

## Report of the Chief Executive

APPLICATION NUMBER:	19/00774/ROC
LOCATION:	135 PASTURE ROAD, STAPLEFORD, NOTTINGHAMSHIRE, NG9 8HZ
PROPOSAL:	VARIATION OF CONDITION 3 OF PLANNING REF: 08/00347/FUL TO EXTEND DELIVERY AND COLLECTION HOURS

Councillor R D McRae has requested this application be determined by Planning Committee.

### 1 Executive Summary

- 1.1 The application seeks to vary condition 3 of planning permission 08/00347/FUL to extend the delivery and collection hours for an audio, visual equipment supplier based in Stapleford. Permission was granted to change the use of the building from a car sales and servicing business to a light industry/offices (Class B1) with external alterations in May 2008. Condition 3 of this permission stated *“Deliveries and collections by commercial vehicles shall only be made to or from the site between 07.30-18.00 Monday to Friday, 08.30-17.00 on Saturdays and at no time on Sundays, Bank Holidays or other public holidays.”*
- 1.2 An application to vary condition 3 of planning permission 08/00347/FUL was granted temporary permission in September 2008 which stated the following: *“Deliveries and collections by commercial vehicles shall only be made to or from the site between 06:00-22.00 Monday to Saturday, 07.30-21.00 on Sundays and 07.30-21.00 on public holidays until 1 October 2009.”*
- 1.3 The business has been operating in accordance with the hours as stated in section 1.2. However, as the condition stated “until 1 October 2009” the business has been in breach of this condition and an application has been submitted to regularise these hours permanently. Therefore, the business proposes the following delivery and collection hours of 06:00-22.00 Monday to Saturday and 07.30-21.00 on Sundays and public holidays.
- 1.4 The applicant has confirmed that the business has been operating in line with the hours stated in section 1.2 since receiving permission in 2008. As the business has been operating within these hours for over a period of ten years, it is considered it would not be liable for enforcement action.
- 1.5 The main issues relate to whether the principle of regularising the delivery and collection hours permanently is acceptable and whether there will be an unacceptable impact on neighbour amenity.
- 1.6 The benefits of the proposal are that it would enable the business to continue operating at the same hours it has been since 2008 and therefore continue to

support a local business. Granting the variation of condition would ensure the business is able to continue contributing to the local economy. Whilst it is acknowledged there would be some impact on neighbour amenity, the business has operated under the proposed hours since 2008 and would continue to operate in the same manner meaning the impact on neighbours would be largely unchanged.

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

## APPENDIX

1 Details of the Application

- 1.1 The application seeks to vary condition 3 of planning permission 08/00347/FUL to extend the delivery and collection hours for an audio, visual equipment supplier based in Stapleford. Permission was granted to change the use of the building from a car sales and servicing business to light industry/offices (Class B1) with external alterations in May 2008. Condition 3 of this permission stated *“Deliveries and collections by commercial vehicles shall only be made to or from the site between 07.30-18.00 Monday to Friday, 08.30-17.00 on Saturdays and at no time on Sundays, Bank Holidays or other public holidays.”* An application to vary condition 3 (hours restriction for deliveries and collections by commercial vehicles) of planning permission 08/00347/FUL (08/00635/ROC) was granted permission in September 2008. Condition 1 of this permission stated *“Condition 3 on planning permission reference 08/00347/FUL shall be varied to read as follows: Deliveries and collections by commercial vehicles shall only be made to or from the site between 06:00-22.00 Monday to Saturday, 07.30-21.00 on Sundays and 07.30-21.00 on Public Holidays until 1 October 2009.”*
- 1.2 As the application to vary condition 3 of planning permission 08/00347/FUL was granted on a temporary bases and expired on 1 October 2009, an application has been submitted to regularise these hours permanently. Therefore, the proposed delivery and collection hours will be 06:00-22.00 Monday to Saturday, 07.30-21.00 on Sundays and 07.30-21.00 on public holidays.
- 1.3 The applicant has provided a brief statement which sets out the operations of the business and requirement for the hours proposed within the application. The statement sets out the opening hours of the business which are 08:00-17:30 Monday – Friday only (excluding bank holidays). However, due to the nature of the business, one department operates outside these hours at conference events throughout the UK. Therefore, on occasions, vehicles will return to the premises outside of the normal opening hours. The purpose of the extended hours is to allow for business flexibility and security. On average, a vehicle will unload twice a month outside of the normal business working hours throughout a 12-month period. The types of vehicles usually associated with the business are no larger than transit vans. The site is secured by gates which are closed each evening.
- 1.4 The applicant has confirmed that the business has been operating in line with the hours stated in section 1.2 of the Executive Summary since receiving permission in 2008. As there is no evidence to dispute the claim that the business has been operating within these hours for over a period of ten years, it is considered it would not be liable for enforcement action.

