

Variation of condition 4 of planning permission 15/00387/FUL for the change of use to a timber yard and construction of offices and storage building in order to allow for the display of sheds on the site

Report Item No
A6

Former Depot Site Main Street Swannington Leicestershire
LE67 8QP

Application Reference
16/00413/VCI

Applicant:
Mr Russell Boam

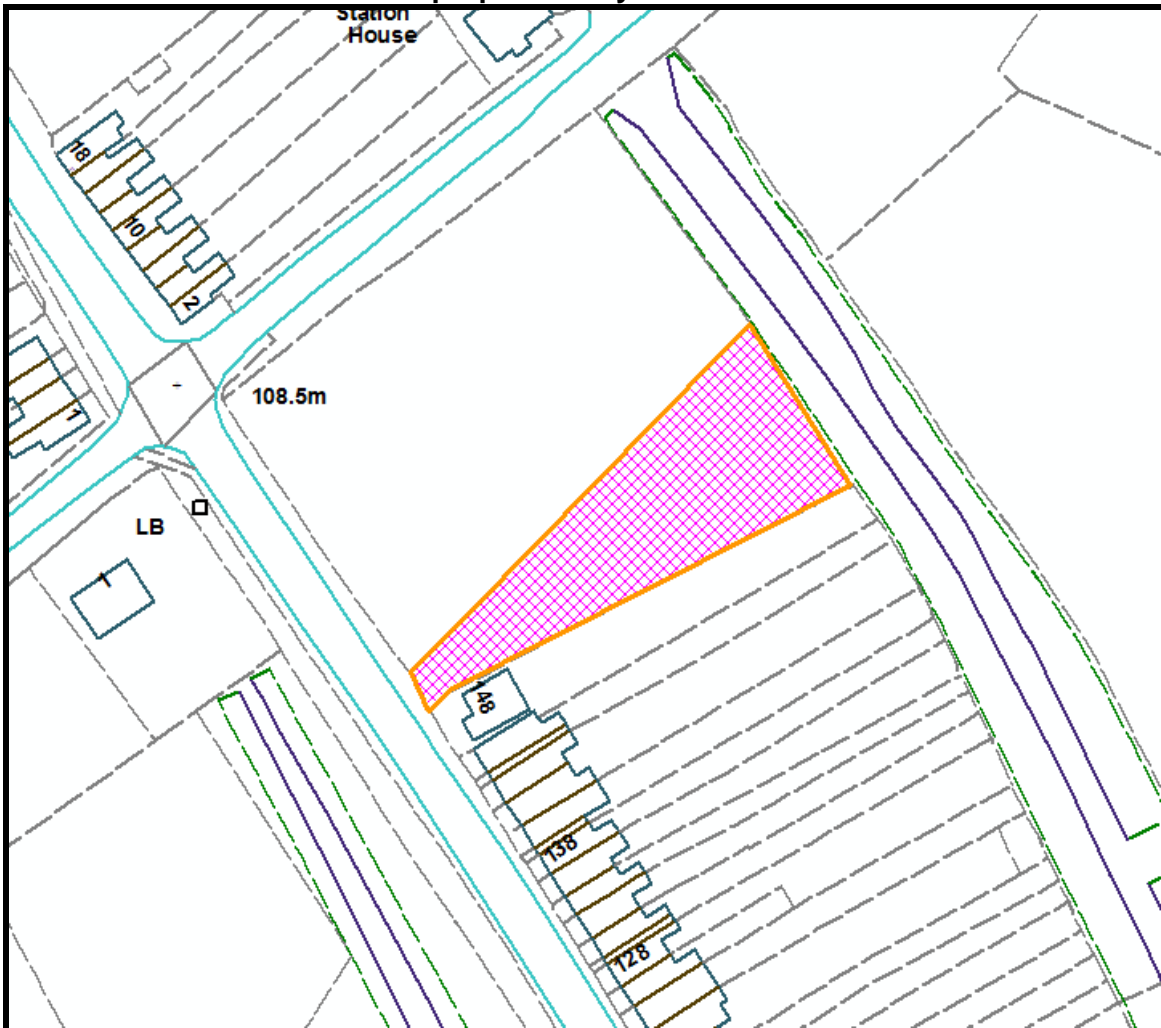
Date Registered
5 April 2016

Case Officer:
Robert McKillop

Target Decision Date
31 May 2016

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

The application is brought to the Planning Committee as Councillor Boam is the applicant and an objection has been received from Swannington Parish Council in relation to parking.

