

- a) **DOV/19/01328 – Change of use to general industrial (Class B2) and the installation of a two-storey container unit, weighing hoppers, conveyors, aggregate reception bays, enclosed plant mixer, cement storage silos and replacement 2.5-metre-high fencing in association with the use as a concrete batching plant (Retrospective) - Unit 6, The Old Tilmanstone Colliery, Pike Road, Eythorne**

Reason for report – Number of objections (30).

- b) **Summary of Recommendation**

Approve planning permission subject to conditions

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010) (CS)

Policies: DM1, DM2, DM3, DM11, DM12, DM13, DM15, DM16

Dover District Local Plan (2002) Saved Policy LE10 - Development of Tilmanstone Spoil Tip (North) supports B2 Use Classes

National Planning Policy Framework (NPPF) (2021)

Paragraphs: 7, 8, 11, 12, 38, 47, 81, 82, 83, 84, 85, 104, 110, 111, 112, 113, 119, 120, 126, 130, 174, 180, 181, 185

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF. The relevant policies are for this application:

Draft Policies: SP6, PM1, E1, E2, TI2, T13, T14, NE1, NE2, NE4

Employment Site reference: ELR5a&b – Pike Road Industrial Estate

The Kent Design Guide (KDG)

The Guide provides criteria and advice on providing well designed development that considers context as part of the evolution of the design.

Other

Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards July 2006

- d) **Relevant Planning History**

- 99/00217 (Unit D) - Revised plans for the erection of portacabin offices & plant store Granted 1st June 1999 (no details on IDOX)
- 92/00844 - Use of land for lorry and trailer parking, and erection of workshop/office facilities Granted 23rd June 1994 (no plans)

- 91/00909/A - Amended details of industrial building for garage maintenance and offices Granted (no plans)
- 91/00909 - Erection of new industrial building for garage maintenance and offices Granted 23<sup>rd</sup> December 1991 (no plans)
- 91/00680/A - Details of proposed lighting and portacabin GTD
- 91/00680 - Change of use from industrial to transport yard and associated offices Granted 24<sup>th</sup> October 1991
- 91/00498 - Use of site for transport business and provision of temporary Use of site for transport business and provision of temporary buildings GTD 25<sup>th</sup> September 1991
- 91/00117 - portal frame building & 2 p/cabins for manufacture & storage timber sheds manufacture and storage of timber sheds GTD
- 87/619 – Change of Use of use to industrial B1 use class – Granted

e) **Consultee and Third-Party Representations**

Environmental Health - Has reviewed the preliminary phase 1 risk assessment report conducted by Reports 4 Planning (report ref: 19CLR4622CW). The recommendations of the report are accepted and note the recommendation for the further intrusive investigation and recommends contamination land conditions.

Environment Agency – No objections. The plant mixer and cement storage silos associated with this development may require an Environmental Permit under the Environmental Permitting Regs and the applicant should contact the EA for further details.

KCC Highways – No objection, in respect of highway matters subject to conditions or s.106 agreement.

Have advised that mitigation may be required if there is an increase in HGV movements compared to the previous use. In line with the Stantec Note (assuming each HGV will enter and leave the site once a day) the suggested cap will be between 66 & 72 daily HGV movements (total). I really do feel that this is a generous worst-case first principles benchmark in the absence of comparable sites within the TRIC's database.

*Officer comment: The 66 vehicle cap is based on the site with the smaller southern most building in situ and the 72 vehicle cap is based on this building being removed as shown on the proposed site plan.*

Eythorne Parish Council – Raises the following summarised concerns:

- Oil contamination.
- Increase in vehicle / HGV movements.
- How will the HGV movements be monitored and will there be a routing agreement.
- Silos are larger in comparison to the surrounding environment.
- Noise and light pollution.

