Harkenn Recycling Ashtree Lane Spalding, application under S73 for variations of conditions 5 and 7 pursuant to permission PL/0061/20 for use as a materials recycling facility

Planning Statement on behalf of GH Myers Ltd



3D Planning Ltd.

Town Planning Consultancy

Planning Design and Access Statement in support of an application under S73 for the variation of 2 conditions on permission PL/006/20 restricting storage areas and storage height within the site.

Introduction

This Planning Statement incorporates statements in accordance with local and national planning guidance and is to be read alongside the submitted plans and documents.

The role of this statement is to aid decision making. This is achieved by communicating the process employed to inform the development by considering the form, character, structure and impact of the proposed development in the context of its surroundings (as set out in Note 1 below which is extracted from the Planning Policy Guidance note on Design 2014).

This statement includes an assessment of the scheme against the policies of the adopted Development Plan and other material planning policy considerations.

The application should also be considered within the context of the National Planning Policy Framework (NPPF). The key principles of national government planning policy are set out in this document and surround the concept of creating developments that are sustainable and of high quality in terms of design, sustainability, socially inclusive and protect the environment.

A Design and Access Statement is a concise report accompanying certain applications for planning permission and applications for listed building consent. They provide a framework for applications to explain how the proposed development is a suitable response to the site and its setting and demonstrate that it can be adequately accessed by prospective users.

Paragraph: 034 Reference ID: 26-034-20140306

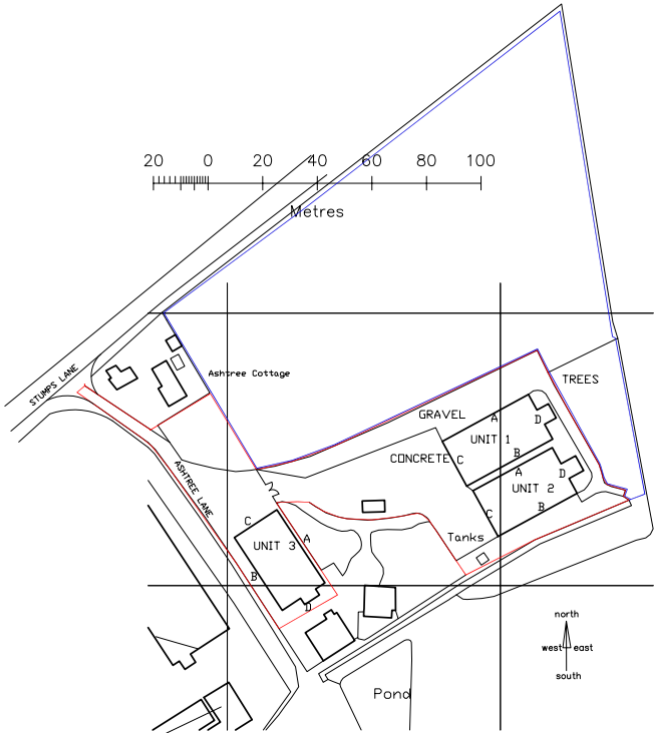
Planning Design and Access Statement in support of an application under S73 for the variation of 2 conditions on permission PL/006/20 restricting storage areas and storage height within the site.

Proposal

The application made under S73 is made for the variation of 2 planning conditions (no's 5, and 7) relation to site layout and storage imposed on planning permission LCC ref PL/0061/20.

Site

Location – units 1-3 Ashtree Lane Spalding.



Planning background

Planning permission was granted in September 2020 for the change of use 'For change of use (part retrospective) to retain a materials recovery facility at 1 - 3 Ashtree Lane, off Stumps Lane, Spalding'

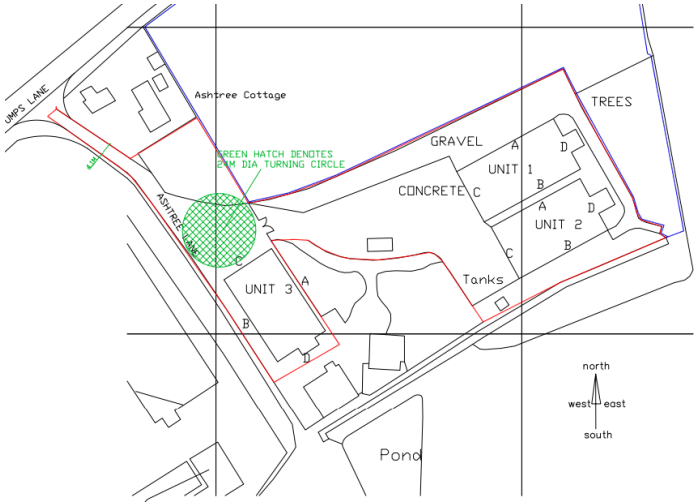
This permission (LCC ref PL/0061/20) was granted subject to a number of conditions and this application seeks to delete / alter 2 of the conditions in relation to storage and visual impact.

5. All stockpiles (unprocessed and processed) shall only be stored within the concreted area and shall not exceed a height of 2m.
Reason: In order to ensure the development would not be detrimental to the general amenity of the surrounding area.

7. No waste materials shall be stored other than on the concrete hardstanding area and Units 1, 2 and 3 as shown on Drawing No. 350SK06 – Existing Site Plan with Turning Circles (received 4 June 2020).
Reason: In order to ensure the development would not be detrimental to the general amenity of the surrounding area.

The other approved plan in the planning permission is 350Sk06 with turning circle – extract below

3D Planning Ltd.
Town Planning Consultancy



Crown Copyright and database rights 2019. OS 100031961 National Map Centre. Purchased 11/07/2019 1 year licence.

