



**North Northamptonshire Area Planning Committee  
(Thrapston)  
19<sup>th</sup> July 2021**

<b>Application Reference</b>	<b>NE/21/00507/FUL</b>
<b>Case Officer</b>	<b>Ian Baish</b>
<b>Location</b>	<b>28 Nene Valley Business Park, Oundle, Northamptonshire, PE8 4HN</b>
<b>Development</b>	<b>Erection of demountable crane within existing plant hire yard for improved access and safety operations. Crane to remain fixed in place (Retrospective)</b>
<b>Applicant</b>	<b>Ashtead Plant Hire Ltd – Mr. Terence Clayford</b>
<b>Agent</b>	
<b>Ward</b>	<b>Oundle</b>
<b>Overall Expiry Date</b>	<b>19 May 2021</b>
<b>Agreed Extension of Time</b>	<b>31 July 2021</b>

**Scheme of Delegation**

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because there has been a material written objection from Oundle Town Council and four written material planning objections.

**1. Recommendation**

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1.1. That planning permission be GRANTED subject to conditions.

## 2. The Proposal

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- 2.1 The proposal relates to an existing demountable crane located in the yard of a plant hire business. The crane was granted permission to be used within the yard through a previous planning consent (18/01736/FUL). The description of development stated that the crane would be taken down at weekends and public holidays (as proposed by the applicant). To clarify, the crane would not operate outside of the existing hours, which are to be secured by condition, this permission is to enable the crane to remain in situ without having to dismount it every weekend.
- 2.2 The crane is of metal construction, painted grey and red. The height of the crane is approximately 26 metres, however when in operation the jib can be raised which results in a total operating height of approximately 32 metres.
- 2.3 Comments have been received from local residents stating that a camera is attached to the crane which has raised privacy concerns. The applicant has confirmed that the crane is not fitted with a camera and never has been.
- 2.4 Condition number 3 of 18/01736/FUL stated that *'The crane must have been demounted and stored at ground level prior to noon (12.00 hours) on Saturdays and it must not be operated on Saturday afternoons, Sundays or Public Holidays. Work on demounting the crane must not take place before 07.30am in the morning and shall be complete by 12.00pm (noon) on Saturdays. Work on re-erecting the crane must not begin until after 07.30am on Mondays or the same time the next working day if that day is a Public Holiday'*.
- 2.5 Condition 3 also stipulated that the crane must not be operated on Saturday afternoons, Sundays or Public Holidays. This element of the condition has not been challenged by the applicant who has confirmed that they would agree to a condition being added to the planning permission which would restrict the crane from being used on Saturday afternoons or on Sundays and Public Holidays.
- 2.6 It is understood that the crane has not always been demounted at weekends, hence the retrospective nature of this application. The applicant previously submitted an application, reference 20/00108/VAR, which sought the removal of condition 3 to allow the crane to remain erected 24 hours a day 7 days a week. This application was withdrawn as the applicant was advised that, as the description of the original planning permission stated, the crane would be demounted at weekends and public holidays, an application to vary a planning condition could not be accepted as this type of application could not alter the description of the proposal. Therefore, in order to consider the proposal for the crane to be left erected on a permanent basis, an application for full planning permission would be required
- 2.7 For the reasons noted above, this application seeks consideration as to the impact of the crane being permanently in place, but not operating, 24 hours a day 7 days a week including weekends and public holidays.

### **3. Site Description**

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- 3.1 The site is located within an industrial estate adjacent to the A605 Oundle bypass to the east. The site is bounded by residential development to the south and west (the closest residential dwellings being located on Ashton Road). The industrial estate is screened by a dense covering of trees and shrubs that line the boundary of the industrial estate and Ashton Road.
- 3.2 The site does not contain any listed buildings and it is not within a Conservation Area. However, due to the height of the proposal, the crane could be viewed from the Oundle Conservation Area. The site is within a Nature Improvement Area, and within the Ministry of Defence Safeguarding Zone due to the proximity to the RAF base at Wittering.