Tilmanstone Parish Council: Objects for the following summarised reasons:

- Lack of proper infrastructure to accommodate a concrete batching plant.
- Significant impact on local villages and houses near the site.
- Environmental / landscape impacts.
- Proposed 24 hour 365 days operation.
- HGV movements at the Ovenden site opposite are limited to 150 (75 in and 75 out) in a single day in KCC decision DO/17/1244. The reason stated is in the interests of highway safety and capacity and safeguarding local environment.
- Ovenden were required to maintain HGV movement records for a three year period.
- HGV movements were restricted due to the impact on Barville Road.
- Concrete lorries will cause significant additional damage to the roads.
- Traffic safety along Barville Road – high hedgerows, poor visibility, is unlit with sharp bends and blind corners.
- No indication of how many lorry movements are proposed.
- Visual impact on the rural area from proposed development.
- Noise and light pollution.
- Silo alarms will create noise.
- Dust and lorry noise.
- The mitigation measures adopted at the Ovenden site have not been proposed in the current application and may not be possible to achieve.
- Cumulative impact in terms of increased traffic, noise and light pollution.
- HGV routing agreement required.
- Safety impact on pedestrians, cyclists and horses using nearby PROW and bridleways.

#### Third Party Representations:

30 objections have been received. Material considerations are summarised below. Matters such as impact on an individuals' property value, financial intentions of the applicant etc. are not material planning considerations and are not included below.

- Increased HGV traffic on roads that cannot accommodate them.
- Dust and dirt produced by HGV movements.
- Traffic along Barville road has increased exponentially causing the roads to deteriorate in safety and structure.
- Narrow rural lanes not suitable for HGVs.
- The width of Barville road does not allow HGVs to pass each other.
- Noise and disturbance on local residents from batching plant use and 24/7 site operation.
- Light pollution.
- Air pollution and health hazards from harmful cement dust and other raw materials.
- Impact on wildlife.
- Surrounding villages impacted by industrial uses.
- Lorries inappropriately use Eythorne village as a rat run.
- Pike Road is dangerous, the parking, the mud on the road, the litter.
- If this is to be approved the council need to consider slalom traffic calming along Sandwich Road.
- Visual impact of the silo's on the countryside.
- The nearest residential properties are 385m away.
- Noise from HGV movements including tonal / reversing HGV alarms.

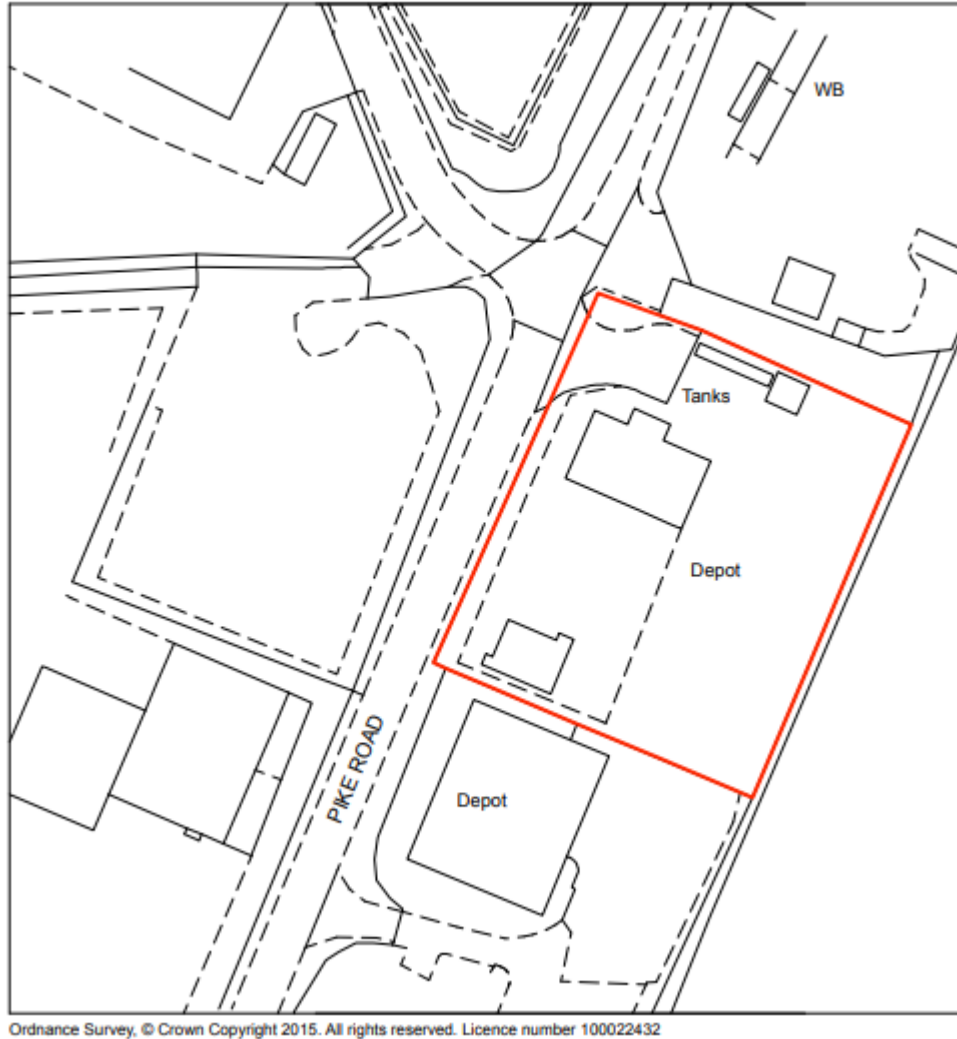
- Pike Road has reached capacity for vehicle numbers and access roads are insufficient for the amount of current traffic.
- There doesn't appear to be any limitation to the number of lorry movement each day, nor time/ hours of movement.

