# OFFICER REPORT

**Case No:** 25/00857/FUL Full Planning Application

**Proposal:** Retrospective erection of 2.5m x 2.5m x 15m high climbing tower for working at height training

**Location:** 13A Imperial Way Eagle Business Park Yaxley

**Applicant:** Mr Gerry Morpeth

**Grid Ref:** 519603 293349

## DESCRIPTION OF SITE AND APPLICATION

The application site is 13a Imperial Way. A relatively modern commercial unit located on Eagle Business Park, Yaxley. There are no constraints associated with the site.

The business occupying the unit deals with training (including working at height courses). A 15m (approx). high tower for these purposes has been erected to the west of the building. This application seeks retrospective permission for this structure.

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

## NATIONAL GUIDANCE

The National Planning Policy Framework (December 2024) (NPPF 2024) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2024 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'

The NPPF 2024 sets out the Government's planning policies for (amongst other things):

* delivering a sufficient supply of homes;
* building a strong, competitive economy;
* achieving well-designed, beautiful and safe places;
* conserving and enhancing the natural, built and historic environment.

Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website: https://www.gov.uk

## PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 - adopted May 2019

LP1: Amount of Development
LP2: Strategy for Development
LP4: Contributing to Infrastructure Delivery

LP5: Flood Risk
LP8: Key Service Centres
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP17: Parking Provision and Vehicle Movement
LP18: Established Employment Areas
LP30: Biodiversity and Geodiversity

Supplementary Planning Documents (SPD) and Guidance:

Huntingdonshire Design Guide (2017)
Developer Contributions SPD (2011)
Huntingdonshire Landscape and Townscape SPD (2022)
Huntingdonshire Strategic Flood Risk Assessment (2024)
Cambridgeshire Flood and Water SPD (2024)
Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

Local policies are viewable at https://www.huntingdonshire.gov.uk

**RELEVANT PLANNING HISTORY**

18/01945/FUL - Construction of 2 storey building for employment use (B2 - general industrial) with associated car parking and vehicle access from Imperial Way (Permission)

19/02376/FUL - Change of use from a B1 and B2 use to a D2 and part B1 use as a business training centre with offices, and to include the insertion of first floor office and training rooms, the creation of a ground floor rest room and classroom within the existing warehouse (Permission)

**CONSULTATIONS**

Yaxley Parish Council - No objections.
HDC Ecology Team - No representations received at the time of determination.

Health and Safety Executive - Register on their portal - further details in the proceeding sections of this report.

**REPRESENTATIONS**

None received at the time of determination.

**SUMMARY OF ISSUES**

When determining planning applications, it is necessary to establish what weight should be given to each plan's policies in order to come to a decision. The following legislation, government policy and guidance outline how this should be done.

As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 48 of the NPPF (2024). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".

In Huntingdonshire the Development Plan consists of a number of adopted neighbourhood plans, however, there is not an adopted neighbourhood plan in place for Yaxley. Therefore, in this case no neighbourhood plans are given weight in the determination of this application.

The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the land: Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to this in determining applications.

The main issues to consider are:

*The principle of development
*Design and visual amenity
*Amenity
*Flood risk
*Highway considerations
*Biodiversity
*Other matters

*The principle of the development

The application site lies within Eagle Business Park which is an Established Employment Area under Policy LP18 of the Local Plan to 2036. In this case, the principle of the use of the site has already been established under the previous approval (ref 19/02376/FUL). The structure is ancillary to the approved use. As such there is no further requirement to establish the principle of the development in this location. The development is acceptable in this regard subject to compliance with all other material planning considerations and conditions.

*Design and visual amenity

Policies LP11 and LP12 of the Huntingdonshire Local Plan state, amongst other matters, that proposals will be supported where it is demonstrated that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including natural, historic and built environment, contributes positively to the character and identity of the area and successfully integrates with adjoining buildings, the routes and spaces between buildings, topography and landscape.

