranes have been sited on the land. None of these cranes are fixed permanently to the ground albeit I understand that 3 of these are sited such that there is no intention of moving them. These are:

- A Somia crane that is 24m high;
- A Wolff crane that is 29m high;
- A pedestrian operative crane that is 17m high;
- A mobile crane that extends to no more than 19.5m high which can be moved around the site.

In addition to the cranes there is other mobile equipment including rollers/diggers etc., 3 shipping containers (1 containing a generator for the crane) and 4no. portacabins in use as a toilet block, an office/reception, a welfare cabin in use as a lunch area/breakout space and a classroom for theory learning.

It is understood that the use began on this site earlier this year (around May 2018) and will employ 5 persons when fully operational.

### Departure/Public Advertisement Procedure

Occupiers of three properties/premises 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 expiring on 20 December 2018.

## **Planning Policy Framework**

### **The Development Plan**

#### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

- Spatial Policy 1: Settlement Hierarchy
- Spatial Policy 2: Spatial Distribution of Growth
- 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
- Core Policy 14: Historic Environment

#### **Allocations & Development Management DPD**

- Policy NUA/SPA/1: Newark Urban Area – Newark Showground Policy Area
- Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM5: Design
- Policy DM7: Biodiversity and Green Infrastructure
- Policy DM9: Protecting and Enhancing the Historic Environment
- Policy DM12: Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2018
- Planning Practice Guidance
- Guidance to crane operators on aviation lighting and notification, CAA, March 2014

### **Consultations**

#### **Coddington Parish Council (Host Parish) – Support the proposal**

11/12/18: Clarification received that the vote was not unanimous as stated but was by a majority of 7:1.

10/12/18: “The Parish Council welcomed the provision of training facilities and the retrospective application was unanimously supported by Members.

However, the Parish Council is mindful that the proposed use of this area falls outside the DPD allocation for Policy NUA/SPA/1 - Newark Urban Area - Newark Showground Policy Area, which

does not cover mixed use (the area covered by Policy NUA/MU/1 does) such as the training centre, but is intended to be used for:

“new development which supports and complements the East Midlands Events Centre (Newark and Nottinghamshire Agricultural Society Showground) and other leisure uses on site”

and the Council would not wish to see a precedent set for future development outside the allocated area for industrial use.

Councillors noted that very little detail was provided on the application form and it was observed that contrary to information in the Design and Access Statement, cranes are visible from the A17.

**Winthorpe Parish Council** – Object to the proposal

20/12/2018: “The Parish Council objects to the proposals on the basis that the Training Centre is in open countryside and the large cranes are a blot on the landscape. The Council feels that this type of project would be better placed on an industrial site where such a vista is expected. The Council was unanimous in its objection to the proposal.”

**Newark Town Council** – No objection was raised at its meeting on 28<sup>th</sup> November 2018.

**Balderton Parish Council** – No comments received to date.

**NCC Highways Authority** – No objection, subject to condition

04/12/2018: “Whilst there are no objections to the principle of this proposal, the mouth of the access on to Drove Lane is in a poor state of repair and is not in a bound (tarmac) construction. Therefore loose stones can be dragged on to the public highway which can damage the carriageway, and potentially cause a hazard.

Therefore no objections are raised subject to the following condition:

Within 6 months of the date of this permission, the access to the site at Drove Lane shall be surfaced in a bound material between the carriageway and the highway boundary/hedge line in accordance with details to be agreed with the Highway Authority.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.), and; to protect the structural integrity of the highway.

Note to Applicant:

The development makes it necessary to improve a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway

Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands tel. 0300 500 8080 to arrange for these works to be carried out.

**NATS** – No response received

**MOD** – No response received

**LNAACT Air Ambulance** – No response received.

**NEMA** - No response received

**DLRAA** - No response received

**CAA** – No response received

**Caunton Airfield** - No response received

**NSDC Access and Equalities** – Makes general comments.

**NSDC Environmental Health** – ‘From the description and location of the facility I do not have any major concerns. Having said that it might be wise to condition the hours of use as set out in the application and to limit the Sunday working?’

**Trent Valley Internal Drainage Board** – “The site is within the Trent Valley Internal Drainage Board district.

The Board's consent is required to erect any building or structure (including walls and fences) whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9m of the top of the edge of any Board maintained watercourse or the edge of any Board maintained culvert. The Boards consent is required for any works, whether temporary or permanent in over or under, any Board maintained watercourse or culvert.

The erection or alteration of any mill dam, weir, or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent within the channel of a riparian watercourse will require the Board's prior written consent. The Boards Planning and Byelaw Policy, Advice Notes and Application form is available on the website.

