

Report of the Chief Executive

Application Number:	23/00095/FUL
Location:	Former Dyeworks Site, Bailey Street, Stapleford, Nottinghamshire
Proposal:	Change of use of land to open storage and siting of storage and skips (Class B8) including access point off West End Street and egress point on Bailey Street

Councillor J W McGrath has requested this application be determined by Planning Committee.

1. Purpose of Report

The application seeks permission to change the use of the land to open storage and to site nine storage containers and skips (Class B8). Access and egress will be provided by two points, West End Street and Bailey Street.

2. Recommendation

The Committee is asked to RESOLVE that the planning permission be granted subject to the conditions outlined in the appendix.

3. Detail

- 3.1 An application was granted permission to change the use of the southern part of this site from Class B2 to a storage and distribution use (Class B8) for a temporary period of three years (ref: 19/00779/FUL granted in May 2020). The agreed delivery and collection hours by commercial vehicles to the site was between 08:00 – 17:00 hours Monday to Friday, 08:00 – 13:00 hours on Saturday and closed on Sundays and bank holidays. The only access point to this part of the site was via West End Street. Planning permission is sought indefinitely and not on a temporary basis.
- 3.2 This application includes land to the north which is within ownership of the applicant. The proposal is for the full site to operate under Class B8 for the purposed of storage. The same delivery times by commercial vehicles is proposed as highlighted above. As the wider site includes another access point, the proposal is for vehicles to access the site from West End Street and leave via Bailey Street.
- 3.3 Planning permission was previously granted for seven industrial units and an office block (ref: 13/00609/FUL). Although this permission was lawfully implemented (see history section), the land is now included within the designated safeguarding zone for HS2 meaning it is highly unlikely that these units will be constructed. The land is largely vacant apart from a two storey flat roof building, some building materials, storage containers and skips on site.
- 3.4 The main issues relate to whether the principle of the change of use would be acceptable, the proximity with a railway line and the HS2 safeguarding zone, flood risk and highway safety and whether there will be an unacceptable impact on neighbour amenity.

3.5 It is considered that the application is acceptable in these regards and the Committee is asked to resolve that planning permission be granted subject to conditions outlined in the **Appendix**.

4. Financial Implications

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets.

5. Legal Implications

The comments from the Head of Legal Services were as follows:

The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Data Protection Compliance Implications

Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Background Papers

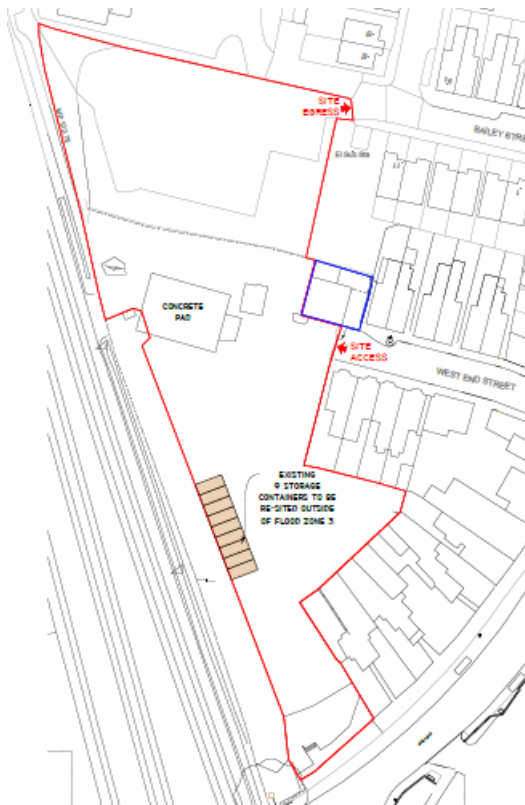
Nil.

1 Details of the Application

1.1 The application seeks permission to change the use of the land to open storage and to site storage containers and skips (Class B8). Access and egress will be provided by two points, Bailey Street and West End Street.