Cllr Linda Keen – Objects strongly to the application and fully supports the objection by Eythorne Parish Council. Summarised comments from Cllr Keen:

- At the moment there are only a couple of HGV movements in and out of this yard daily.
- 12 employees parking spaces will decrease the area on site for HGVs.
- Pike Road has already become an informal lorry park for HGVs.
- Local residents and legitimate businesses are already inconvenienced.
- Increase in vehicles will add to safety concerns.

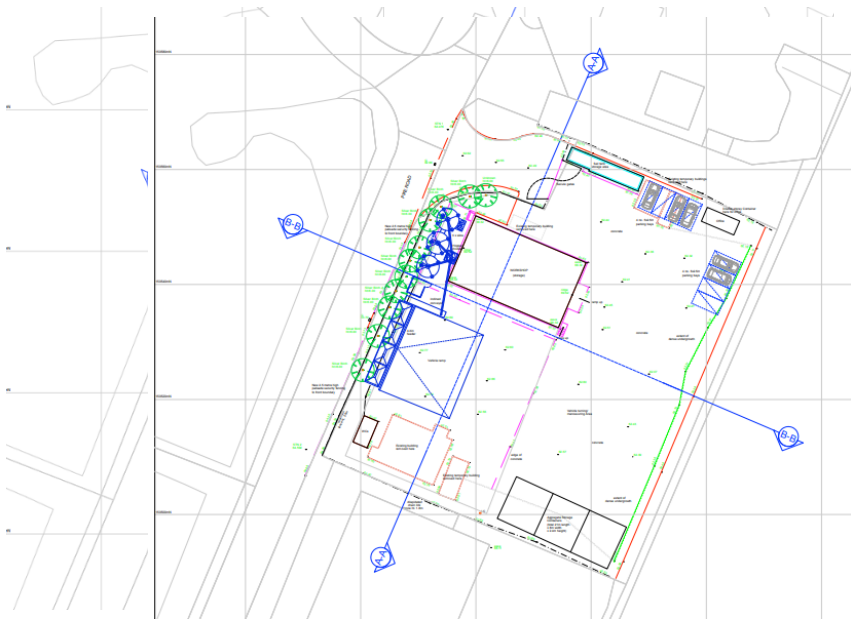
f) 1. **The Site and Proposal**

- 1.1 The application site comprises an industrial premises located within Pike Road Industrial Estate which is identified as an established employment site for B2, B8 uses and class E – offices. The site is located on the east side of Pike Road and there are industrial uses on either side of the site and on the opposite side of Pike Road. To the east of the site are arable fields with Barville Road beyond.
- 1.2 Planning permission has been granted for various industrial uses at the application site. The most recent / relevant is a 1991 planning permission (ref: 91/680) which represents the current lawful planning use for the site and comprised a change of use from B1 industrial to a transport yard and associated offices. The site was principally used as a base for lorries involved in transport following the grant of this permission. In approximately 2010 a vehicle recovery company (use class Sui Generis) called Shamrock occupied the site operating 24/7 under the terms of planning permission 91/680. The current owner and applicant, the Stewart Brothers, took over the site and started operating a concrete batching plant (use class B2) which constitutes a change of use from the lawful 1991 planning permission and forms the retrospective part of this application.
- 1.3 The application site and wider Pike Road Industrial Estate have a long history of industrial uses and associated HGV vehicle movements. To the north of the application site is a log storage facility. To the south is a warehouse and distribution site which is currently occupied by an events management company and a freight transport company. Further to the south there is a lorry park and haulage company, coach depot and an aggregate supplier. On the opposite side of Pike Road there is a waste management facility operated by Ovenden (a haulage, plant hire and aggregate supplier), a transport company and bus and coach company. The Tilmanstone Spoil Tip is located on the land further to the west which is identified for employment use (B2 – General Industrial Use) by Saved Policy LE10 of the Dover District Local Plan (2002).
- 1.4 The site is also located within an area of archaeological potential.



**Figure 1: Site Location Plan**

- 1.5 This is a retrospective application for a change of use to general industrial (Class B2) and the installation of a two-storey container unit, weighing hoppers, conveyors, aggregate reception bays, enclosed plant mixer, cement storage silos and replacement 2.5m high fencing in association with the use as a concrete batching plant.
