

ITEM 4

Application Reference	DC/068996
Location:	Units 8 To 11 Lindsays Industrial Estate Oakfield Road Davenport Stockport SK3 8SG
PROPOSAL:	Temporary (for one year) siting of three 10ft metal containers and refuse bins on the forecourt of the premises.
Type Of Application:	Full Application
Registration Date:	09.04.2018
Expiry Date:	04.06.2018
Case Officer:	Pippa Brown
Applicant:	Mr Philip Millar
Agent:	

DELEGATION/COMMITTEE STATUS

Ten letters of objection have been received in respect of the application. Consequently the application is a Central Area Committee decision.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission for a period of one year, for the siting of three metal containers and 5 commercial refuse bins on the forecourt of the development. The containers are each 3.05m in length, 2.44m in width and 2.58m in height and yellow in colour. The containers and bins are already in place and occupy five parking spaces within the forecourt of the premises.

The applicant has advised that they are moving to new premises at Newby Industrial estate (the applicant has been in dialogue with the local planning authority and a resubmission of withdrawn application DC/067989 is awaited) and require temporary consent for 12 months until the new premises are fully operational.

SITE AND SURROUNDINGS

The site forms part of Lindsays Industrial Estate on Oakfield Rd, a small estate located within a predominantly residential area immediately adjacent to the southern end of Davenport Large Local Centre and within 100 metres of the associated railway station.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications/appeals to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan includes:-

- Policies set out in the Stockport Unitary Development Plan Review (SUDP) adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document (CS) adopted 17th March 2011.

N.B. Due weight should be given to relevant SUDP and CS policies according to their degree of consistency with the National Planning Policy Framework ('NPPF') issued on 27th March 2012 (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given); and how the policies are expected to be applied is outlined within the Planning Practice Guidance ('PPG') launched on 6th March 2014.

Saved policies of the SUDP Review

LDF Core Strategy/Development Management policies

SIE1: Quality Places
T1: Transport & Development
T2: Parking in Developments
T3: Safety & Capacity on the Highways Network

National Planning Policy Framework Conformity

The Planning Advisory Services' National Planning Policy Framework Compatibility Self-Assessment Checklist has been undertaken on Stockport's adopted Core Strategy. This document assesses the conformity of Stockport's adopted Core Strategy with the more recently published NPPF and takes account of saved policies from the Unitary Development Plan where applicable. No significant differences were identified.

Supplementary Planning Guidance

Supplementary Planning Guidance (Saved SPG's & SPD's) does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

National Planning Policy Framework

Paragraph 6 states: *"The purpose of the planning system is to contribute to the achievement of sustainable development"*.

Paragraph 7 states: *“There are three dimensions to sustainable development: economic, social and environmental”.*

Paragraph 11 states: *“Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.*

Paragraph 13 states: *“The National Planning Policy Framework constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications”*

Paragraph 14 states: *“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking”.*

For decision-taking this means (unless material considerations indicate otherwise):

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - i) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - ii) *specific policies in this Framework indicate development should be restricted”.*

Paragraph 17 states: *“Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:*

- *be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;*
- *not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;*
- *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is*

suitable for development in their area, taking account of the needs of the residential and business communities;

- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
- *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*
- *support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);*
- *contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;*
- *encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*
- *promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);*
- *conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;*
- *actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and*
- *take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs”.*

Paragraph 187 states *“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”.*

Paragraph 196 states *“The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the*

development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions”.

Paragraph 197 states *“In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development”.*

Paragraph 215 states *“.....due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.*

RELEVANT PLANNING HISTORY

J/072889

Address: Units 9-11 Lindsays Ind Estate Oakfield Road

Application Type: XHS

Proposal: "REAR EXTENSION, NEW PITCHED ROOF AND REFURBISHMENT TO FRONT AND SIDE ELEVATIONS"

Decision: GTD

Decision Date: 1999-09-08

J/31266

Address: Unit 9 Lindsays Garage Oakfield Road Davenport.