1.2 The proposed differences between the previous application (19/00779/FUL) and this application are as follows:

- Curtilage of site increased to the north
- Access and egress proposed via two access points, West End Street and Bailey Street
- Retention and relocation of nine storage containers (out of Flood Zone 3 and into Flood Zone 2), all remaining storage containers removed
- Retention of two skips to keep site tidy, all remaining skips removed



Proposed Site Location Plan 23/00095/FUL Previous Site Location Plan 19/00779/FUL

1.3 The intention is for the site to continue to be rented out to businesses to store portable cabins and portaloos (but not for these to be repaired, maintained or cleaned on site), building materials (but nothing perishable) and a maximum of nine steel containers and two skips. The portable buildings will not be stacked on site.

1.4 The proposed delivery and collection hours by commercial vehicles to the site are 08:00 – 17:00 hours Monday to Friday, 08:00 – 13:00 hours on Saturday and

closed on Sundays and bank holidays.

2 Location and Site Characteristics

- 2.1 The site is predominantly open and covered by hardscaping. It is separated into two sites by a 2m high metal palisade fence and the intention is for this to be removed to open up the site into one. The existing site to the south currently operates in Class B8 use and the site to the north currently operates as industry storage and is occupied by several skips and metal storage containers.
- 2.2 Prior to the change of use to Class B8, the site was historically used as a dye works and the Palace Cinema (now demolished) fronted onto Derby Road.
- 2.3 To the west of the site there is the railway line and to the south is Derby Road. It is noted that nos. 242, 244, 248, 250, 252, & 254 Derby Road to the south east of the site are vacant buildings which were previously occupied for residential/commercial uses. An application is pending consideration for 11 apartments, external alterations and rear extensions to these buildings (ref: 18/00288/FUL). The decision has not been issued due to the site lying within the HS2 safeguarding zone and an ongoing hold has been put on issuing the decision by the Department for Transport.
- 2.4 The northern part of the site lies within Flood Zone 3 (high probability of flooding). The central part of the site lies within Flood Zone 2 (medium probability of flooding) and the southern part of the site lies within Flood Zone 1 (low probability of flooding).
- 2.5 The application site falls within land that is currently safeguarded for construction and/or operation of HS2 Phase 2b (Crewe to Manchester and Birmingham to Leeds).

3 Relevant Planning History

3.1

Planning		
96/00246/FUL	Retain portacabin	PERC
12/00009/OUT	Demolish commercial units and construct 15 dwellings	PERC
13/00609/FUL	Construct 7 industrial units (Class B2), an office block, 2 bin stores and a new access to Derby Road	PERC

4.	17/00523/CLUE	Confirm that the planning permission had been implemented for 13/00609/FUL.	PERC
	19/00779/FUL	Change the use of the land from former dyeworks (Class B2) to storage and distribution (Class B8) for a temporary period of 3 years.	PERC

Development Plan Policy

4.1 National Planning Policy

National Planning Policy Framework 2024:

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 11- Making Effective Use of Land.

4.2 Local Plan Policies

4.2.1 **Part 1 Broxtowe Aligned Core Strategy 2014:**

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 10: Design and Enhancing Local Identity
- Policy 15: Transport Infrastructure Priorities.

4.2.2 **Part 2 Local Plan 2019:**

- Policy 1: Flood Risk
- Policy 9: Retention of Good Quality Existing Employment Sites
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions.

5. Consultee and Third Party Comments

5.1 **Consultees**

- **Council’s Environmental Health Officer:** Historically the site has been subject to complaints relating to nuisances from site operations affecting the immediate residents, these include dust from material processing, smoke from bonfires and general activity noise.

No objection subject to the premises only operating between: 07:30 – 18:00

Monday to Saturday and at no time on Sundays, bank holidays and other public holidays. Deliveries by commercial vehicles should not be made outside of these hours.

Conditions have been advised in respect of a maximum of 20 structures on site at any time, no waste materials including any trade, commercial or domestic waste to be stored, no bonfires or controlled burning permitted, no maintenance, refurbishment or structures or vehicles permitted and no processing of construction waste/material permitted.

- **Nottinghamshire County Council as Highways Authority: Initial Response:** The proposal is to use the land for storage and siting of containers, which will continue from a previous planning application 19/00779/FUL. The applicant has stated on this application and the previous application that there will be 10 vehicle movements per day, which is considered low. As such, there are no highway concerns to the proposal.

Second Response: Our previous comments indicated the site would be used to accommodate storage containers which we envisaged would generate low levels of traffic by vehicles weighing up to a maximum of 7.5 tonnes. However, we have since been made aware that lorries weighing up to 32 tonnes are being used to access/egress the site, and are concerned about the ability of these vehicles being able to turn in and out of West End Street/Bailey Street, and whether sufficient width is available along the carriageway for drivers to reach their destination.