### **4. Relevant Planning History**

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- 4.1 20/00108/VAR - Variation of condition 3 to allow for the crane to remain erected 7 days a week, 24 hours a day pursuant to 18/01736/FUL – WITHDRAWN (04.03.20)
- 4.2 18/01736/FUL - Erection of demountable crane within plant hire yard which will be taken down at weekends and bank holidays. – PERMITTED (22.10.18)

### **5. Consultation Responses**

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A full copy of all comments received can be found on the Council's website [here](#)

#### **5.1 Oundle Town Council**

Oundle Town Council objects to the variation sought. When an application for permission for the crane was first made the council made no objection but sought a condition that the crane be taken down at weekends and bank holidays and that operating hours should be restricted in line with other similar restrictions within the business park. The council remains of the view that such conditions are appropriate to mitigate the impact of the crane on neighbouring properties and more generally. There would be a negative and detrimental impact if the permission was varied to enable the crane to remain in position permanently and be operated around the clock. Oundle Town Council asks that the existing conditions are both maintained and enforced.

Further comments received 02.06.21: Oundle Town Council still consider that the crane should be taken down at weekends and bank holidays and that operating hours should be restricted in line with other similar restrictions within the business park. OTC does support NNC putting in a condition that a camera is not to be fitted on the crane at any point.

## 5.2 Neighbours / Responses to Publicity

Three letters of objection have been received. The issues raised are summarised below:

- Noise impact
- Visual impact
- Privacy issues caused by the camera on the crane
- Highway safety
- Concerns over health and safety (toppling over and high winds)
- The crane dominates the skyline
- The crane is left up over weekends currently
- Little faith in the applicant's credibility not to ignore conditions as they have frequently ignored the conditions of the previous consent
- The crane is demountable in a few minutes so why does it need to be left erected?
- If there is no space for the crane to be stored when demounted this should not become an issue for the residents
- The crane is often in use outside of the permitted hours and left erected over the weekends, allowing it to remain erected permanently will lead to it being used outside of the hours and causing issues for the residents.
- The trees offer only partial screening as they are deciduous.

## 5.3 Ministry of Defence

The application site falls within the Statutory Safeguarding Aerodrome Height Zone (91.4m) surrounding RAF Wittering. I can confirm the MOD has no safeguarding objections to this proposal.

## 5.4 Local Highway Authority (LHA)

The LHA will require confirmation as to whether or not the crane is overhanging the public highway or highway verge as this is a safety concern.

The applicant provided the following response on 23.04.21:

In regards to the overhang, whilst it would be possible to overhang Ashton Road this will never be the case as the site will never extend the crane to operate at the full reach. It operates to a maximum radius of 28.5m as per the attached plan.

Also, it is not possible to extend over Ashton Road as the high level trees along the rear elevation and slew lock on the crane prevent the crane arm from operating over this area.

Further Comments received 23.04.21: As the crane can overhang the highway or highway verge, we will require a suitably worded condition ensuring that it won't extend over the highway or verge.

Further Comments received 02.06.21: The LHA has concerns to highway safety with regards to the crane radius encroaching the public highway, should you be minded to grant this application permission the applicant is required to gain an OverSail license from regulations.

## 5.5 Council's Environmental Protection Team

Should you be minded to grant permission we would recommend conditions to ensure the crane was only operated between the hours of 0730 - 1800 hrs Monday – Friday 0730 - 1200 hrs Saturday and not operated on a Sunday or Bank Holiday

## **6. Relevant Planning Policies and Considerations**

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### 6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

### 6.2 National Policy

National Planning Policy Framework (NPPF) (2019)  
National Planning Practice Guidance (NPPG)  
National Design Guide (NDG) (2019)

### 6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 - Presumption in Favour of Sustainable Development  
Policy 2 – Historic Environment  
Policy 3 - Landscape Character  
Policy 4 - Biodiversity and Geodiversity  
Policy 8 - North Northamptonshire Place Shaping Principles  
Policy 22 - Delivering Economic Prosperity

### 6.4 Emerging East Northamptonshire Local Plan (LPP2) (2021)

Policy EN19 – Protected Employment Sites

### 6.5 Other Relevant Documents

Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)  
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)  
East Northamptonshire Council - Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2016)

