

APPENDIX A

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Plot No: 2/491

ITEM 2

FULL PLANNING APPLICATION FOR THE INSTALLATION OF STORAGE CONTAINERS FOR USE AS A STORAGE YARD, INSTALLATION OF SECURITY FENCING AND A NEW VEHICULAR ACCESS WITH DROP KERB – REVISED PLANS RECEIVED 6.7.2017 AT LAND TO THE WEST SIDE OF THOMPSON STREET, CHESTERFIELD FOR MR MATTHEW FOLLON.

Local Plan: Economic Growth
Ward: Old Whittington

1.0 CONSULTATIONS

Ward Members	Letter of comment from Toby Perkins and Peter Innes
Strategy Planning Team	No objections
Environmental Services	No objections
Design Services	No objections
Yorkshire Water	No comments
DCC Highways	No objections
Neighbours/Site Notice	Two letters of objection

2.0 THE SITE

2.1 The site the subject of the application comprises an area of land to the West side of Thompson Street in the area of Chesterfield. Thompson Street is a cul-de-sac situated adjacent to the A61, and a variety of industrial units and residential properties are located within the street scene. The

site itself is of an irregular shape, measuring 0.04 hectares. The site is currently overgrown with dilapidated areas of mesh fencing forming the boundaries. An industrial unit is *situated to the North of the site, residential properties are* situated to the East of the site, a turning head is situated to the South of the site, and the A61 is situated to the West of the site. The site is allocated within the Local Plan as an area for Economic Growth.





3.0 RELEVANT SITE HISTORY

3.1 None.

4.0 THE PROPOSAL

4.1 A full planning application has been made for the installation of storage containers for use as a storage yard, installation of security fencing and a new vehicular access with drop kerb - revised plans received 6.7.2017.

4.2 Ten storage containers are proposed to be installed on the site for use as a storage yard. These are proposed to be metal shipping containers in a dark green colour in two different sizes. Five of the containers are proposed to measure approximately 2.4M in height, 2.4M in width and 3M in length, and the other five containers are proposed to measure approximately 2.4M in height, 2.4M in width and 6M in length.

4.3 The site is proposed to be cleared and covered by lime stone chippings with 2cm stones, and the existing fencing is proposed to be replaced. The original plans were to surround the perimeter of the site with security mesh fencing, however concerns were raised with regards to the appearance of this

within the street scene in close proximity to residential properties opposite. As such, consultation took place with the agent dealing with this application and it was agreed to amend the plans by providing timber perimeter fencing in dark green with security fencing inside of this. The fencing is proposed to measure just over 2.4M in height from ground level.

- 4.4 The original plans were to create a vehicular entrance to the North East of the site, with access being from Thompson Street. Concerns were raised in terms of loading and turning space, and as such consultation took place with the agent dealing with this application and it was agreed to amend the plans by creating a vehicular entrance to the South East of the site, with access being from Thompson Street.

5.0 CONSIDERATIONS

5.1 PLANNING POLICY

- 5.2 The Strategy Planning Team were consulted on this application and they raised no objections. It was stated that the proposal relates to the conversion of a vacant overgrown plot into a container storage facility (10 x 8ft high containers with security fencing of the same height) which is allocated as an employment area within the core strategy. An existing B (light industrial) use sits adjacent to the plot and two residential bungalows sit opposite. Policies CS2, CS13 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.

- 5.3 The principle of employment use at this location accords with the council's spatial strategy (CS13) as the site lies within an established business area, however to meet criterion d) of Policy CS13 the development must have no adverse impacts on traffic movement as a result of the allocation of a B8 use: In other established business and industrial locations, new B8 uses will only be permitted where they would not have an unacceptable adverse impact as a result of traffic movements.

- 5.4 Given that Thompson Street is not a through road and has on-street parking it is possible that the ease of access to adjacent properties will be affected depending on the frequency of site use. Comment from the Highways Authority should be sought on the appropriateness of the new vehicular access and the site's impact on traffic movement.
- 5.5 The site is within walking and cycling distance of the Whittington Moor District Centre meeting the concentration and sustainable access requirements of policies CS1 and CS2.
- 5.6 As the site is presently vacant it is important to consider the additional impact of employment use on the amenity of neighbours - k), Policy CS18. The hours of access planned for the site and potential for noise mitigation measures are not stated by the applicant.
- 5.7 The land is in Flood Risk Zone 1 and does not fall within a surface flooding risk zone. Whilst the plot is vegetated, development would not see a significant loss of a green infrastructure asset. Where possible, a net gain in quantity, quality or function of biodiversity should be encouraged (under the NPPF and policy CS9 of the Local Plan).
- 5.8 The Strategy Planning Team concluded that provided that sufficient consideration is given to neighbouring properties in terms of hours of use, noise and lighting the principle of development does not conflict with NPPF or the Local Plan Core Strategy.
- 6.0 **Design and Appearance (Including. Neighbour Effect)**
- 6.1 Ten metal shipping containers in a dark green colour are proposed on site, with timber perimeter fencing in dark green with security fencing inside of this. The proposed fencing would conceal the shipping containers from public view and would be the only part of the development that would be visible within the street scene. The site is currently overgrown with dilapidated areas of mesh fencing forming the boundaries, and as such it is considered that the proposed development would improve the aesthetics of the site.