In this case, the tower is located within an established industrial area. All of the surrounding buildings are utilitarian in their appearance. The tower is a metal lattice tower measuring 2.5 x 2.5 x 15m (approx). It is located to the rear of the building but given its height is visible in wider views. However, it is very much read in context with the commercial surroundings and is therefore not considered to be harmful.

Overall, it is not considered that the development is uncharacteristic of the locality or result in harm. It therefore accords with Policies LP11 and LP12 of the Local Plan to 2036.

*Amenity

Policy LP14 of the Local Plan states that a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings. Given the commercial setting (an area specifically designed for industrial processes with activities resulting in increased vehicle movements, noise, odour etc) it is sited away from any residential dwellings and land. Whilst naturally any users of the tower are afforded wider views of the surroundings, these do not offer

unacceptable views into any of the surrounding units nor (given the separation) into any residential dwellings or land.

Overall, there are no unacceptable amenity impacts arising from this installation and the development accords with Policy LP14 of the Local Plan to 2036.

*Highway safety

The tower is not located within an area intended for parking and there is no change to the way that vehicles enter or leave the site as a result of the development. The installation is ancillary to the services already offered at the unit and as such it is not considered that it results in increased vehicle movement or demand.

There are considered to be no highway safety impacts arising from this development and the scheme accords with Policy LP17 of the Local Plan to 2036.

*Flood risk

The site lies within Flood Zone 1 and has no risk of surface water flooding as per the most recent Environment Agency Flood Risk maps and Data. The installation is a lattice tower located on a 3mx3m concrete base within an area of existing hardstanding. There is no requirement for the submission of a Flood Risk Assessment (as per the NPPF 2024) and it is not considered that the installation (by virtue of its design, scale and the existing nature of the site) would result in increased flood risk or surface water run-off. It therefore broadly accords with Policies LP5 and LP15 of the Local Plan to 2036.

*Biodiversity

Policy LP30 of the Local Plan requires a development to ensure no net loss of biodiversity and achieve a net gain where possible.

As well as the above (and separate from the requirements of LP30) qualifying new development is subject to Biodiversity Net Gain legislation pursuant to the Environment Act 2021. This means that a 10% statutory Biodiversity Net Gain (BNG) is required with any application, following the hierarchy of onsite provision; mixture of on-site and off-site provision; and the last resort of statutory biodiversity credits unless it can be demonstrated that the development would be exempt.

In this case, given the nature and location of the tower, providing a net gain in the usual way (installation of bat/bird boxes etc) would not be considered viable. Policy LP30 does state that these should be achieved 'where possible'. In this instance, Officers are satisfied that there would be no net loss and very limited scope for achieving a net gain.

In terms of BNG legislation, there is currently no mechanism in place to provide this for applications made retrospectively (under Section 73a). Furthermore, even if this exemption did not apply the development does not impact more than 25m² of on-site habitat nor more than 5m of linear hedgerow. It would therefore fall within the 'de-minimis' category and is therefore also exempt on this basis.

The development is therefore considered to be acceptable in relation to biodiversity matters and broadly accords with Policy LP30 of the Local Plan to 2036.

*Other matters

*Health and Safety

The Health and Safety Executive were consulted and responded requesting that the enquiry be logged on their portal. This action has not taken place. The Executive did however provide guidance on the nature of application meeting the threshold for consultation and this development does not appear to fall within any of these categories. As such, this has not been pursued.

This decision does not absolve the applicant of their responsibilities in terms of health and safety at the site but this is a matter which falls outside of the planning process and does not have a significant bearing on the outcome of this application.

*Conclusion

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposed development is considered to be compliant with the relevant national and local policy as it is acceptable in principle, is visually acceptable and results in no amenity, highway safety, flood risk or ecology concerns.

Having regard to all relevant material considerations the proposed development is considered to comply with Policies LP2, LP5, LP11, LP12, LP14, LP15, LP17, LP18, and LP30, of Huntingdonshire's Local Plan to 2036 and consequently, it is recommended that retrospective planning permission be granted, subject to the imposition of appropriate conditions.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388424 and we will try to accommodate your needs.

**CONTACT OFFICER:**
Enquiries about this report to **Kevin Simpson**