

Report of the Chief Executive

APPLICATION NUMBER:	21/00222/FUL
LOCATION:	Land off Gin Close Way, Awsworth, Nottinghamshire, NG16 2TA
PROPOSAL:	Change of use of land to car/van sales (sui generis), siting of storage containers (not exceeding 70 units) (B8), change of use of land to open storage, change of use of buildings to car repairs and tyre sales, erection of 2 metre high security fencing, extension to existing single storey building and new storage/car repair building (revised scheme)

The application has been called to Committee by Councillor D D Pringle.

1 Executive Summary

- 1.1 This application seeks retrospective consent to change of use of land to car/van sales (sui generis), siting of storage containers (not exceeding 70 units) (B8), change of use of land to open storage, change of use of buildings to car repairs and tyre sales, erection of two-metre-high security fencing, extension to existing single storey building and new storage/car repair building (revised scheme). The site is an established employment allocation in the Part 2 Local Plan 2019.
- 1.2 During the course of the application various changes have occurred on site including the erection of a storage/car repair building to the rear of the site, which now forms part of this application.
- 1.3 To the front of the site there is a car wash which is outside of the red line of the application site. Planning permission was granted in 2017 to retain the car wash business including the canopy, customer waiting shed, valeting area, staff facility within the caravan, ancillary car sales area, hard standing and boundary fence. This permission was required as although permission was previously granted in 2014, the business operations had not been developed in accordance with the approved plans.
- 1.4 The benefits of the proposal are that that the unauthorised uses currently operating on the site would be regularised, the continued creation of jobs and the continued use of an established employment allocation site in the Part 2 Local Plan 2019.
- 1.5 The committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix, and to the prior signing of a Section 106 Agreement.

APPENDIX

1 Details of the Application

- 1.1 This application seeks retrospective consent to change of use of land to car/van sales (sui generis), siting of storage containers (not exceeding 70 units) (b8), change of use of land to open storage, change of use of buildings to car repairs and tyre sales, erection of 2m high security fencing, extension to existing single storey building and new storage/car repair building (revised scheme).

2 Site and surroundings

- 2.1 The application site is set off Gin Close Way on the edge of Awsworth. Directly opposite there is existing employment land in the form of a concrete manufacturing facility and caravan sales business. To the north there is a petrol filling station and to the south east there is a builder's merchants. Directly to the south of the site there is a vacant site which has planning permission for a total of 65 dwellings.

3 Relevant Planning History

- 3.1 Planning permission was granted under reference number 97/00601/FUL for the use of the land as a haulage depot, erection of a storage building and office and the location of a diesel fuel storage tank.
- 3.2 Planning permission was granted under reference number 14/00549/FUL to retain the change of use of land and buildings from haulage depot to car wash and valet, car sales, car body repairs, storage of pallets and vehicles (including overnight parking), B2 workshop, parking and repair of commercial vehicles and ancillary offices, the siting of self-storage containers, and the erection of a 2 metre green mesh fence to the front boundary.
- 3.3 Retrospective planning permission was granted under reference number 17/00514/FUL for a hand car wash business comprising a canopy, customer waiting shed, valeting area, staff facility within a caravan, ancillary car sales area, hardstanding and boundary fencing.
- 3.4 Planning permission was refused under reference number 18/00384/FUL to erect a portable building to create a public café facility with decking.

4 Relevant Policies and Guidance

4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

- 4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 4: Employment Provision and Economic Development
- Policy 10: Design and Enhancing Local Identity

4.2 Part 2 Local Plan 2019:

4.2.1 The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 9: Retention of good quality existing employment sites
- Policy 17: Place-making, Design and Amenity

4.3 National Planning Policy Framework (NPPF) 2019:

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 6 – Building a Strong, Competitive Economy.

5 Consultations

5.1 **The Highway Authority** - The proposal is retrospective with the site already in use. The access to the site is of sufficient width, with good visibility in both directions. The site benefits from good parking and manoeuvring within the site for cars to exit in a forward gear. As such the Highways Authority would not raise any concerns.

5.2 **Council's Environmental Health Officer** – No objections subject to a condition restricting the use of the site to between 07.00 – 21.00 hours.