## **7. Evaluation**

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The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenities
- Highway Matters
- Environmental Matters
- Ecology

## **7.1 Principle of Development**

- 7.1.1 Planning consent for the crane has already been granted on application reference 18/01736/FUL and its presence is acceptable in principle. However, the previous consent only sought an approval for the crane to be fully mounted on weekdays and Saturday mornings, and not on Sundays or public holidays. This was deemed acceptable and suitable planning conditions were imposed to ensure the crane was not used on Saturday afternoons, Sundays or public holidays in the interests of amenity to local residents in terms of noise due to the close proximity of the site to residential properties
- 7.1.2 The condition also required the crane to be dismantled to ground level by no later than 12.00 hours on Saturdays and that work to re-erect the crane could not commence before 07.30 on the Monday morning or the day after a public holiday. This condition was used to secure that the crane was used in accordance with the proposed description and the Officers report stated that the absence of the crane over the weekend period would help to mitigate the visual impact of the crane over the weekend period when residents would be expected to spend more time at home.
- 7.1.3 The principle of development has been established and only the impact of the crane remaining in place on a permanent basis, at weekends and on public holidays, needs to be considered in further detail.

## **7.2 Visual Impact**

- 7.2.1 The submitted drawings show the maximum operating height for the crane is just over 32 metres. It is accepted that this is tall, particularly in comparison to the low-rise nature of the industrial estate on which it is located; which consists of single and two storey office and industrial buildings and warehouses. The dense tree covering between the industrial estate and Ashton Road consists of tall and established trees which provide a good level of screening and ensures that the industrial estate beyond appears relatively discrete and only the top section of the crane is visible above them.
- 7.2.2 It is also acknowledged that another crane is located on the industrial estate, which belongs to the same company, on a different site. This is also visible in the surroundings and was accepted by the Council under reference 05/01740/LDE. This was due to this particular crane being in place for approximately five years without receiving complaints which may have led to the Council taking enforcement action. Therefore this particular crane became lawfully immune from enforcement action to which the Lawful Development Certificate confirms.

- 7.2.3 The other crane mentioned above in paragraph 7.6 is located at unit 10 to the front of the Industrial Estate close to the junction with the A605 Oundle bypass. This crane is not overly noticeable from Ashton Road or the housing development off Sutton Road to the south, south east and south west. It is noted that the applicant has stated that the scale of the crane, subject to this application, is smaller than the crane at unit 10 which is correct as the crane at unit 10 has a more permanent appearance and is mounted on tracks enabling it to move within the yard and also has a covered cab to enable it to be operated from inside. The distance between the two cranes and the slimmer profile of the crane, subject to this application, ensures that the cumulative impact of two cranes within the industrial estate is not that of a detrimental level.
- 7.2.4 Turning back to the visual impact of the crane in relation to this application, the trees along the boundary with Ashton Road provide a degree of screening and only the top section of the crane is clearly visible above the tree line meaning that at eye level the majority of the structure would be obscured. It is noted that tree coverage would be lesser in autumn and winter, however, the presence of the trees which are close together does still provide a degree of screening in the autumn and winter months.
- 7.2.5 A condition was imposed on the previous planning permission to ensure that the crane was dismantled to ground level by Saturday lunch time and not re-erected until Monday morning and that the crane was not to be erected at all on public holidays as it was considered that the visual impact would be more noticeable at weekends and holiday periods. The granting of permission for the crane to remain erected on a semi-permanent basis between Monday and Friday, without the need to be dismantled, acknowledged that in overall terms the visual impact was acceptable throughout the day and night time period five and a half days of the week. The matter for consideration here is whether the additional days that the crane is erected would cause a detrimental level of visual harm. The retention of the crane over the weekend and public holiday period would not cause any additional visual impact over and above that which is present during weekdays and Saturday mornings and as such would be acceptable in this regard subject to restrictions regarding its hours of use.
- 7.2.6 A crane is something that could be expected to be seen within an industrial setting, however, it is noted that the site is within close proximity to residential dwellings, particularly those located on Ashton Road. The crane is most noticeable when in use as the movement would alert residents and passers-by to its presence. It is recommended that a condition secures that the crane is not operated on a Saturday afternoon, or on Sundays or public holidays which would be sufficient and reasonable to ensure that the visual impact of the crane be adequately managed without the need for it to be dismantled.
- 7.2.7 It is therefore considered that the proposal is acceptable in terms of its visual impact on the character and appearance of the area and on the Conservation Area.