Proposal

Planning permission is sought for a variation of Condition 4 of planning permission 15/00387/FUL for the change of use to a timber yard and construction of offices and storage building in order to allow for the display of sheds on the site. The site is within the Limits to Development as designated on the Proposals Map to the Local Plan.

Consultations

Members will see from the report below that no letters of objection have been received from neighbours.

Swannington Parish Council objects to the application on the basis that it would cause parking problems in the vicinity due to insufficient parking availability within the site and the site is close to an already problematic crossroads.

Planning Policy

It is considered that the development would comply with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant policies of the adopted North West Leicestershire Local Plan.

Conclusion

The proposed development is not considered to result in any additional impacts on neighbours in terms of noise or disturbance and the development would have a limited visual impact given the nature of the site and the minor scale of the sheds that would be displayed. There is sufficient space within the site for parking and turning and the application would not result in any significant detrimental impact on highway safety within the surrounding area. Taking all of the above into account, it is considered that the application accords with relevant policies of the North West Leicestershire Local Plan, 2002 and the National Planning Policy Framework, 2012 and should be granted planning permission.

RECOMMENDATION - PERMIT, subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission was granted under reference 15/00387/FUL for the change of use to a timber yard and construction of offices and storage building at the Former Depot Site, Main Street, Swannington.

Condition 4 of this planning permission stated the following:

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order) the premises shall be used only for the purposes specified in your application and for no other purposes whatsoever.

Reason: To preserve the amenities of the locality.

Planning permission is now sought for a variation of Condition 4 of planning permission 15/00387/FUL for the change of use to a timber yard and construction of offices and storage building in order to also allow for the display of sheds on the site.

Relevant Planning History:

10/01104/OUT - Erection of one no. two-storey dwelling (outline- all matters reserved).
Withdrawn.

11/00110/OUT - Erection of one no. two-storey dwelling and detached garage (outline- all matters reserved). Permitted.

15/00387/FUL - Change of use to a timber yard and construction of offices and storage building. Permitted.

16/00420/ADC - Erection of four non-illuminated advertisements (retrospective application). Pending determination.

2. Publicity

4 no neighbours have been notified (Date of last notification 11 April 2016)

Site Notice displayed 15 April 2016

3. Consultations

Swannington Parish Council consulted 11 April 2016

County Highway Authority
Head of Environmental Protection
Planning Enforcement

4. Summary of Representations Received

No letters of representation have been received from members of the public during the course of this application.

Leicestershire County Council - Highways has not raised any objection to this application.

NWLDC Environmental Protection has no observations in relation to this application.

Swannington Parish Council objects to the application on the basis that it would cause parking problems in the vicinity due to insufficient parking availability within the site and the site

is close to an already problematic crossroads.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 28 (Supporting a prosperous rural economy)

Adopted North West Leicestershire Local Plan (2002)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S2 - Limits to Development

Policy E3 - Residential Amenities

Policy E4 - Design

Policy T3 - Highway Standards

Policy T8 - Parking

Other Policies

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

Emerging North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, as the proposed publication version of the Local Plan is to be considered by Council on 28th June with a view to its submission for examination in September, more weight can now be attributed to its policies at this stage.