5.3 Four commercial properties either adjoining or opposite the site were consulted and a site notice was displayed. No responses were received.

6 Assessment

6.1 The main issues relating to this application are the principle of development, the impact upon visual amenity of the area, residential amenity, highway safety and viability. These are discussed in turn as follows:

6.2 Principle

6.2.1 The site is allocated in the adopted Part 2 Local Plan (2019) as an employment site. Policy 9 states that permission will be granted for the redevelopment of land and premises for employment purposes on allocated sites provided it is in the B class employment uses and the redevelopment provides the necessary quality of design, landscaping, parking and amenity, having regard to the local environment and the amenity of nearby and adjoining occupiers.

6.2.2 Whilst a variety of uses are proposed on the site including car sales and storage containers, it is important to encourage the efficient use of land and the principle of diversifying the site through offering other employment uses, which will both retain existing jobs and also provide new jobs. The principle of development is therefore considered acceptable.

6.3 Visual Amenity

- 6.3.1 Policy 17 of the Part 2 Local Plan requires new development to integrate into its surroundings and to take advantage of existing topography and landscape features. Existing buildings on the site are to be retained with them currently being used for tyre sales to the front of the site and car repairs to the rear. A new single storey office building is also on site adjacent the side of the tyre sales building which is built using materials matching this building. A free standing shed has also been built adjacent to the existing car repair building to the rear of the site measuring a total height of 4.65m. The previously approved car sales area which was granted under reference number 17/00514/FUL remains, with the land located to the east being split into three parcels being used for car and truck sales and ambulance parking. Between each parcel of land, a 1.8m high wire mesh fence is in place, with 1.8m high palisade fencing around the boundary to the front.
- 6.3.2 In addition to the above a scaffold storage area is proposed to the existing tyre sales building, with a 1.8m high palisade fence to the front. To the rear of this area, storage containers are located, which due to their location there are limited views of from with the street scene of Gin Close Way. Due to the temporary nature of these structures and the potential for them to fall into a state of poor repair, a condition is proposed for the storage containers to be removed from the site within 10 years from the date of the permission. There is also an open storage area to the rear of the existing car repair building and new car repair building to the rear of the site, which is surrounded by a 1.8m high palisade fence. Given the nature of the application and the location of the new buildings and storage containers in the site, it is considered the proposal will have a limited impact upon the visual amenity of the area.
- 6.3.3 Previously a variety of mature trees were located along the northern boundary of the site adjacent the brook. These have been removed to allow for the clearing of the brook, however a variety still exist to the front of the site. Whilst it is noted that these trees used to screen the view of commercial activities within the site, it should be noted that these trees were not covered by Tree Preservation Orders and the site is not located within a Conservation Area. Furthermore, there is no planning history for the site which specifically had restrictive conditions imposed for the retention of the trees. The applicant did not therefore require permission to remove the trees and they were sited on land within the site which is wholly owned by the applicant.

6.4 Amenity

- 6.4.1 The site is located off Gin Close Way, a significant distance from existing residential properties located within Awsworth. No objections have been received from the Council's Environmental Health Officer subject to a condition relating to the hours of operation on the site being between the hours of 07.00 and 21.00 hours.
- 6.4.2 Planning permission reference number 20/00873/MMA has been granted for the development of 65 no: residential dwellings on land directly to the south of the application site. The plans for this development show that residential units will adjoin the boundary of the application site, with garden areas backing onto the boundary. However, these will only be located backing onto the existing car wash

and tyre sales building, with the scaffolding storage area and storage cabins backing onto the service yard/car park of the adjacent Builder's Merchants to the south east of the application site.

6.4.3 Overall, given the existing commercial use of the application site, it is not considered the proposal will have an unacceptable impact on the residential amenity of neighbouring properties.

6.5 **Access**

6.5.1 The internal access road linking to Gin Close Way splits the application site into two parts with a northern area and southern area. The car sales, car repair buildings and outdoor storage area are confined to the northern area, with the tyre sales building, scaffolding storage and storage containers within the southern area. No objections have been received from the Highway Authority in respect of this application and it is advised the site already in use. The access to the site is of sufficient width, with good visibility in both directions. The site benefits from good parking and manoeuvring within the site for cars to exit in a forward gear.