The on-street parking situation along West End Street takes place on both sides of the carriageway which can make it difficult for traffic to pass, particularly those in larger vehicles. If the larger size vehicles are being utilised then the access arrangement to the site should be fit for purpose. We would expect the distance between parked vehicles to measure 2.5m for the HGV with an additional allowance for wing mirrors and a margin of error. Details of the carriageway dimensions should be provided for assessment.

The geometry of West End Street and Bailey Street at its junctions with Derby Road has not been designed for HGV use. Turning manoeuvres in these locations are likely to result in vehicles over-riding the footway and put additional strain on the structural integrity of a nearby pedestrian crossing. The condition of West End Street also appears to be worsening which may be attributable to larger heavier vehicles.

The larger vehicles also require both lanes to exit a junction. This could increase the likelihood of shunt type collisions on Derby Road when drivers entering West End Street or Bailey Street are forced to stop unexpectedly so that the HGV can exit.

Although traffic movements are supposed to take place with vehicles arriving from West End Street and then leave via Bailey Street, a site inspection has identified some vehicles using West End Street only.

Swept path analysis should be provided to demonstrate the way in which turning manoeuvres made by 32 tonnes lorries will take place on Derby Road at its junctions with West End Street and Bailey Street without over-running

the footway. The tracking should then extend along West End Street where it must be shown the vehicle can pass without colliding with other stationary vehicles which must be positioned in the same manner as the existing on-street situation i.e. slightly off-set from the kerb.

We recommend the application is deferred to enable the applicant to address our concerns.

Third Response (after receiving Swept Path Analysis): The right turn into West End Street shows the overhang of the vehicle encroaching across the footway when tightly hugging the kerb. The manoeuvre requires the lorry to utilise the lane of oncoming traffic on Derby Road which isn't ideal but is probably no different to a refuse wagon. With this in mind, it wouldn't change matters if the full width of the carriageway on Derby Road was utilised to gain a wider "swing in" which is likely to result in the footway being avoided.

The tracking also relies on parked cars being stationed in the manner shown on the drawing. Drivers tend to park their vehicles away from the kerb to avoid damaging the wheels and so the available corridor width may be smaller than is shown, thereby increasing the likelihood of conflicts. Not aware if there have been any damages, only incidents are reported to the police along this length, but if there have it would suggest there is a problem.

Although manoeuvres along West End Street are technically possible, we do not have sufficient evidence to support a recommendation of refusal. As an alternative, it may be worthwhile exploring the possibility of the site being served from Bailey Street only, where access is more suitable.

- **Network Rail:** no objection.
- **HS2 Ltd:** Initial response: raise no objection in a further 3-year temporary permission but recommend an advisory in respect of the land being compulsory purchased for the construction of the Phase 2b line.

Final response: Confirmed that following the Prime Minister's 4 October 2023 announcement and commitments set out in the accompanying Network North Command Paper, the land in question is unlikely to be retained when HS2 Phase 2b safeguarding directions are formally amended in Summer 2024. As such HS2 Ltd raises no objections in planning terms to permanent consent being granted for the change of use and in event the Council are minded to grant consent it is only requested that the following standard informative is included on the decision notice for awareness:

The applicant is advised that the application site falls within land that is currently safeguarded for construction and/or operation of HS2 Phase 2b (Crewe to Manchester and Birmingham to Leeds). Although the Government have announced the cancellation of this section of high-speed rail line, Safeguarding Directions are still in place. However, in line with the commitments made in the accompanying Network North Command Paper, safeguarding is to be amended for HS2 Phase 2b by summer 2024 to allow for any safeguarding needed for Network North schemes. As such, the applicant is advised to closely follow ongoing progress of the Network North programme

for any updates at: <https://www.gov.uk/government/publications/network-north>.”