- 6.2 It is considered that the design and materials are appropriate for a development of this type in this location, subject to the imposition of a condition requiring the fencing to be painted dark green. It is not expected that the development would result in any adverse issues for neighbouring properties in terms of visual impact, overlooking, overshadowing, or an overbearing impact.
- 6.3 Overall the principle of this scheme is considered to be acceptable, and is in accordance with policies CS2 and CS18 of the Core Strategy.

7.0 Highways Issues

- 7.1 The Highway Authority were consulted on the original application and they raised concerns in terms of loading and turning space. Amended plans were submitted showing a vehicular entrance to the South East of the site, with access being from Thompson Street. The Highways Authority stated that the proposed access to the site has been relocated and the security fence set back slightly to allow for visibility which is welcomed.
- 7.2 The Highways Authority stated that the comment that this is not to be a self-storage yard and therefore no visitor parking is required is noted. Whilst no gates are specifically indicated, it is assumed, given the proposal for security fencing, that gates will be provided at the access point. Generally the Highway Authority would request that these are positioned so far into the site to allow a vehicle to stand clear of the highway whilst the gates are opened/closed. In this instance this would sterilise a large area of the land and in view of the location of the site the Highway Authority would be prepared to accept the gates on the line of the visibility splay.
- 7.3 The Highways Authority commented that it is recommended that the following conditions are included in any consent.
- 1.The permission shall be personal to the applicant for the site to be used for storage of items in connection with their removals business only.

- 2.Before any other operations are commenced a new vehicular and pedestrian access shall be formed to Thompson Street in accordance with the revised application drawing and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
- 3.There shall be no gates or other barriers set forward of the visibility splay line specified in condition 2 above.
- 4.The proposed access/drive to Thompson Street shall be no steeper than 1 in 14 over its entire length.
- 5.No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

8.0

Environmental Health Issues

8.1

Environmental Health were consulted on this application and raised no objections. It was recommended that the applicant gives careful consideration to the location of external lighting. All lighting installed on site must be fitted so that it does not cause glare and overspill off site. If 24 hour access is planned for the site the applicant will need to give careful consideration to noise mitigation measures. The agent dealing with this application has clarified that no flood lights are proposed on site, and that the site would be used between working hours only. It is considered appropriate to impose a condition requiring the submission of a lighting scheme for approval in writing prior to development commencing.

9.0

Design Services

9.1

Design Services were consulted on this application and raised no objections. It was stated that if a bound surface is to be used and surface water discharged then drainage

details may be required. If the proposed limestone chippings are to be used throughout the development, then no drainage details are required. The agent dealing with this application has subsequently confirmed that the latter would be the case.

10.0 REPRESENTATIONS

- 10.1 As a result of neighbour notification, two letters of objection have been received from neighbours, along with letters from Toby Perkins MP and Councillor Innes. The letters state that the proposed development would cause issues in terms of highway safety, traffic, congestion and the ability of emergency service vehicles to access the road. The letters also raise concerns that the proposed entrance to the site would be through an existing turning head, and raise concerns with regards to operating hours being unlimited, lighting, noise, and property prices being devalued.
- 10.2 In response to these comments, it is acknowledged that there are issues in terms of highway safety, traffic and congestion on Thompson Street that need to be addressed. This is an existing issue and it has been highlighted that these matters are expected to be addressed by Derbyshire County Council by introducing yellow lines on the road. It is not considered that the development hereby proposed would exacerbate these matters, as the proposed entrance would be situated within the existing turning head and there have been no objections from Highways. It is not permitted to park within a turning head, and as such the location of the proposed entrance would not result in the loss of a parking space. Indeed creation of an access from the turning head will more than likely result in the area being maintained clear of parked vehicles.
- 10.3 The agent dealing with this application stated on 4th August 2017 that 'the site will be used by a two man team to facilitate their removals company. They will merely store goods for their clients moving house and will be used by the two of them loading and unloading. The vehicles they use are LGV's and the hatched area on the site plan denotes the loading and unloading areas. There will be no

parking/loading on the street and the site only will be used for this'. As such, it is not considered that the proposed development would cause any issues in terms of highway safety, traffic, congestion and the ability of emergency service vehicles to access the road. The letters of objection also raise concerns that the proposed entrance to the site would be through an existing turning head, however this is considered to be a logical proposal in terms of providing an entrance that can be safely reversed into or out of and without leading to the loss of any on-street parking provision. It is considered appropriate to impose a condition requiring the retention of the loading and unloading area as a clear area, to ensure that loading and unloading can take place on site and does not take place within Thompson Street.