The Boards consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and

emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of the site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority."

**Two representations (1 in support, the other in objection) have been received from neighbouring businesses/interested parties which can be summarised as follows:**

- The training centre would appear to be an excellent 'fit' for other businesses in the area, and a good use of land that may not be easily let for other purposes. They have shown themselves to be a considerate and co-operative neighbour, with an appreciated eye on environment and security issues.
- Reiterate previous objections to the storage of top soil which was refused but allowed on appeal which remain relevant;
- Respectfully request that the recommendations of the Planning Inspectorate are enforced before any application is approved for this site. Without it, visitors to our important tourism site will be inconvenienced and distracted by the nuisance created;
- It is our intention to start using our Drove Lane access point on a more regular basis and we are concerned about significant traffic conflicts with vehicles entering and leaving via our approved access point and those travelling along the 'temporary non-approved' unmade-up track.
- When the non-approved access was created the dry drain was filled in and part of the kerbed access to our site damaged with the hard core. This has never been rectified by the users or the landowner;
- Motor vehicles now being stored on the southern end of this development and these are being transported along this access route on a fairly regular basis; do these form part of this application?
- Should for any reason the tower crane collapse we are concerned that it could fall onto neighbouring land;
- Application Section 20: there is no reference to training taking place on Sundays in the application, but it is referenced in the access statement.
- The cranes are visible from surrounding road networks (from the A46 bypass where it crosses the River Trent; the A46 dual carriage way between the A17 junction and the A1133 roundabout; and the A17 bypass) which is creating a significant visual impact which receive negative comments from our visitors.
- Flight safety - the area is a low flying zone and the museum is regularly used as a reference point by low flying aircraft and helicopter and Southfield Site is occasionally used by the Royal Air Force and Army for remote field landing training.

- The Civil aviation Authority makes special note of Tower Crane operation guidance in the following section of its website:  
<https://publicapps.caa.co.uk/docs/33/CAP%201096%20In%20Focus%20-%20Crane%20Ops.pdf>
- This guidance suggests reference to Crane Related Aviation Issues in the Construction Plant-Hire Association (CPA) Technical Information Note, TIN 039. Having read through this reference document we can confirm that we have not been consulted on these particular crane installations.
- The location of the cranes will also have a negative impact on flypasts by the aircraft from the Battle of Britain Memorial Flight, for both museum events and events on the adjacent Newark Showground.

### Comments of the Business Manager

#### The Principle of Development

The site lies within the 'Newark Showground Policy Area' as defined by the Allocations & Development Management DPD and is therefore excluded from being considered as open countryside. The proposal therefore falls to be assessed against Policy NUA/SPA1. This provides that within the policy area, development which supports and complements the East Midlands Events Centre (Newark and Sherwood Agricultural Showground) and other leisure uses on site will be supported provided that it meets the wider requirements of the Development Plan. It goes on to say that proposals must address the following (in summary);

- Access constraints relating to the A1/A46/A17 junctions (this will be considered in the Highway Impact section of this report)
- Adequately screen new development (considered in the visual amenity section of the report);
- Investigate the potential archaeology and mitigate (considered later in the report);
- Address any issues that may adversely affect nearby residents (considered in the Amenity section of this report).

It is fair to say that a construction and agricultural plant training centre is not a use that was necessarily envisaged by the policy at inception. However I believe that this type of use is one that would complement the existing events centre and showground. This is an employment use (I consider it to be a '*sui generis*' use as it does not neatly fall into any standard use class) but one where I consider that a rural location can be justified in the interests of visual amenity given the need for high cranes in a location where they would not impact or compete with local landmarks or heritage assets.

The training courses that the company offers range from a few days to 2 weeks in duration and the maximum capacity of the premises is 20 candidates at any one time who travel from all over the region. At the moment the business is not operating to full capacity having only recently

moved (and amalgamated with another business) to the site from Sheffield. I consider that the proposed scale of the business is appropriate for the location and context and that this business is likely to help support and grow the local economy. For example I understand that some of the candidates who train here stay overnight in the area which will inevitably mean them spending more money in the local economy. This accords with the aims of Core Policy 6 (Shaping our Employment Profile) both as adopted and as emerging, as well as the NPPF which is a material planning consideration. With this in mind, I note that the Council has recently published a tourism strategy, Destination Management Plan, published in 2018 which whilst focused on the need for tourist accommodation to serve the various attractions on offer for visitors, does quote a figure that overnight visitors to Newark spend on average 7 times more in the district than those visiting for the day. The proposed business could therefore encourage additional spend in the area.