- 1.6 The proposed site plans show a two-storey container for offices in the northeast corner of the site. The majority of the development would be located along the west boundary towards the front of the site adjacent Pike Road. Three silos (approx. 14.5m high) are proposed between the existing workshop building and the line of Silver birch trees located on the Pike Road boundary. To the south of the silos and also located adjacent the Pike Road boundary there are four bin feeders / hoopers (approx. 4m high) with a conveyor linked to the silos. The bin feeders would be located behind the line of Silver Birch trees and would be accessed via a vehicle ramp within the site. A W.C. unit is proposed in the southwest corner of the site with the existing buildings shown as being removed. An aggregate open storage container is proposed in the southeast corner of the site. The storage container would be 21m long x 8m wide x 2.4m high. A new palisade fence is proposed along the Pike Road boundary. Dedicated on-site parking is proposed along the north and east boundary with the internal area within the site retained for HGV vehicle movements in association with the concrete batching plant. The established vehicle access onto Pike Road would not change.



**Figure 2 & 3: Existing and Proposed Site Plan**

**2. Main Issues**

- 2.1
1. Principle
  2. Highways safety/increase traffic HGV movements
  3. Rural/visual impact
  4. Residential amenity

**Assessment**

Principle

- 2.2 The proposal would be contrary to policy DM1, DM3 and DM11 as the application site falls outside of the settlement confines. However, policy DM1, DM3 and DM11 are considered out of date as they apply a blanket restriction on development outside the built-up area which is in tension with the NPPF.
- 2.3 At this stage the policies in the Regulation 19 Local Plan Submission only carry limited weight, however the Pike Road Industrial Estate is allocated as an employment site under reference ELR5a&b and emerging policy E2, which carries moderate weight, seeks to retain the existing employment uses within the Industrial Site. The proposed use would accord with emerging policy E2 of the Regulation 19 Local Plan Submission as it constitutes an industrial employment use. However, at this stage the Reg 19 Local Plan only holds limited weight in the determination of this application. Whilst the starting point for determining planning applications is the development plan, the Core Strategy policies relevant to this application are out of date.
- 2.4 Paragraph 11 of the NPPF states that where the policies which are most important for determining the application are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or where specific policies in the NPPF indicate that development should be restricted. As a whole, it is considered that the main policies for determining the application are not up-

to-date and as such the paragraph 11 of the NPPF is engaged and the proposals need to be assessed against the NPPF.

- 2.5 Paragraph 84 NPPF supports the sustainable growth and expansion of all types of businesses in rural areas subject to respecting the character of the countryside. In addition, paragraph 85 recognises that sites to meet local business needs in rural areas may have to be found beyond existing settlements, and in locations that are not well served by public transport providing development is sensitive to its surroundings, does not have an unacceptable impact on local roads.
- 2.6 The site constitutes previously developed industrial land with a lawful industrial use as a transport yard and the site is located within a designated industrial estate and would be compatible with the neighbouring uses and wider industrial estate. As such the proposed industrial / employment use is considered to be acceptable in principle, subject to a detailed assessment of the highway, visual and environmental and neighbour amenity impacts and all other material planning considerations.