### 7.3 Highway Safety

- 7.3.1 In terms of implications for parking provision on the site, the crane has a very small footprint (4m x 4m) and does not result in significant loss of any parking provision on site. On this basis, the proposal is considered acceptable on parking grounds. This was previously considered to be acceptable when permission was granted for the temporary crane. The only additional loss of parking would be a small loss of spaces on Saturday afternoons, Sundays and public holidays which does not raise any concerns.
- 7.3.2 The LHA required confirmation as to whether or not the crane is overhanging the public highway or highway verge. The applicant provided confirmation that whilst it would be possible to overhang Ashton Road this will never be the case as the site will never extend the crane to operate at the full reach. It operates to a maximum radius of 28.5m as per the submitted plan and that it is not possible to extend over Ashton Road as the high level trees along the rear elevation and slew lock on the crane prevent the crane arm from operating over this area.
- 7.3.3 Despite the applicant's confirmation that the crane would not overhang the highway or the verge, the LHA has confirmed that as the crane has the potential to overhang the highway or highway verge, that a suitably worded condition is used to ensure that this would not be the case. A check of the previous permission confirmed that a condition was placed on the original planning permission in this regard. This condition is recommended to be added again to any planning permission, should it be granted.
- 7.3.4 It is noted that these conditions clarify the operating area for the crane, however it would be physically possible for the crane to be used to lift objects from outside of the yard or for instance to over stretch, or attempt to lift an item that was too heavy. Comments have been received stating that the crane has been used to perform lifting operations from the shared parking area in the past. Concerns have also been raised about the stability of the crane in high winds, and the fear of the crane toppling over and further concerns regarding the demountable nature of the crane being designed to be put up and taken down rather than in permanent use. These concerns are noted, however they are matters for Health and Safety Legislation and not valid planning considerations.
- 7.3.5 The Local Highway Authority have also provided a second response advising that the applicant will require an oversail licence for the crane. Given that the crane has been operating at the site for a number of years and that this application merely seeks permission to keep the crane erected 24 hours a day 7 days a week without the restriction of the previous consent in terms of dismantling the crane over the weekend it is considered that an informative note can be added to the planning permission advising the applicant to apply to the Regulations Team at Northamptonshire Highways for an oversail licence.



## **7.4 Impact on Neighbouring Amenity**

- 7.4.1 The closest properties on Ashton Road face the crane and it is accepted that the rear gardens are located at the furthest point from the crane. The height of the crane, at 32 metres, is considerably taller than the predominantly two storey dwellings that surround the site. This means that the crane is visible from the gardens of the surrounding dwellings, however the tree coverage to the front of the properties would ensure that the view of the crane at eye level from ground and first floor windows would be adequately screened.
- 7.4.2 Whilst it is acknowledged that the crane is taller than the trees which form a boundary between the site and Ashton Road it is felt that a condition to restrict the operating hours to 07.30 to 18.00 Monday to Friday and 07.30 to 12.30 on Saturdays would be sufficient to protect the amenity of the occupants of the dwellings in the surrounding residential properties. It is not considered that the crane being present 7 days a week would result in any further harm over and above what is experienced during the current permitted days. It would be difficult to justify why the additional days would cause harm to the occupiers of neighbouring properties compared to the current approved development.