- **Environment Agency: Initial response:** Object due to insufficient Flood Risk Assessment. The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:
 - consider how a range of flooding events (including extreme events) will affect people and the development
 - consider how people and the development will be kept safe from the identified flood hazards, specifically by stating the finished floor levels in meters above ordnance datum and any flood resilience measures.
 - Demonstrate that there will be no increase in flood risk to third parties as a result of any loss in floodplain capacity.
 - consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event
 - take the impacts of climate change into account

There is no assessment of the impact of climate change using appropriate climate change allowances, specifically the 1%AEP plus 29% climate change allowance. To overcome the objection, the applicant should submit a revised FRA which addresses the points highlighted above.

Second Response: We have reviewed the submitted flood risk assessment (FRA) and the additional email dated 11/03/2024. We would request that a sequential approach be taken to the location of all the proposed containers and that they be positioned in an area with the lowest flood risk i.e. the area of Flood Zone 2 within the site boundary. Should the applicant locate all the containers in Flood Zone 2 this would remove the requirement for floodplain compensation. However, if the applicant is minded to retain the 7 existing containers within Flood Zone 3 and the additional 2 new containers in Flood Zone 2, compensation for those in Flood Zone 3 would need to be provided for the 1% AEP event plus 29% climate change. The site lies within the floodplain of the River Erewash and in close proximity to a residential area and therefore the displacement of flood water must be considered within the FRA. Therefore, in the absence of an acceptable FRA we object to this application and recommend that planning permission is refused.

Advise conditions in respect of the submission of a remediation strategy to deal with contamination risks, the submission of a verification report to show any remediation works have been completed and the halting of development if unidentified contamination is found and the need to submit a scheme for surface water disposal.

Final response: Following the submission of a satisfactorily revised site layout we withdraw our previous fluvial flood risk objection. The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is

included.

The development shall be carried out in accordance with the submitted Proposed Site Block Plan (Proposed plans; drawing no. PG/MF/2010/012/101 Rev B; Dated Jan 2023; Uploaded May 2024; Complied by Paul Gaughan Building Consultants) and the following mitigation measures it details:

- All 9 storage containers to be sited wholly within Flood Zone 2

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

5.2 Neighbours

- 65 neighbours were consulted and the following responses were received:
 - Noise and disturbance from traffic, vehicles and gates to site
 - Increase in traffic and air pollution,
 - Increase in commercial vehicles
 - Limited resident parking on road
 - Difficult to navigate wheelchairs along road
 - Road in need of repair and not suitable for large commercial vehicles
 - Unsure of how access/egress will be managed
 - Hours of site being accessed is regularly breached
 - Limited access on roads and blocking of driveways
 - Properties consulted when some people do not currently live there due to flooding
 - All properties on Wellington Street should be consulted
 - Egress route via Baily Street may block cars leaving Wellington Street via Bailey street as this is the only access onto Derby Road
 - Potential for vermin from skips
 - Numerous skips on site
 - Littering
 - Land being used for storage of waste which is a health hazard
 - Land is being sublet by owner
 - Waste on street from vehicle owners and from site
 - Already experience health and safety issues from site
 - Loss of daylight/light and sense of enclosure from containers.

6 Evaluation

6.1 Principle

Policy 15 of the Aligned Core Strategy refers to any development allowing for adequate provision for the construction of the HS2 route and the NPPF refers to the need for any significant impacts from the development on the transport network being able to be mitigated to an acceptable degree. The application is to continue the change of use of the land for storage indefinitely. HS2 Ltd has acknowledged this leg of the HS2 line is likely to not be developed and therefore there is no objection to an indefinite permission being granted.

The main considerations relate to whether the principle of the development is acceptable, with particular regard to the impact on the HS2 safeguarded zone, if there will be an unacceptable loss of amenity to any neighbours, if the development is acceptable in terms of flood risk and if there will be any unacceptable highways impact as a result of the development.

Planning permission (reference 13/00609/FUL) was previously granted to construct 7 Industrial Units (Class B2) light industry, an office block, 2 bin stores and a new access to Derby Road. This permission has been implemented and therefore could be constructed in full. As part of this application, HS2 Ltd at the time did not object as a decision regarding the route had not yet been finalised. However, they did highlight that the site may in future be required by HS2 Ltd to construct and/or operate the railway. A previous application (reference 18/00308/FUL) was refused due to HS2 Ltd objecting as a substantial part of the site is now established as being located within land subject to the Safeguarding Directions for Phase 2b of HS2. However, as mentioned above, it is extremely unlikely the Phase 2b line will be built out and HS2 has raised no objection to this application for storage being granted indefinitely.