2 Site and surroundings

- 2.1 The site lies within a commercial/residential area to the north of Stapleford town centre. No. 133 Pasture Road is a semi-detached property positioned to the south, Sandiacre Garage (used car business) is positioned to the north, Council owned allotments are positioned to the east and a vehicle servicing business and car wash is positioned to the west.
- 2.2 The building consists of two elements, one set back and both with pitched roofs and a two storey flat roof front extension. The building is constructed from red/brown brick with a corrugated metal roof. There are five large doors in the west (front) elevation serving access into the building for large vehicles.
- 2.2 A 1m high brick wall extends across the front of the site, a 1.8m high trellis topped fence extends across the south of the site, a low brick wall and vegetation extends across the east of the site and a 1.5m wall and a single storey building belonging to Sandiacre Garage extends across the north of the site.
- 2.4 The site is identified as part of a good quality employment site in the Part 2 Local Plan.

### 3 Relevant Planning History

- 3.1 An application to change the use of the building from commercial servicing (Class B2) to a car sales and servicing business (sui generis) (06/00033/FUL) was granted permission in March 2006.
- 3.2 An application to change the use of the building from a car sales and servicing business to light industry/offices (Class B1) and external alterations (08/00347/FUL) was granted permission in May 2008.
- 3.3 An application to remove condition 2 (vehicular access) attached to planning permission 08/00347/FUL (08/00544/ROC) was granted permission in August 2008.
- 3.4 An application to vary condition 3 (hours restriction for deliveries and collections by commercial vehicles) of planning permission 08/00347/FUL (08/00635/ROC) was granted temporary permission (for one year) in September 2008.

### 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 4: Employment Provision and Economic Development
- Policy 10: Design and Enhancing Local Identity

#### 4.2 **Part 2 Local Plan**

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

## 5 Consultations

5.1 **Council's Environmental Health Officer:** raises no objection.

5.2 **Stapleford Town Council:** concerned over the nature of vehicles accessing the site and potential noise and disturbance to local residents.

5.3 Nine neighbouring properties and businesses were consulted. 2 representations were received, one raising no objection and one objecting which can be summarised as follows:

- Concerns with noise between the proposed hours of 6am until 10pm including from loading and unloading
- Sometimes lorries not associate with the business are on site overnight and create noise from engines running to keep warm.

## 6 Assessment

6.1 The main issue for consideration is if the proposed delivery and collection hours will provide an acceptable standard of amenity for surrounding occupants.

### 6.2 **Principle**

6.2.1 The site is within an existing residential/commercial area and has been operating within the proposed delivery and collection hours since 2008. Although the business was granted temporary permission for the delivery and collection hours of 06:00-22.00 Monday to Saturday, 07.30-21.00 on Sundays and 07.30-21.00 on public holidays, it has continued to operate under the same hours since 2008 with the Council receiving only one complaint recently.