## **7.5 Environmental Matters**

- 7.5.1 The Council's Environmental Protection Team has raised no objection to the proposal, however it has requested that should permission be granted conditions are added to ensure that the crane should only be operated between 0730 - 1800 Monday – Friday, 0730 - 1200 on Saturdays and not operated at all on Sundays or Bank Holidays in order to protect the amenity of nearby residents. It is considered that these are reasonable conditions given the location of the industrial estate in relation to the surrounding residential properties in terms of the potential for noise associated with lifting and lowering of equipment around the yard. The condition will be further restricted by adding public holidays.
- 7.5.2 Light Pollution: Comments have been received regarding light pollution; however, these relate to the flood lights for the site which it is alleged are regularly left on overnight. The crane itself is not flood lit and issues relating to the lighting of the wider site are not for consideration in this planning application.
- 7.5.3 Noise: Some of the comments received regarding noise on the site relate to the wider operations of the plant hire business which are not necessarily linked to the crane. It has been stated that the current use as a plant hire yard generates more noise than the previous use as a mail sorting depot. Whilst this is noted, only the noise impacts of the crane and associated activity can be considered on this application. It must also be noted that the crane already benefits from planning consent and this application is merely seeking a determination as to whether it can be left erected permanently rather than the principle of it being on site or its use. If anything, the proposal would cause less disruption as there would be no noise associated with the dismantling of the crane on Saturday mornings and its erection on Monday mornings.

## **7.6 Ecology**

- 7.6.1 The nature of the proposal is not considered to have a detrimental impact on local biodiversity or ecology, particularly given the industrial nature of the site. A consultation was issued to the Council's Ecological Advisor who has not provided a response.

## **7.7 Impact on Air Space**

- 7.7.1 The site is within the MOD safeguarding zone which requires a consultation to be issued to the Ministry of Defence for any structure exceeding 91.4 metres in height in order for its impact on aviation and air-based activities to be assessed with particular regard to RAF Wittering. The proposal falls below the prescribed height, nevertheless the Ministry of Defence were consulted and responded to confirm that it has no objection.

## **8. Other Matters**

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- 8.1 The crane is already left up at weekends: Comments have been received stating that the crane is left erected over the weekend period. This point is noted, and the retrospective nature of the application acknowledges this point. The Council's Planning Enforcement Team have been made aware by residents of the breaches in planning conditions in this regard. Should Planning consent be refused, the Council's Enforcement Team will take appropriate action.
- 8.2 Privacy issues relating to a camera: Concerns have been raised regarding the privacy of adjacent residents due to the presence of a camera on the crane. The applicant has confirmed in writing that there is not or never has been a camera installed on this crane. The applicant has also confirmed that should planning permission be granted they would agree to a condition being added to the decision notice to prevent a camera being installed to the crane in the future.
- 8.3 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

## **9. Conclusion / Planning Balance**

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- 9.1 It is considered that the visual impact of the proposal on the setting of the adjacent residential area is not at a level that would cause a detrimental impact on the character and appearance of the area or adversely impact on the amenity of the occupants of nearby residential properties. The matter to consider here is whether the proposal would result in any additional harm over and above that which is currently permitted. It is considered that it would not and as such it is recommended that the proposed development is approved.

## **10. Recommendation**

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- 10.1 That Planning Permission is GRANTED subject to conditions.

## **11. Conditions**

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1. No part of the crane shall overhang the area edged in blue and identified as turning circle on drawing 445/02a received 22nd March 2021.

Reason: In the interests of highway safety.

2. The crane must only be operated between the hours of 07.30 and 18.00 Monday to Friday and 07.30 to 12.30 on Saturdays. The crane must not be operated after 12.30 on Saturdays or at all on Sundays or Bank Holidays or Public Holidays.

Reason: In the interest of neighbouring amenity.

3. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the details submitted on the approved application form, design and access statement, product guide and drawing no. 445/02a Location Plan received 22nd March 2021, and Site Plan, received 22nd March 2021.

Reason: In order to clarify the terms of the Planning Permission and to ensure that the development is carried out as permitted.

4. The crane shall only be used to lift or lower items from within the yard area marked on drawing number 445/02a and not within the car park area.

Reason: In the interest of public safety.

## **12. Informatives**

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1. The applicant is advised to obtain an oversail licence from the Regulations Team at Northamptonshire Councils Local Highway Authority