#### Highway Impacts and Parking

- 2.7 The majority of the objections to this application relate to the impact of HGV movements particularly along Barville Road which neighbours advise is not wide enough for HGVs to pass and this has caused damage to the road verges and causes highways safety issues.
- 2.8 Many of the objections relate to the impact of existing HGV vehicle movements from the Pike Road Industrial Estate (which includes the application site) on the surrounding rural road network, including along Barville Road.
- 2.9 However, it should be noted that the current planning application cannot solve existing problems relating to HGV movements to and from the wider Pike Road Industrial site. In addition, it is acknowledged that the concrete batching plant would potentially result in an increase in HGV movements compared to the previous company operating from the application site. However, in planning terms it is necessary to assess whether there would be an increase in HGV movements from the concrete batching plant compared to lawful use as a transport yard, not just the previous company operating from the site.
- 2.10 In this regard the application site has a lawful planning use as a transport yard as approved under planning application 91/00680. Unlike some of the industrial premises within the Pike Road Industrial Estate there are no conditions attached to planning permission 91/00680 that restrict the number of HGV movements to and from the site. In addition, there are also no time restrictions and the site can operate lawfully as a transport yard 24/7 365 days a year. There is however a condition which requires all HGV traffic to and from the site to be routed along Barville Road.
- 2.11 The site can operate as a transport yard under planning permission 91/00690. A transport yard constitutes the use of land for the parking or storage of vehicles (including HGVs) in active use with or without serving and repairs to vehicles occurring as an incidental use.
- 2.12 As there is no restriction on the number of HGVs that can use the site under planning permission 91/00680 the applicants transport consultants (Stantec) have undertaken a review of the existing site and have demonstrated how many HGVs could be stored on the site at any one time under the lawful transport yard use. This approach enables

the maximum likely vehicle trips to be calculated for the lawful use of the site as a transport yard.

- 2.13 It is therefore necessary to assess whether the concrete batching plant would result in an increase in HGV movements over and above what could reasonably occur under the lawful use of the site as a transport yard which could include logistics / transport / haulage companies.
- 2.14 If there would be an increase in HGV movements this could have a negative impact on the existing situation regarding HGV movements from the Pike Road Industrial Estate which could require appropriate mitigation, such as improvements to Barville Road, to make the increase in HGV movements acceptable.
- 2.15 The applicants Transport Statement has indicated that the concrete batching plant would generate an average 70 two-way HGV movements per day, 35 arrivals and 35 departures.
- 2.16 In the absence of comparable sites to a transport yard within the TRIC's database KCC Highways have agreed the HGV movements for the lawful use of the site as a transport yard can be calculated by assessing the maximum number of HGVs that could be accommodated on the site at any one time, including sufficient space for manoeuvring of HGVs within the site. In this regard, the applicants transport consultants have produced a scaled site plan showing how many HGVs could be accommodated / parked on the site under the lawful use as a transport yard by a transport or haulage company. The site plan allows for space within the site for vehicles to manoeuvre when parking and entering / leaving the site. This site plan indicates that the site could accommodate a maximum of 36 HGV vehicles (with the smaller building in the south of the site removed as shown on proposed on the site plan). It is reasonable to assume that each HGV would enter and leave the site once a day and therefore the maximum HGV movements for the lawful use of the site as a transport yard would be 72 vehicles, 36 arriving and 36 departing. In order to control the HGV movements for the concrete batching plants and to ensure they do not increase over the existing lawful use of the site KCC Highways has recommended that the HGV daily movements are capped at 72 vehicles, which can be secured by condition.
- 2.17 As demonstrated by the applicants transport assessment the concrete batching plant would not result in an increase in HGV movements over and above the existing lawful use of the site and future HGV movements can be controlled and secured by condition. As a result there is no requirement to provide any mitigation and/or provide any enhancements or improvements to Barville Road under the current planning application.
- 2.18 As set out above the existing lawful use as a transport yard could generate a potential worst case scenario of 72 daily HGV movements based on the size and site layout. However, it is also noted that there are no conditions or planning restrictions to prevent more than 72 HGV movements at the application site under the 1991 planning permission. Therefore, whilst it is unlikely that more than 72 daily HGV movements would occur, this cannot be controlled by the Council. As set out above a condition can be attached to the current application restricting the daily HGV movements to no more than 70 which is the number of HGV the applicant requires for the daily operation of the business.
- 2.19 The applicant has indicated that there would potentially be a few days per year where the HGV movements may need to increase when the business experiences larger orders however the regular daily HGV movements would be no more than 70. As such



a condition based on the below is recommended to control the HGV movements from the site and the applicant will be required to keep a log of all movements to and from the site.