Policy S1 - Presumption in Favour of Sustainable Development

Policy S5 - Design of New Development

Policy IF7 - Parking Provision and New Development

6. Assessment

The principle of the proposed development was assessed and found to be acceptable under the original application reference 15/00387/FUL. In these circumstances the only matter for consideration is whether the addition of the proposed displaying of sheds at the site would be acceptable in terms of impact on residential amenity, visual amenity of the surrounding area and

highway safety.

Residential Amenities

In terms of impact on neighbours, the use of the site as a timber yard would generate a certain level of noise. Although noise impacts are also controlled under separate regulations, the hours of use are controlled by a planning condition attached to the existing permission which would be reattached should this application be granted. Given the existing use of the site, it is deemed that displaying sheds would not increase any noise or disturbance to surrounding neighbours and it is noted that the Council's Environmental Protection Team has not raised any objection in relation to this issue. Overall the development would have an acceptable impact on residential amenity and would accord with Policy E3 of the Local Plan.

Design

Screening from the public realm is provided by existing shrubs along the boundaries of the site. A small part of the site would be set aside for displaying sheds which would be of a relatively minor scale. Given the presence of existing structures at the site, it is considered that this would have a limited impact on the character and appearance of the site. On this basis the application is deemed to accord with Policy E4 of the Local Plan.

Highway Safety

The County Highways Authority raises no objections to this application although has advised that parking and turning should be considered. Permission 15/00387/FUL included five parking spaces within the site boundary and although this application proposes alterations to the layout, it would not significantly reduce the area available for parking and turning within the site boundary. As such, the application is not considered to have a detrimental impact on highway safety and would accord with Policies T3 and T8 of the Local Plan and the 6Cs Design Guide.

Other

As the site has historically operated as a transport depot with a railway line running adjacent to the north eastern boundary of the site, a Land Contamination Assessment should be undertaken. As such, conditions would be attached to any permission granted to ensure the land is fit for use for the proposed development.

Conclusion

The proposal is acceptable in principle and would not have any significant detrimental impact on residential amenity in the area. It would have an acceptable visual impact and would not significantly impact highway safety in the area. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the Local Plan, in this case S2, E3, E4, T3 and T8. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:
 - Location Plan Scale 1:2500, received by the Local Planning Authority on 4th April 2016;
 - Proposed Site Plan Scale 1:500, received by the Local Planning Authority on 4th April 2016.

Reason- To determine the scope of this permission.

- 2 The proposed business shall operate between 0900 to 1800 Monday to Friday and between 0900 and 1700 Saturdays and Sundays. The use of any wood chipping machinery, wood splitters and/or chainsaws is only permitted between 1200 and 1600 Monday to Friday not including Bank Holidays.

Reason- To preserve the amenities of the locality.

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order) the premises shall be used only for the purposes specified in your application and for no other purposes whatsoever.

Reason- To preserve the amenities of the locality.

- 4 The vehicular access gates should be kept open at all times when the site is operating/in use.

Reason- To protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 5 Within one month of the date of this permission, a Risk Based Land Contamination Assessment shall be submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
- BS8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall

be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason- To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

- 6 Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment development must cease on that part of the site until such time as a Remedial Scheme and a Verification Plan have been prepared and submitted to and agreed in writing with the Local Planning Authority. A Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved Remedial Scheme; and
 - Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason- To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

- 7 Within one month of the date of this permission, a site layout plan showing five car parking spaces and associated turning area shall be submitted to and approved in writing by the Local Planning Authority. The access, parking and turning shall be provided strictly in accordance with the approved details and shall thereafter not be obstructed and shall permanently remain available for use.

Reason- To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required

under the Highways Act 1980 from either the Infrastructure Planning team (for `major' accesses serving more than one dwelling) or the Highways Manager (for `minor' accesses serving one dwelling only). For further information, including contact details, you are advised to visit the County Council website as follows: -

For `major' accesses - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg

For 'minor' accesses serving one dwelling contact the Customer Service Centre team
Tel: 0116 3050001.

- 3 In relation to Condition 3, this permission does not allow for sheds to be sold from the site.