It should also be acknowledged that the site is identified as a viable employment site for Class B employment uses within Policy 9 the Part 2 Local Plan (2019).

Given the extant planning permission which proposed a more intensive use of the site, it is considered the principle of the site being continued for storage indefinitely is acceptable. Furthermore, conditioning the delivery and collection by commercial vehicles between the hours of 08:00 – 17:00 Monday to Friday, 08:00 – 13:00 on Saturday and no deliveries/collections on Sundays and bank holidays would remain and is considered to be acceptable and would control the number of movements associated with the site within a reasonable timeframe.

As HS2, Network Rail, Environmental Health, the Highways Authority and the Environment Agency (subject to the repositioning of the storage containers) have not objected to the application, it is considered the principle of the change of use for the land to be used as storage is acceptable.

7 Assessment

It is evident from the responses received the main concerns are in relation to the operational hours of the site, the noise and disturbance created from vehicles travelling up and down West End Street and Bailey Street, potential damage to the road and potential access issues.

The previous planning permission (13/00609/FUL) to construct 7 industrial units (Class B2 – light industry) light industry, an office block, 2 bin stores and a new access to Derby Road has been implemented and therefore could be implemented at any time following the site being potentially removed from the HS2 safeguarding zone following the cancellation of phase 2b. Therefore, the principle of a significantly more intensive scheme has already been established. Although the access from West End Street would have been made redundant, the noise and disturbance created from nine industrial units with associated parking (close to residential properties) would likely be greater than the noise and disturbance created from using the land for storage.

The site has been in operation for three years and it is acknowledged there are concerns in regards to how it has functioned. For example, objections have been received that deliveries by commercial vehicles are occurring outside the hours stated within Condition 3 of 23/00095/FUL. Whilst there have been complaints made regarding the operating hours of this site, the Council can only act on the information and evidence provided and within the realms of the planning act. Therefore, should any breach of conditions occur, clear substantial evidence should be provided to the Council in order to progress with enforcement action.

During the course of the application, the site was visited numerous times. The site is still subdivided into two parts with an access serving each part by Bailey Street and West End Street. The Bailey Street site was occupied by several empty stacked skips and containers. The West End Street site was occupied by one skip that was full with building waste, an empty skip, a container and what appeared to be a small industrial fridge. Both sites were relatively empty apart from the aforementioned above. Should the application receive indefinite permission, the site would be limited to a total of two skips to manage the storage of waste materials on site and nine containers only, with all other remaining containers and skips removed within three months. By including this condition, it would mean the Council would allow the site to be kept relatively tidy but also control the functionality of the site, that it is just for storage purposes only. It is considered this is a reasonable condition to meet the needs of the site whilst not significantly compromising the amenity of surrounding neighbours.

The supporting statement outlines that the amount of trips associated with the site will likely continue to be 10 a day. The Highways Authority has raised no objection and consider the amount of trips. Whilst the number of trips could fluctuate given the site will be larger, it will still only be used for storage and will have an access and egress point meaning the vehicles accessing and leaving the site will be split between two roads.

The Highways Authority initially raised no concerns with the application which followed the same advice as the previous temporary permission; however, a further response was received raising concerns about the size of commercial vehicles accessing the site and that a swept path analysis should be provided to demonstrate that turning maneuvers can take place by 32 tonne lorries. It was advised that the application was deferred.

A swept path analysis was provided by the agent and following its assessment by the Highways Authority, they determined that whilst there still could be mitigating factors to compromise vehicles turning, there was insufficient evidence to support a recommendation for refusal. It was advised by the Highways Authority that the access/egress should be served by Bailey Street only; however, the agent declined this request on behalf of the applicant. Therefore, the access/egress as proposed from both West End Street and Bailey Street is considered to be acceptable in line with the Highways Authority's comments.

Whilst it is acknowledged the site will be increasing in size, it will now have an access and egress point. Therefore, it is likely for the residents of West End Street, the number of commercial vehicles entering the site will be halved as they will be exiting Bailey Street. Whilst it is acknowledged this will impact on the amenity of the occupants of Bailey Street, it is considered that even at a maximum of 10 trips per day, this is not significant enough to cause a detrimental level of noise and disturbance that it would warrant refusal.