*"The average HGV movements in the working day (07.00 to 17.30) should be maintained at 70 two-way movements (i.e. 35 arrivals and 35 departures). On occasions (to not exceed 36 in a calendar year) the number of two-way movements can be increased to 100 (i.e. 50 arrivals and 50 departures)."*

- 2.20 Given the uncontrolled lawful use of the site as a transport yard this approach is considered acceptable and reasonable in this instance to allow a degree of flexibility for the applicant while operating from the site on business and economic viability grounds.
- 2.21 The routing of HGVs from the Pike Road is also an important consideration and the majority of the existing sites within the Pike Road Industrial Estate are required to route all HGV movement along Barville Road, which is controlled by conditions and legal agreements for each site. Pike Road – Barville Road is the most direct route from the Industrial site to the A256 and this route avoids local villages and narrower rural lanes. This is the preferred route for HGV vehicles as confirmed by KCC Highways. A legal agreement would be in a similar manner to the other sites in the Pike Road Industrial Estate, including the Ovenden site which is located to the west of the application site. The applicant has confirmed that all HGV traffic will use this route when entering and leaving the site and this can be secured by legal agreement.



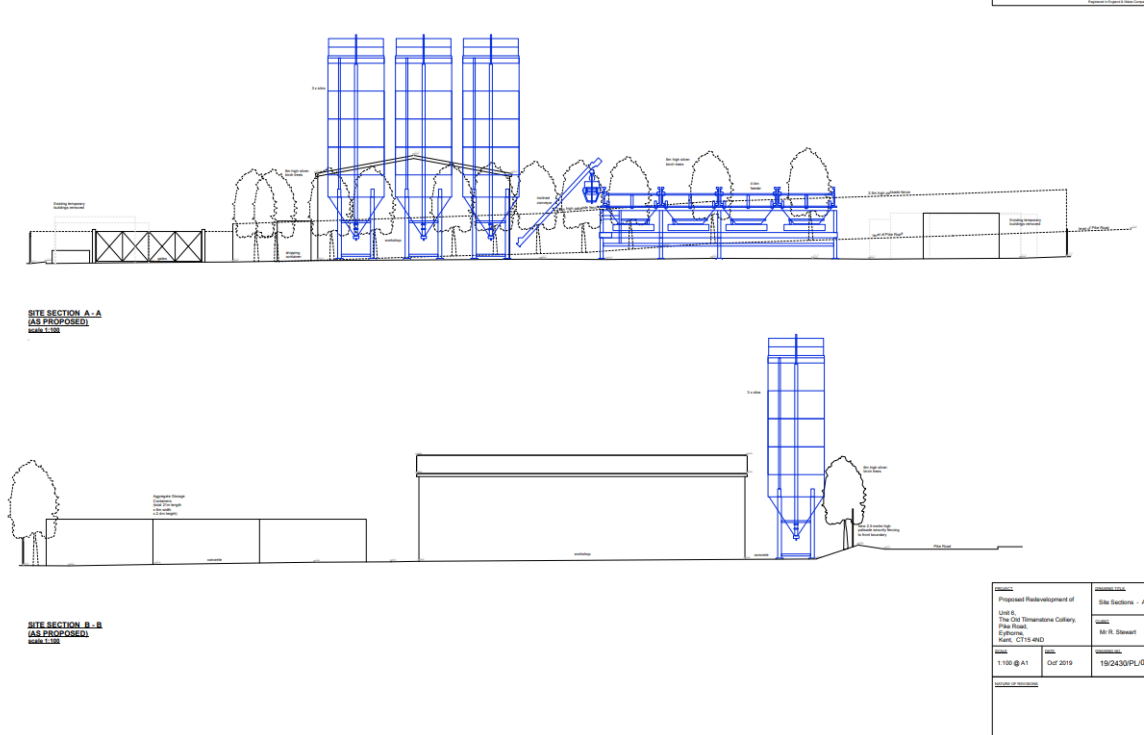
**Figure 4: HGV Routing to the A256 – Application Site Circled in Red**