6.2.2 Policy 10 of the Aligned Core Strategy (2014) states that development will be assessed in terms of its impact on nearby residents or occupiers and Policy 17 of the Part 2 Local Plan (2019) states that development should ensure a satisfactory degree of amenity for neighbouring properties. It is considered that the proposed hours are acceptable in this residential/commercial area and that the regularising of the hours means this can be controlled. As the business usually operates between 08:00-17:30 Monday – Friday only, with

occasional deliveries outside of these times, it is considered the principle is acceptable.

6.2.3 To conclude, the site is located within a residential/commercial area and granting permission for the proposed hours would mean the business is able to function in accordance with how it has been for a significant number of years. Conditioning the hours will ensure that control over the delivery and collection hours can be managed and based on how the business operates, the main activity associated with the business takes place within normal weekday working hours so the impact on amenity is likely to not be detrimental.

### 6.3 Amenity

6.3.1 The application site forms part of an industrial site within a residential area in Stapleford on a main road and therefore a degree of noise and disturbance is expected from these businesses and the road.

6.3.2 No. 133 Pasture Road is the only residential property to adjoin the site to the south and therefore it is acknowledged that this is the property that is mostly affected by the business. This positioning of this property would mean that a degree of noise and disturbance is already experienced from this commercial area. Whilst it is acknowledged that regularising these hours will mean the business will be able to operate outside of normal working hours, the applicant has stated that this is largely on an ad-hoc basis with two transit vans unloading on site twice a month but the business predominantly operates between the hours of 08:30 – 17:00 Monday to Friday only. Therefore, it is considered the impact on this neighbour would not be detrimental in regards to noise and disturbance from vehicles. Furthermore, the applicant has stated that there would be no change to how the business would operate as a result of granting this permission and Environmental Health have raised no objection to the application.

6.3.3 The applicant has confirmed that lorries have parked on the site five times within the past 12 months and engines are not left running. There is no proposal for this to increase in frequency. Lorry engines are only required to be left running whilst loading and unloading.

6.3.4 It is considered the proposed regularisation of the delivery and collection hours of the business will have minimal impact on the remaining surrounding neighbours and businesses.

6.3.5 It is considered the proposed delivery and collection hours of the business are acceptable given the position of the business in a mixed use area, the nature of how the business operates and given the fact the site only adjoins one residential property.

6.3.6 To conclude, it is considered the regularisation of the hours will not have a detrimental impact on the amenity of the surrounding neighbours given the business has been operating under the same hours since 2008. Regularising

the hours will ensure there is control over the delivery and collection hours of the site.