It is considered the impact of this change of use application will not be detrimental to the amenity of the future occupants of the 11 apartments to the south east of the site should this scheme receive permission and implemented.

Environmental Health has raised no objection to the application and advised several conditions. They have stated that they have received complaints in regards to relating to nuisances from site operations affecting the immediate residents, these include dust from material processing, smoke from bonfires and general activity noise.

The site will remain conditioned to prevent deliveries and collections by commercial vehicles outside of the following hours: 08:00 - 17:00 hours Monday to Friday, 08:00 - 13:00 hours on Saturday and at no time on Sundays, bank holidays and other public holidays. By granting indefinite planning permission, the site will continue to have restrictive hours for commercial vehicles and therefore can be controlled if there are breaches.

Environmental Health has requested that the premises shall only operate between the hours of 07:30 – 18:00 Monday to Saturday and at no time on Sundays, bank holidays and other public holidays. However, it is considered this condition stated within is unreasonable and difficult to enforce upon. A condition that the site cannot operate outside of these hours means it cannot be accessed for any other reason which may be a requirement of the site.

Conditions in respect of preventing bonfires, noise and dust are matters that are dealt with directly via Environmental Health legislation and therefore it is considered unwarranted to include them as conditions within the recommendation.

Environmental Health has requested that the number of structures should not exceed 20 on site. However, a condition in respect of two skips and nine containers will be included which is considered sufficient and reasonable to allow storage to be kept in a tidy manner.

8 Flood Risk

The northern part of the site lies within Flood Zone 3 (high probability of flooding). The central part of the site lies within Flood Zone 2 (medium probability of flooding) and the southern part of the site lies within Flood Zone 1 (low probability of flooding).

A Flood Risk Assessment (FRA) was submitted with the application; however, the Environment Agency objected on the basis that the FRA was insufficient to meet the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance.

Further information was submitted to the EA and the EA responded that if the “...a sequential approach be taken to the location of all the proposed containers and that they be positioned in an area with the lowest flood risk i.e. the area of Flood Zone 2 within the site boundary...this would remove the requirement for floodplain compensation.” The agent submitted plans to relocate the storage containers into Flood Zone 2, therefore, this is compliant with the advice set out by the EA.

The EA has requested conditions in respect of the submission of a remediation strategy to deal with contamination risks, the submission of a verification report to show any remediation works have been completed and the halting of development if unidentified contamination is found and the need to submit a scheme for surface water disposal. However, the agent provided a Phase 1 Geo-Environmental Assessment to identify the level of contamination risk in relation to the sites history and proposal for it to continue as a storage site. The report concluded there was a moderate risk of contamination on site but given there is not a significant change in use of the site to the existing use the risk of contamination is reduced. The EA accepted the findings of the report and advised a condition that the development is carried out in accordance with the proposed plans.

No employees will be based on the site but any staff associated with the site will be provided with a flood management plan. The applicant will sign up to the Environment Agency Flood ‘early warning system.’

To conclude, it is considered that the change of use of the site is acceptable in terms of flood risk, given the fact this is for storage and distribution, no employees will work on site and those associated with the site will be made aware of flooding risks by the site owner.

9 Other

Whilst it is accepted there is some level of noise and disturbance from traffic and vehicles, this will likely decrease with an additional access point to the site. Furthermore, the controlled hours of the site that it can be accessed by commercial vehicles ensures that disturbances are largely kept within a reasonable time frame.

Whilst it is acknowledged that residents of West End Street utilise the road for parking, the Highways Authority has not objected to the site on highway safety grounds. The Highways Authority has accepted the Swept Path Analysis evidences that maneuvering of larger vehicles can take place on West End Street. The Highways Authority has not raised any concerns with the access point from Bailey Street.

It is understood that Wellington Street's only access onto Derby Road is via Bailey Street in which the site will utilise which may cause some disruption to cars travelling up and down this road. However, the Highways Authority has not raised any objection to this arrangement and having an access/egress point to the site will mean the traffic of vehicles is split via two roads reducing the overall movements of the site between two points. Whilst it is understood there may at times be some periods of waiting vehicles, it is considered this is not at the detriment of highway safety to refuse the application.

If vermin are identified on site, this should be reported to Environmental Health as this is not a material planning consideration.

Littering is an offence and should be reported to the police and is not a material planning consideration.