- 2.22 In summary, the concrete batching plant would not result in an increase in HGV vehicle movements over and above the existing lawful use of the site and all HGVs would be routed via Barville Road towards the A256 as per the existing uses in the Pike Road Industrial Estate. The number of vehicle movements and routing can be secured by appropriate planning conditions and legal agreement.

## Visual Impact

- 2.23 The site plan shows three proposed silos (approx. 14.5m high) adjacent the Pike Road boundary. Four hoppers (approx. 4.m high) are proposed at the front of the site adjacent to the silos, with an inclined conveyor attached to the hopper. The site plan also shows a double container office in the northeast corner of the site, a W.C in the southwest corner of the site and aggregate storage with 2.4m height walls, in the southeast corner of the site. This is a retrospective application and it is noted that there is already one silo in situ, however this is located at the front of the site to the south of the workshop building and is not in the location shown on the submitted drawings.
- 2.24 Policies DM15 and DM16 generally seek to resist development that would result in the loss of, or adversely affect the character or appearance of the countryside or would cause harm to the character of the landscape. These policies are broadly consistent with the aims of the NPPF including the need to recognise the intrinsic character and beauty of the countryside. The blanket approach of refusing development which results in the loss of the countryside within DM15 however is at odds with the NPPF, however it is noted that the site is located within an established industrial estate and the proposal would not result in the loss of countryside. DM15 refers to the importance of “character and appearance” of the countryside, whereas the NPPF seeks to protect “character and beauty”. While policy DM15 is otherwise consistent with the NPPF, parts of it are inconsistent and not up to date. It is considered that DM15 should therefore be afforded less than full weight.
- 2.25 Paragraph 130 of the NPPF requires new development to be visually attractive and add to the overall quality of the area and there is also a requirement to be sympathetic to local character. Section 15 of the NPPF states planning decisions should contribute to and enhance the natural and local environment and recognises the intrinsic character and beauty of the countryside.
- 2.26 The introduction of three silos 14.5m high silos and hoppers would clearly have a visual impact especially from Pike Road. However, the silos and hoppers are proposed along the Pike Road frontage in the heart of the Pike Road Industrial Estate and would therefore not appear out of keeping with the surrounding industrial uses and would not result in any significant detrimental visual harm when viewed from the close range views along Pike Road. In addition, the line of Silver Birch trees along the front boundary of the site would provide some screening and soften the visual impact along Pike Road. The silos and hoppers would be located approx. 50m away from the east boundary of the site which abuts the countryside, therefore the visual impact on the rural character of the area would be minimalised and the proposals would not appear significantly prominent from the within the rural context. The Pike Road boundary is therefore considered to be the most appropriate location for the silos considering the context of the site and surrounding rural landscape and this location would result in the least visual harm. The two storey office container would be located towards the east of the site adjacent the countryside, however the existing tree and hedgerow buffer would screen the bulk of the containers and they would not appear visually prominent and would not cause and significant demonstrable visual harm to the character of the rural area as a result. The palisade fence proposed along the Pike Road boundary would not appear out of context along this section of Pike Road within the wider Pike Road Industrial Estate.

- 2.27 It is noted that the silo recently brought onto site is not located in the proposed location on the submitted site plan. However, notwithstanding this, the silo is located towards the front of the site adjacent Pike Road which is considered to be the most appropriate location for this form of development as set out above.
- 2.28 As a result, it is considered that there would be no significant adverse visual impact to the rural locality from the development.



**Figure 5: Site Sections**

### Residential Amenity

- 2.29 Paragraph 185 of the NPPF states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
  - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
  - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation
- 2.30 The concrete batching plant would continue an industrial use within an established industrial estate with other industrial uses on either side of the site. There are no residential properties located directly adjacent the site and the nearest residential properties are located approximately 385m away.