**7 Planning Balance**

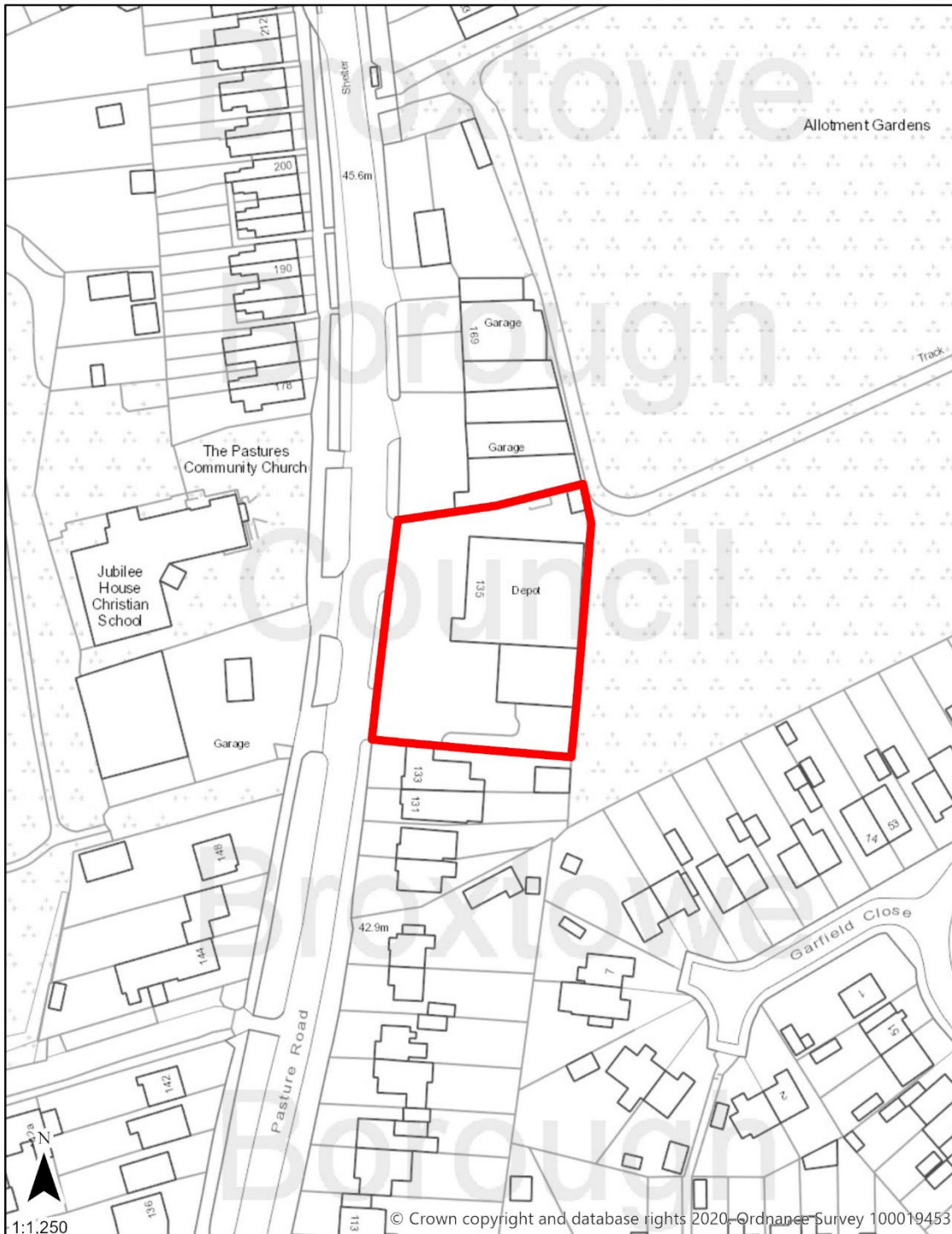
7.1 The benefits of the proposal are that it would ensure the business can continue to operate with flexibility and would support the operations of a local business. Whilst it is acknowledged there will be some impact on the neighbouring residential properties, it is considered this will not be detrimental given the nature of how the business operates and the types of vehicles that visit the site. Therefore, on balance, it is considered the variation of condition to regularise the delivery and collection hours permanently is acceptable and should be approved.

**8 Conclusion**

8.1 To conclude, it is considered the regularisation of the delivery and collection hours will not have a detrimental impact on the amenity of the surrounding neighbours given the business has been operating under the same hours since 2008. Regularising the hours will ensure there can be control over the delivery and collection hours of the site. Furthermore, as the applicant has confirmed the business has been operating in line with the hours stated in section 1.2 of the Executive Summary since 2008, which exceeds a period of ten years, it is considered it would not be liable for enforcement action.

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</b>	
<b>1.</b>	<b>The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250) received by the Local Planning Authority on 11 December 2019.</b>  <i>Reason: For the avoidance of doubt.</i>
<b>2.</b>	<b>Deliveries and collections by commercial vehicles shall only be made to or from the site between 06.00-22.00 Monday to Saturday and 07.30-21.00 on Sundays and public holidays.</b>  <i>Reason: For the avoidance of doubt.</i>
<b>NOTES TO APPLICANT</b>	
<b>1.</b>	<b>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</b>

Map



**Legend**  
[Red Outline] Site



Photographs



West (front) elevation



West (front) elevation



West (front) elevation



West (front) elevation



West (front) elevation  
Pasture



West (front) elevation and no. 133  
Road to the right