Whether the land is sublet or used by the owner has no bearing on the acceptability of the application.

There will be a condition that the containers cannot be stacked therefore ensuring they do not cause a significant impact on the amenity of any adjoining neighbours to the site.

Damage to cars from commercial vehicles is a matter that should be addressed directly with the site owner.

Any breach of the conditions should be reported to the Local Planning Authority.

Environmental Health has no raised any concerns in respect of air pollution or the site being a health hazard with the use of the site as storage.

As the storage containers are not directly adjacent to any neighbouring gardens and will not be stacked, it is considered they will have minimal impact on the amenity of any surrounding neighbours.

The inclusion of two skips ensures the site can be maintained and cleared appropriately.

The site plan clearly states that the site will be accessed via West End Street and exited from Bailey Street.

If the land is being sublet by the owner has no bearing on the principle of if this application is acceptable and is not a material planning consideration.

The statutory obligation of the Local Planning Authority is to inform neighbours directly adjacent to the site of the application which has been fulfilled.

10 Planning Balance

10.1 The benefits of the proposal are that it would provide the applicant with a continued use of the site whilst reducing the delivery and collection hours by commercial vehicles from the previous permission (13/00609/FUL). Whilst it is acknowledged there is some impact on the neighbouring properties, it is considered this will not be detrimental given the controlled hours and low number of vehicle movements associated with the use. Therefore, on balance, it is considered the change of use is considered to be acceptable and should be approved.