7 Planning Balance

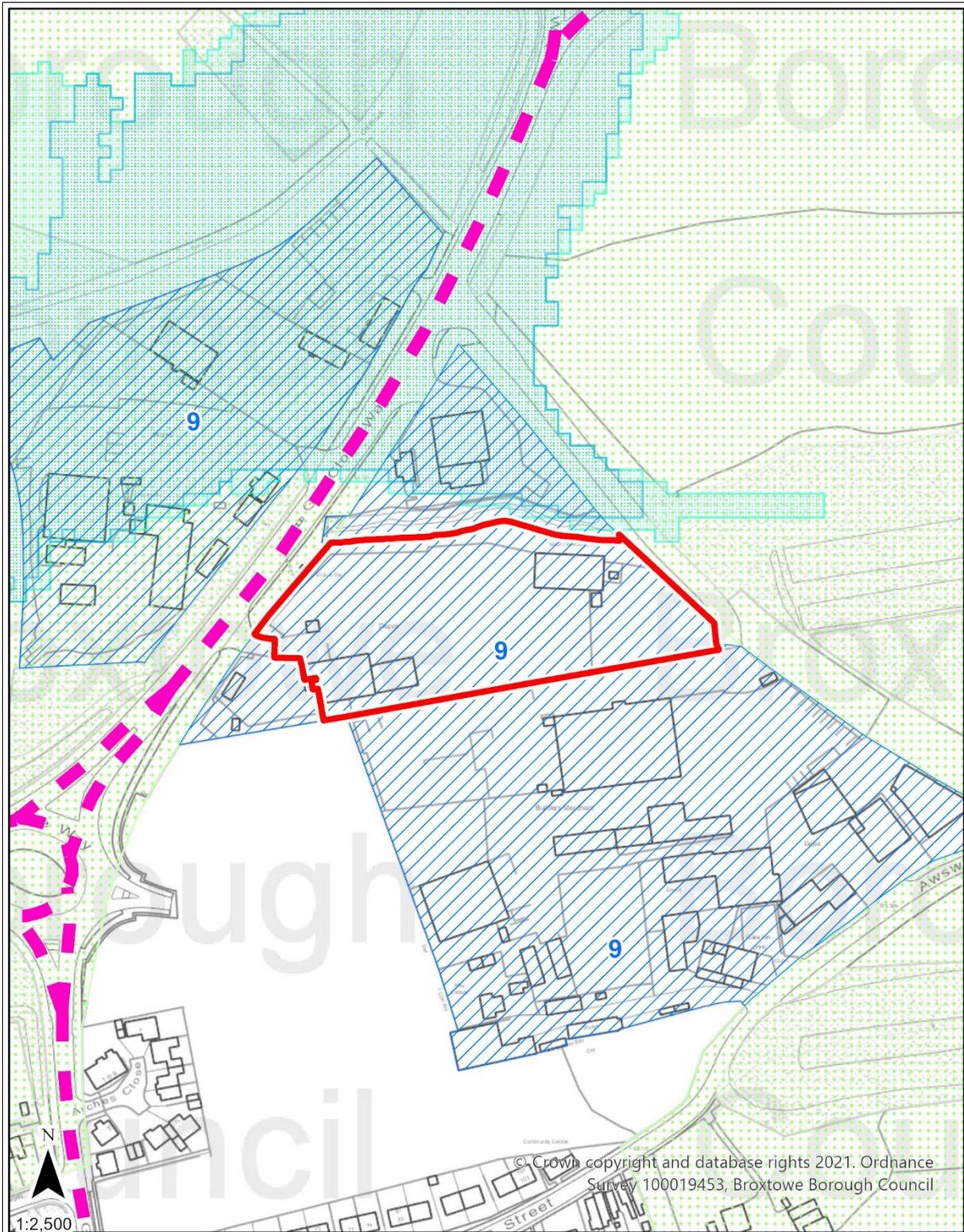
7.1 On balance the benefits of the proposal are that that the unauthorised uses currently operating on the site would be regularised, the continued creation of jobs and the continued use of an established employment allocation site in the Part 2 Local Plan 2021