Overall I consider that the principle of the use is acceptable taking into account the policy context subject to other considerations being found to be acceptable. These are discussed below.

#### Impact on the Visual Amenity of the Area

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Core Policy 13 requires the landscape character of the surrounding area to be conserved. Policy DM5 states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design materials and detailing of proposals for new development.

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment (LCA) to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The site is identified within the Landscape Character Assessment as being within the East Sandlands Character Area, and in particular 'Winthorpe Village Farmlands' Policy Zone 4 (ES PZ 4). The landscape is flat and its condition and sensitivity to change is assessed as being moderate. The landscape actions for these areas are to conserve and conserve.

The site forms part of the former runway south of the Newark Showground. This flat site was already laid primarily in a bound hard surface such that the training centre business has been able to move onto the land and commence its business without any intervention through the laying of



further hard standing. The portacabin/modular buildings that have been positioned on the site are low lying and relatively discreetly located mainly along the north-eastern boundaries. The cranes however are tall, with the highest one being 29m to tip. These would have a degree of negative impact upon the landscape. Nevertheless they are slim and in my view are not viewed as being out of place in the landscape as when viewed from medium and long distances they do not dominate or detract from the landscape to such a degree that they are unacceptable. The limited number of high cranes assist with this and I consider that it would be reasonable to condition that the number of cranes on site is not increased beyond 5 (allowing for one additional crane over and above what is already in place to allow a modest level of business expansion) in the interests of retaining control of both the intensity of the business but more importantly its visual impact. I also consider it necessary to ensure that the cranes are no higher than the tallest crane which is 29m to tip in the interests of visual amenity.

I have considered whether landscaping should be sought to assist with screening the development. There are already some earth bunds around the periphery of the site, which I understand have been present for years. These would remain in place. Further landscaping around the sites boundaries would have a very limited effect as it would only screen the low level development such as the modular portacabins and smaller pieces of equipment which I do not consider are particularly visible from the public realm in any event. I do not consider that soft landscaping would be appropriate to plant around the runway as this would fragment it further and provide little screening for the cranes and in any case I do not find their presence detrimental. As such I conclude that this is not necessary. The existing boundary treatments comprise mainly temporary moveable metal fencing that is not fixed to the ground or wire mesh fencing where it already existed. This is appropriate, however any further or replacement with a permanent hard boundary treatment such as close boarded fencing would need to be controlled (as this would unlikely be appropriate) and as such I recommend a condition which removes their automatic permitted development right to do so, to ensure that the fencing remains appropriate.

Subject to these conditions, I consider that the proposal accords with CP9, CP13 and DM5.

#### Impact on Amenity and Other Land Uses

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Policy NUA/SPA1 requires that developments address any issues that may adversely affect nearby residents.

Surrounding land uses include the Newark Air Museum to the east and Newark Motor Auctions located north of the site. Newark and Notts Gliding Club which was located north-east of the site have vacated their site and moved elsewhere.

It should be noted that at the time of going to print, no residential neighbours had raised any objections or issues with the application. It is noted that the two commercial neighbours have commented with one supporting the scheme and that other raising objections. None of these objections appear to set out concerns regarding adverse issues that are already being experienced

(bearing in mind its retrospective nature) but are related to the principle of the use. It is noted that there are generators on site giving power to the portacabins and cranes etc. However the low noise hum that these emit are unlikely to adversely impact on the residential amenity of nearby dwellings or indeed upon the commercial land uses. Drove Farm Cottage is the nearest residential dwelling and this is over 300m from the site. Likewise this is also the case in terms of general disturbance from general comings and goings and loss of privacy etc. As such I am satisfied that the proposal would not amount to any adverse impacts such as noise or loss of privacy etc.

I note that our Environmental Health Officer has suggested that the hours of use are conditioned to correlate to the hours set out within the application form. These proposed hours of use are 08.00 until 17.00 Mondays to Fridays inclusive and 08.00 until 14.00 on Saturdays. I also note that the Design & Access Statement makes a reference to the business occasionally undertaking Sunday training but not on bank holidays. Given that I have already concluded that the impacts upon neighbours would unlikely be adverse, I consider these are reasonable and as such consider a condition is recommended.

### Highway Impacts

Policy DM5 seeks to ensure adequate access and parking is provided for development and SP7 relates to sustainable transport. Policy NUA/SPA1 requires that developments address access constraints relating to the A1/A46/A17 junctions.

Vehicular access to this site is via an existing farm access track from Drove Lane that was granted permission in 2001. The access is further south than the main access to the Showground/Events Centre. It is laid with chippings and is largely single width although is wide enough in places to allow for two vehicles to pass one another.