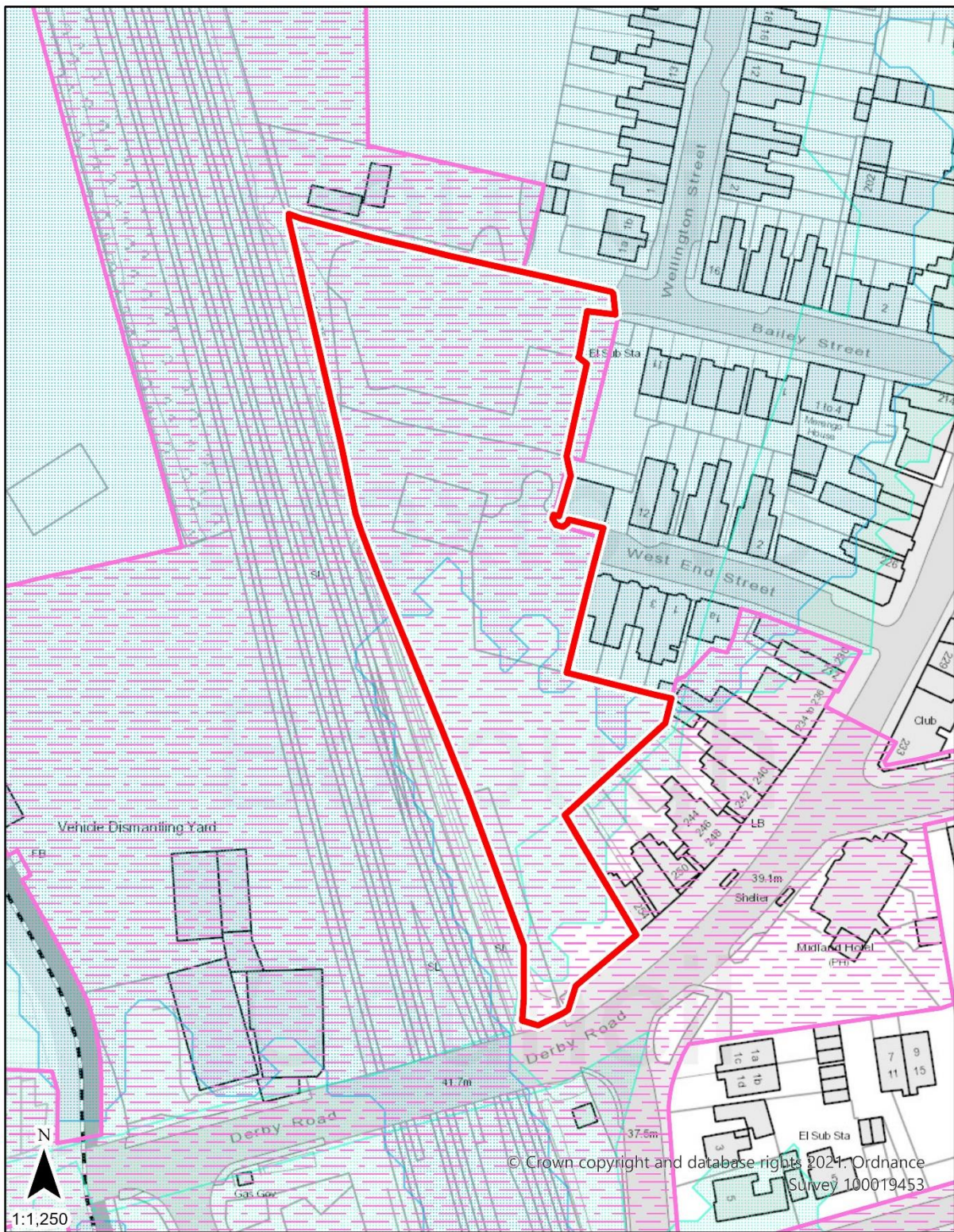
11 Conclusion

11.1 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality Duty and comments raised in the representations received, 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 carried out in accordance with the Site Location Plan (1:1250) received by the Local Planning Authority on 2 February 2023 and drawing reference: PG/MF/2010/012/101 Rev B received by the Local Planning Authority on 30 May 2024.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>Within 30 days of the date of this planning permission there should be no more than two skips at any one time located on site.</p> <p><i>Reason: To ensure the site can be kept orderly and tidy and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
4.	<p>All remaining storage containers located on site that are not included on the agreed plan ref: PG/MF/2010/012/101 Rev B should be removed within 90 days of the date of this permission.</p> <p><i>Reason: To ensure the site has only the agreed number of containers and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>

<p>5.</p>	<p>Storage containers must not be stacked on site at any time.</p> <p><i>Reason: In the interests of visual amenity and impact on neighbouring properties amenity and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>6.</p>	<p>Deliveries and collections by commercial vehicles shall only be made to or from the site between 08:00 - 17:00 hours Monday to Friday, 08:00 - 13:00 hours on Saturday and at no time on Sundays, bank holidays and other public holidays.</p> <p><i>Reason: To protect the immediate residents from excessive operational noise and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
	<p>NOTES TO APPLICANT</p>
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
<p>2.</p>	<p>The site owner should register to receive flood warnings and inform those associated with the site.</p>

Map



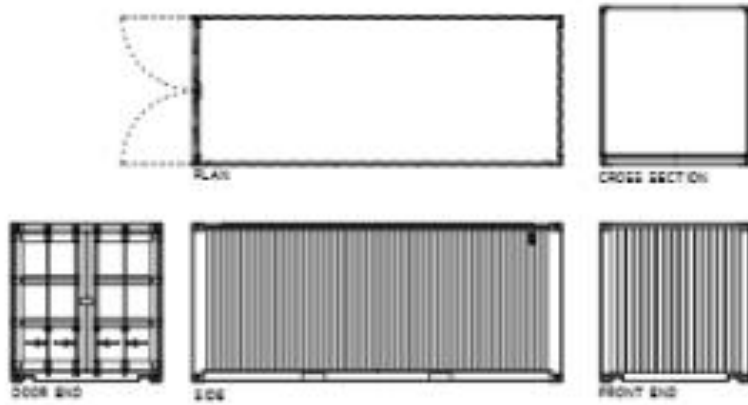
Legend

-  Site Outline
-  HS2 Safeguarding Zone
-  Flood Zone 3
-  Flood Zone 2

Plans (not to scale)



PROPOSED CONTAINER
SCALE 1:50



REVISION	DATE	DESCRIPTION

PAUL GAUGHAN
PLANNING CONSULTANT

100/101
100/101
100/101

100/101
100/101
100/101

100/101
100/101
100/101

APPROVED 14	DATE 18/01/2025	SCALE 1:500
DRAWING NUMBER PG/MF/2010/012/01		REVISION B

THIS DRAWING IS THE PROPERTY OF PAUL GAUGHAN CONSULTANTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. WITHOUT THE WRITTEN PERMISSION OF PAUL GAUGHAN CONSULTANTS. ANY UNAUTHORIZED USE OF THIS DRAWING IS STRICTLY PROHIBITED.