It is clear that the application conditions relates to the delineation of the concrete and gravel surface denoted on the above plan- however the conditions do not reflect how the site is used (was used when the officer did her site visit) or the implication on business if the conditions were to be complied with .

Planning matters

Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

These are referred to in this guidance as the 6 tests, and each of them need to be satisfied for each condition which an authority intends to apply. See also guidance on the use of model conditions.

It is contended that the 2 conditions as worded are not complaint with the provisions of para 55 as set out in the planning guidance note extract above.

Site usage and need for storage

The current usage of the site is at capacity- see photos and stockpiles are 4m high- as they were when the officer visited the site on her site visit as part of the application determination.

It is noted that at no point in the application proposal was the limiting of stockpiles to 2m proposed or discussed with the officer and the imposition of the condition was completely unexpected and to comply with it would render the site unviable in capacity terms as it would in practice half the storage on site - and in conjunction with C7 (which is

discussed later) which would further limit storage would make the business completely unviable.

The business is essentially a low value process for a given volume of waste processed; and as such the value in the business is generated by the volume of the throughput and this requires significant on site storage; to essentially more than half the storage volume on site is considered unreasonable on business terms and unnecessary in visual terms and as such the condition fails the tests in the guidance.

It is curious that the reason for condition 5 (and indeed C7) is stated as;

Reason: In order to ensure the development would not be detrimental to the general amenity of the surrounding area.

The screening around the site is quite effective – even given the current 4m stockpiles- however perhaps more salient is the built context around the site as described in the original Planning Design and Access Statement which accompanied the previous application.

It is clear that the site does not sit in splendid rural isolation- it is in fact very well screened by the bypass to the west and north (which has extensive planting on its surrounds), and by the enormous new food processing factory which sits to the immediate south of the site.

All views of the site from the north are seen against the backdrop of the new building- see opposite- which in visual terms completely overwhelms and dominates the waste use- NB the photo below (and all of the photos) show the site with 4m stockpiles and with storage on the gravel areas.



View from bypass



View from Stumps Lane



View from Stumps Lane



View from Roman Bank

View from bypass verge- even at this time of year with the leaves dropped from the planting the view is still well screened and seen against the backdrop of the factory.

It is noted that pallet loads are 2m high and as such in practice limits on stockpile heights can only be made in 2m increments which is why a 4m limit is requested. The variation to condition 5 requested seeks the ability to retain the stockpiles at 4m as existing; and as has been the case throughout Harkenn's use of the site.

C5 - It is requested that C5 be amended to allow 4m storage.

It is requested that C7 be deleted.
It is clearly not possible to limit storage to the concrete areas as these are at least in part required for access of lorries and fork

lifts and as such it is and has been practice to use the gravel areas for storage of lighter items and retain the concrete areas for short term storage and access/ manoeuvring for the forklifts as well as loading and unloading to the lorries and transferring the waste to the processing within the buildings.

As the waste on site is all inert there is no additional risk of groundwater contamination from using the gravel areas for storage-as has been done now for several years.

Visual impact

The delegated report confirms that the proposal is acceptable in visual terms and this assessment must have been made at a time when the piles on site were at 4+m as the site has been very busy since lockdown/ over the summer as agriculture waste recycling sites have been except from closure.

The officer's report does not offer a justification as to the reason behind the need for or justification in planning terms for the imposition of the condition – nor the decision to limit stockpiles to 2m and as such the condition is considered to fail the statutory tests in the guidance in that it is not reasonable and not necessary .



View of onsite storage (Nov 2020)







Changes requested

Having regard to the previous decision, the officer's report and the national guidance in relation to the use of conditions, the following changes are requested to the permission in respect to C5 and C7.

Suggested changes to the conditions;

5. All stockpiles (unprocessed and processed) shall not exceed a height of 4m.

Reason: In order to ensure the development would not be detrimental to the general amenity of the surrounding area.

C7. It is requested that C7 be removed entirely as it is unreasonable and not necessary.
If notwithstanding this LCC is not prepared to accept the removal of the condition it is suggested that the following revised wording would be acceptable.

7. No waste materials shall be stored other than on the concrete hardstanding area, gravelled area and Units 1, 2 and 3 as shown on Drawing No. 350SK06 – Existing Site Plan with Turning Circles (received 4 June 2020).
Reason: In order to ensure the development would not be detrimental to the general amenity of the surrounding area.

Conclusions

This application is made to vary C5 of the permission and to remove C7- both conditions relate to storage on site in terms of the height of the stockpiles and the extent of the storage area. It is contended that the conditions are unreasonable in that they fail to have regard to the normal operating practises of the business and in restricting the extent of, and height of the storage on site, the impact of this would be too more than half the storage capacity on the site thus making the operation unviable.

In addition, it is clear that the conditions are unnecessary having regard to the very limited visual impact that the storage has on the immediate area around the site and the constrained and limited longer distance views. Furthermore, the site is visually very constrained by the bypass and the enormous factory unit which sits adjacent to the southern boundary almost all views are seen in the context of this factory unit and the visual impact of the storage is negligible in this context.

The conditions were unilaterally imposed without reference to the applicant or the agent during the determination process and had we been aware of these we would have sought to have them amended /removed at that stage.

It is therefore requested that Condition 5 be amended as set out above and that Condition 7 be removed from the planning permission- or amended as set out above.

I trust that this is in order however if you have any further questions arising please contact Tim Slater at 3D Planning.