10.4 With regards to the concerns raised with regards to operating hours being unlimited, the agent dealing with this application stated on 4th August 2017 that 'the site will be used working hours only', which is expected to be between approximately 09:00 and 17:00. It is not considered that these proposed operating times would result in any significant adverse impact on neighbouring properties.

10.5 In reference to the concerns raised in relation to lighting and noise, it is not considered that a removals storage facility operated by a two man team between 09:00 and 17:00 would cause any significant adverse issues in terms of noise disturbance. Although the agent dealing with this application has clarified that no flood lights are proposed on site, it is considered appropriate to impose a condition requiring the submission of a lighting scheme for approval. This is to ensure that any lighting on site would not have any adverse impact on neighbouring properties.

10.6 The final point with regards to property prices being devalued is not a Planning consideration.

HUMAN RIGHTS ACT 1998

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law

- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 7.4 Whilst, in the opinion of the local residents, the development potentially affects highway safety, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with ‘up-to-date’ Development Plan policies, it is considered to be ‘sustainable development’ and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for. Pre application advice was provided.

8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 CONCLUSION

- 9.1 The amended proposals are considered to be appropriate in principle, scale, form and materials and would not have any adverse impact on neighbouring properties, highway safety or the surrounding area. The proposed fencing would conceal what could be unsightly shipping containers from public view and would be the only part of the development that would be visible within the street scene. The site is currently overgrown with dilapidated areas of mesh fencing forming the boundaries, and as such it is considered that the proposed development would improve the aesthetics of the site. It is not expected that the development would result in any adverse issues for neighbouring properties in terms of visual impact, overlooking, overshadowing, or an overbearing impact.
- 9.2 The plans indicate that there would be no loss of parking, that there would be no parking/loading on the street, and there have been no objections from Highways. As such, it is not considered that the proposed development would cause any issues in terms of highway safety, traffic, congestion and the ability of emergency service vehicles to access the road. The Highway Authority recommendation of a personal consent is not considered to be appropriate in this instance, and the applicant has highlighted that no provision for storage of bins and collection of waste on site is required as there will be no waste generated on the site.
- 9.3 It is not considered that a removals storage facility operated by a two man team between 09:00 and 17:00 would cause any significant adverse issues in terms of noise disturbance. Although the agent dealing with this application has clarified that no flood lights are proposed on site, it is considered appropriate to impose a condition requiring the submission of a lighting scheme for approval. This is to ensure that any lighting on site would not have any adverse impact on neighbouring properties. As such, the proposal accords with

the requirements of policies CS1, CS2, CS3, CS9, CS13 and CS18 of the Core Strategy and the wider National Planning Policy Framework.

10.0 **RECOMMENDATION**

10.1 That the application be **GRANTED** subject to the following conditions:

Conditions

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans, with the exception of any approved non material amendment.
3. Before any other operations are commenced a new vehicular and pedestrian access shall be formed to Thompson Street in accordance with the revised application drawing and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level. The vehicular and pedestrian access shall be maintained and kept available for such use at all times and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not shall be carried out on that area of land or to preclude vehicular access thereto.
4. There shall be no gates or other barriers set forward of the visibility splay line specified in condition 3 above.
5. The proposed access/drive to Thompson Street shall be no steeper than 1 in 14 over its entire length.

6. The timber perimeter fencing shall be painted or stained dark green and retained throughout the life of the development
7. Prior to occupation of the development hereby approved, details of any external lighting shall be submitted to and approved by the Local Planning Authority. Such details shall include siting, angles, levels of illumination and any shields. The details shall be implemented in accordance with those approved and should ensure that the light falls wholly within the curtilage of the site.
8. The area shown as cross hatched on the revised plan shall be maintained clear of all obstructions and be available for loading/unloading and manoeuvring of vehicles in connection with the use of the containers hereby approved.

Reasons for Conditions

1. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
2. In order to clarify the extent of the planning permission in the light of guidance set out in “Greater Flexibility for planning permissions” by CLG November 2009. In the interests of residential amenities.
3. In the interests of highway safety
4. In the interests of highway safety
5. In the interests of highway safety
6. In the interests of visual amenity
7. To protect the amenities of the area and in the interests of road safety.
8. In the interests of highway safety

Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

3. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Communities at County Hall, Matlock

regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

4. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
5. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.