I note that one interested party has raised concerns regarding the access point and in relation to highway conflicts. NCC Highways Authority have raised no objections in principle to the development but have commented that the mouth of the access on to Drove Lane is in a poor state and that the loose gravel can be dragged on to the public highway which can damage the carriageway and potentially cause a hazard. They recommend that within 6 months of approval the mouth of the access is surfaced in a bound material to negate this impact. I consider that this is reasonable and necessary and recommend that the condition is imposed.

Parking within the site is confined to an area adjacent to the access and this is not laid out formally with white lines. However there is ample space for the expected number of vehicles associated with the number of persons present on site at any one time so as to avoid any parking on Drove Lane itself.

Subject to the highway requested condition, I consider that the proposal accords with SP7, DM5 and NUA/SPA1.

## Aviation Impacts

The site is not located within the vicinity (6km) of an aerodrome. Away from aerodromes, structures usually only require lighting where they measure 150m or more from ground level unless there are specific reasons, such as being a navigational hazard due to their locations etc. The height of the cranes in this instance are considerably less than this and it is not considered reasonable or necessary for these to be fitted with aviation lighting.

Members will note from the consultation section of this report that various organisations have been consulted with regard to aviation safety. None of these have responded (despite having had ample opportunity and time to do so) to raise any safeguarding concerns. Given the lack of comments and taking into account that given the use has been ongoing for months without apparent issue, I therefore assume that there are no aviation safety issues that need to be addressed.

I note the concerns raised that no notification was undertaken direct by the applicant. I have read and noted the CAA issued guidance of cranes and it appears to me that given the limited heights of the cranes the applicant was not obliged to notify any agency of the presence of cranes.

## Archaeology

Policy NUA/SPA1 requires development to investigate the potential archaeology and mitigate where necessary. In this instance, no grounds works have been undertaken nor are proposed such that any archaeological value of the site would remain unaffected. I consider therefore that there is no requirement for any archaeological investigations or conditions as part of this application.

## Other Issues

It is noted that comments have been made regarding a previous permission (granted on appeal) for the storage of topsoil. For the avoidance of doubt it should be noted that this relates largely to land to the south-east of this site and is not within the same control as the application being considered.

## Planning Balance and Conclusions

Whilst the use is not one that would have been envisaged by the relevant area policy at inception, I have nevertheless concluded that it is a use that is appropriate in this location having regard to context. I have concluded that there would be no unacceptable adverse impacts upon living conditions and that subject to a condition regarding bounding the mouth of the access, there would be no adverse impact on highway safety. No aviation impacts have been raised by any consultees and I have no reason to consider the cranes would cause unacceptable impacts.

The proposal would have a minor detrimental impact upon the landscape in terms of its visual appearance arising from the tall cranes. However the crane structures are slim and are not

dominating when viewed from receptors such as the surrounding road infrastructure. This negative needs to be balanced with the benefits of the scheme. In this case I have found that the limited visual harm of the equipment is outweighed by the positives which in this case is allowing a business to establish within our district that generates a modest level of employment opportunities but that also attracts visitors from across the region to the area for days at a time that would have a beneficial consequential impact on the local economy as some will stay overnight in the area. I consider that these positives outweigh the limited harm in this instance and recommend approval.

## **RECOMMENDATION**

**That planning permission is approved subject to the conditions and reasons shown below:**

### Conditions

01

Within 6 months of the date of this permission, the access to the site at Drove Lane shall be surfaced in a bound material between the carriageway and the highway boundary/hedge line in accordance with details to be agreed with the Highway Authority.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.), and; to protect the structural integrity of the highway.

02

The use hereby permitted shall only take place during the following hours:-

08.00 to 17.00 Mondays to Fridays inclusive

08.00 to 14.00 on Saturdays and Sundays

And not at all on Public or Bank Holidays

Reason: In the interests of residential amenity.

03

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 2 Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that any further enclosures do not adversely impact upon the openness of the site.

04

The site shall only be laid out in accordance with drawing no. 18-DLT-01 (Site Plan) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity.

05

There shall be no more than 5 cranes on site at any one time and the maximum height of any crane present on site from existing ground level shall not exceed 29m.

Reason: In the interests of residential and visual amenity and aviation safety.

#### Notes to Applicant

01

The development makes it necessary to improve a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands tel. 0300 500 8080 to arrange for these works to be carried out.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (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/](http://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](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Business Manager Growth and Regeneration**

Committee Plan - 18/02020/FULM