- 2.31 The proposed use would not introduce an increase in daily HGV movements over and above what could be carried out under the lawful use of the site. Although the concrete batching plant would likely result in an increase in noisy activities within the site compared to the previous use, given the location within an established industrial estate and the separation distances to the nearest neighbouring properties, the proposal is not considered to result in any significant adverse impacts to residential amenity and the use is considered to be appropriate for this locality.

### Ecology

- 2.32 The application site comprises a previously developed industrial site the majority of which is covered by buildings and hardstanding save for a line of Silver Birch trees located along the Pike Road boundary. Given the historic established industrial use and constraints of the site it is not possible to provide any ecological enhancements in accordance with the NPPF. However, as this is a historic industrial site within an established industrial estate on balance this is considered acceptable and would not constitute a sustainable reason for refusal of the application.

## **3 Conclusion**

- 3.1 The proposal would be contrary to Core Strategy policies DM1, DM3 and DM11, however these policies have been found to be out of date or attracting reduced weight as they apply a blanket restriction on development outside the built-up area which is in tension with the NPPF. As a whole, it is considered that the main policies for determining the application are not up-to-date and as such the paragraph 11 of the NPPF is engaged and the proposals need to be assessed against the NPPF which states permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 3.2 At this time the policies in the Regulation 19 Local Plan Submission only carry limited weight, however the Pike Road Industrial Estate is allocated as an employment site under reference ELR5a&b and emerging policy E2 seeks to retain the existing employment uses within the Industrial Estate. The new use accords with emerging policy E2 of the Regulation 19 Local Plan Submission as it constitutes an industrial employment use and is compatible with the wider Industrial Estate uses.
- 3.3 In addition, the continued use of the site as an industrial employment site would be in accordance with the rural economic objectives of the NPPF and the proposed use would be compatible with the wider industrial estate. As a result the principle of industrial development in this location is considered acceptable in principle.
- 3.4 The concrete batching plant would not result in an increase in daily HGV movements compared to the established lawful use of the site as transport yard. In addition, there are no restrictions to the number of HGV movements under the current planning permission. This application provides the opportunity to restrict the HGV movements to and from the site on a daily basis and this can be secured by an appropriately worded condition. Some additional vehicle movements are considered acceptable on an irregular basis to allow flexibility and to enhance the viability of the business, however the additional vehicle trips can also be controlled by condition and are not considered to represent a significant increase in HGV movements taking into account the combined vehicle movements associated with the Pike Road Industrial Estate.
- 3.5 The concrete batching plant would likely result in an increase in noisy activities compared to the previous use. However, given the location within an established

industrial estate and the separation distances to the nearest neighbouring properties, the proposal is not considered to result in any significant adverse impacts to residential amenity.

- 3.6 The silos and hoppers are proposed along the Pike Road frontage in the heart of the Pike Road Industrial Estate and would therefore not appear out of keeping with the surrounding industrial uses and would not result in any significant detrimental visual harm when viewed from Pike Road and there would be no significant or prominent views within surrounding rural landscape.
- 3.7 Overall the concrete batching plant use is considered to be an appropriate industrial / employment generating use within the established Pike Road Industrial Estate and would be compatible with the surrounding uses. Taking into account paragraph 11 of the NPPF and the planning balance, the benefits of the development outweigh any adverse impacts and taking into account the Framework should be approved. The application is therefore recommended for approval, subject to conditions.

g) **Recommendation**

- I. PERMISSION BE GRANTED subjected to completion of a S106 Agreement in relation to a Traffic Routing Agreement, and subject to the following conditions:
1. Approved Plans
  2. PD removal / approved use
  3. Number of HGV movements
  4. Traffic Management Plan – complement the Traffic Routing Agreement provided for in the Section 106 Agreement
  5. Retention of parking provision
  6. Construction Management Plan
  7. Record of HGV movements
  8. No equipment, plant or vehicles at the site shall employ tonal reversing alarms visiting outside 06:00 to 19:00.
  9. Desktop contamination investigations
  10. Contamination remediation if required by condition 10
  11. Verification contamination report if required by condition 11
  12. Contamination investigations required if contamination found at any time.
  13. External lighting
- II. Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

**Case Officer**

Adam Reynolds

*The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).*