8 Conclusion

8.1 It is considered that, having regard to the relevant policies of the Development Plan, National Planning Guidance and to all other material considerations, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</p>	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be retained in accordance with approved drawings Site Location Plan 1: 1250, Extension External Elevations, GD/TS/20/010/03 received by the Local Planning Authority 16 March 2021, Storage Building Elevations, CF/IJTS/20/10/06 received by the Local Planning Authority on 10 August 2021 and Proposed Site Block Plan 1: 500, Fence Elevations and Storage Unit Elevations received by the Local Planning Authority on 12 August 2021.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The site shall not be used except between 17.00 - 21.00 hours Monday to Sundays, Bank Holidays and other public holidays without the prior agreement in writing of the Local Planning Authority.</p> <p><i>Reason: To protect nearby residents from excessive operational noise.</i></p>
4.	<p>The storage containers hereby permitted shall be removed and the land restored to its former condition on or before 31 December 2031.</p> <p>Reason: As the containers are of a temporary nature and their appearance is likely to deteriorate with time effecting the visual amenities of the area, it is considered that a time limited consent is necessary to ensure the development complies with Policy 10 of the Aligned Core Strategy 2014.</p>
NOTES TO APPLICANT	
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within agreed determination timescale.</p>

2.	Burning/storage of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.
3.	The applicant is hereby advised that the erection of lighting on the site would require a separate planning application.



Legend

-  Site Outline
-  Classified Road
-  Flood Zone 3
-  Flood Zone 2
-  Green Belt
-  Existing Employment Sites

Photographs

View of site from Gin Close Way.



View of the site from the south.



Scaffolding business and office extension.



Car Sales and open storage area.



Storage containers.



Typical row of storage containers.

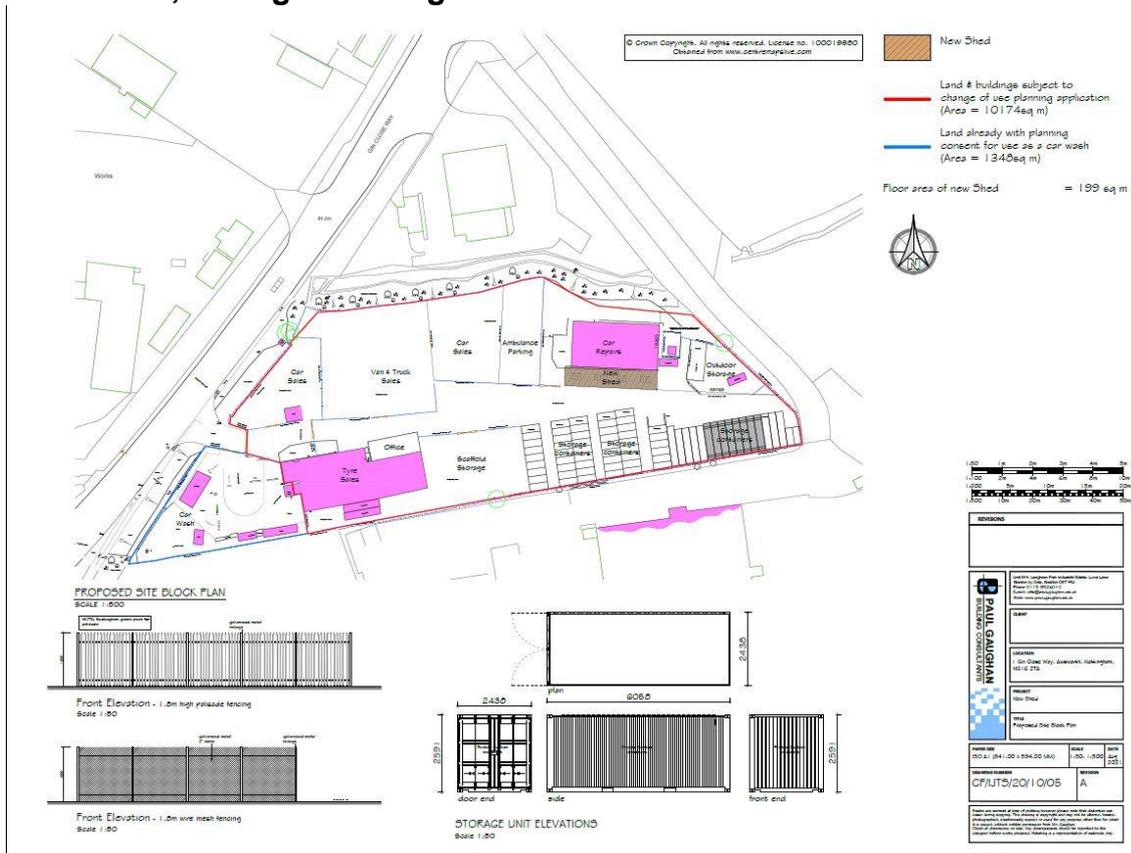


Storage/car repair building.

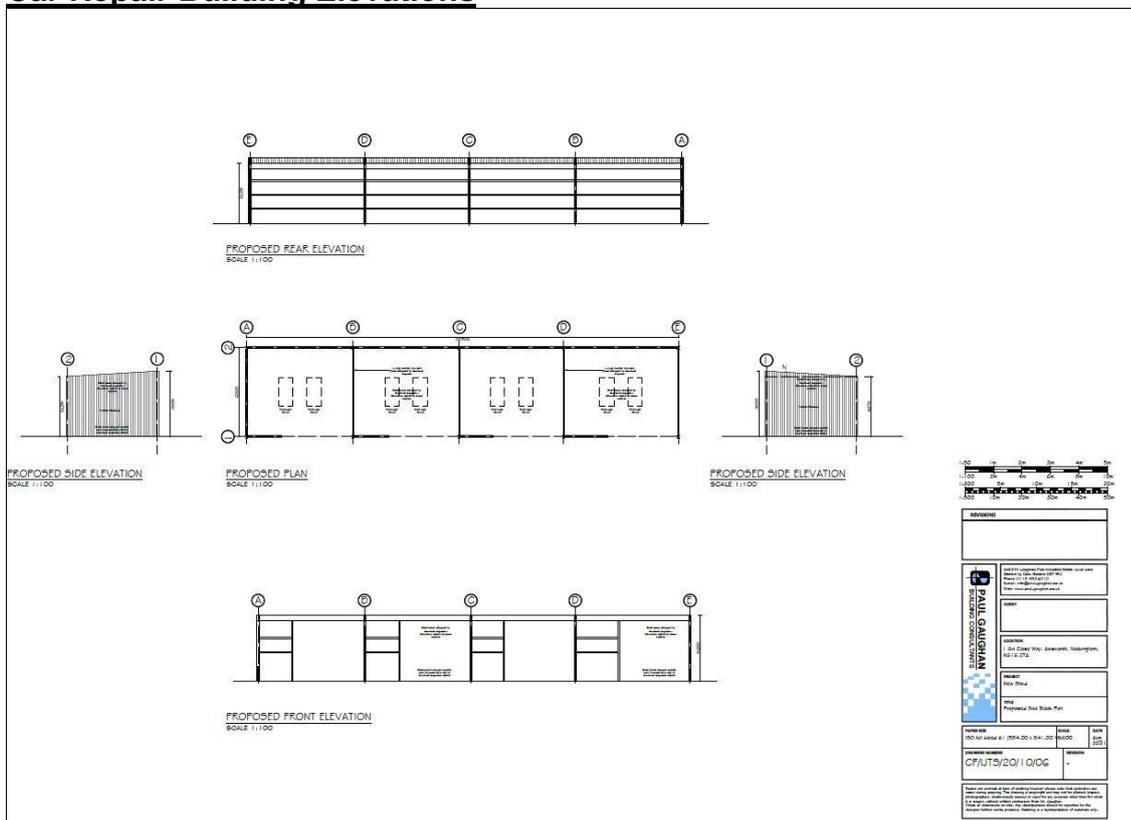


Plans (not to scale)

Block Plan, Storage Building Elevations and Fence Elevations



Car Repair Building Elevations



Extension Elevations