Application Type: XHS

Proposal: Change of use of part of motor vehicle repair garage to warehouse and light industrial use.

Decision: GTD

Decision Date: 1984-06-19

J/41810

Address: Unit 9 Oakfield Road Davenport.

Application Type: XHS

Proposal: Change of use to motor car repairs and car bodywork including paint spraying also installation of new roller shutter door.

Decision: REF

Decision Date: 1988-05-04

DC/010475

Address: Units 6-12 Oakfield Road Davenport Stockport Cheshire

Application Type: FUL

Proposal: Provision of new roof and extension to existing car parking area

Decision: GTD

Decision Date: 2003-06-10

NEIGHBOUR'S VIEWS

The owner/occupiers of 35 neighbouring properties have been notified by letter and the proposal. To date 10 representations have been received comprising of 10 objections. The key issues raised are:

- The containers/ bins are unsightly – impact on visual amenity
- Obstruction of public highway by vehicles and containers
- Noise at unsociable hours (bins/ deliveries before 6am)
- Loss of parking and resultant increased pressure on parking in the local area
- Displacement of staff, deliveries and litter onto the public highway

CONSULTEE RESPONSES

Highways Engineer

The application is for the temporary siting of containers on the property forecourt, for a period of 12 months whilst the business relocates. I note the application is retrospective although presume that any permission granted would be for 12 months from the date of decision.

The siting of the containers and refuse facilities has resulted in the displacement of parking from the site as 5 bays are occupied. Whilst this is far from ideal I have no reason or evidence to argue that the displaced parking has and will continue to give rise to highway operational concerns or adversely impact on the safety of highway users. The proposal is only for a temporary period and it would be difficult to justify an objection on parking grounds without a substantive evidence base.

I do note that the refuse containers on occasion are sited on the footway and this can cause difficulty for other footway users. A solution would be a temporary barrier or screen to prevent spillage from the site.

Recommendation: No objections.

ANALYSIS

The Industrial Estate lies within a predominantly residential area and abuts Davenport Large Local Centre as identified on the Proposals Map of the sUDP Review.

The retrospective application is for the siting of 3 container and 5 commercial bins on the forecourt of the premises in place of 5 parking spaces for a period of 12 months. The occupier has outgrown their current premises. The Council has been working with the occupier to help them relocate within the borough and the local planning authority is awaiting the resubmission of a planning application at Unit 16 Newby Industrial Estate associated with this move.

The use at Units 8-11 Lindsays Industrial Estate is an established 24 hour use and neither the use nor the hours of operations are for consideration at this time within this application. The key issues for consideration are loss of parking as a result of the containers and bins being positioned on existing parking spaces; obstruction of the public highway by the containers and bins; and visual amenity.

Visual Amenity

The application is for temporary not permanent storage on the forecourt and the containers and refuse storage are already in place, so their impact on visual amenity can be fully assessed. Permanent installation of containers and refuse storage on a forecourt would not usually be considered favourably in terms of visual amenity. However taking into account the short timeframe required to allow the business to relocate, and that a condition can be imposed to ensure that the containers and refuse storage are removed and the parking spaces reinstated within that timeframe, the impact on visual amenity is not considered to warrant the refusal of planning permission, and as such the scheme is viewed as broadly complying with policy SIE1.

Obstruction of the Public Highway

Site visits have been undertaken during the day and in the evening (8pm). The containers and refuse facilities are already located on the forecourt of the premises and the site visits have identified that the containers and bins are positioned on private land. The containers are static so do not obstruct the public highway, however the bins are on wheels and although they have not obstructed the public highway during the site visits, as the forecourt is open to the back of pavement there is scope that they could. This potential issue could be overcome through the provision of a temporary 'barrier' or 'screen' within the forecourt at the back of pavement, and this could be secured via planning condition. In view of this, the application is viewed as satisfactorily addressing the relevant highways development plan policies in this regard.

Loss of Parking

The siting of the containers and refuse facilities has resulted in the displacement of five parking spaces from the site. The Highways Engineer acknowledges that although this is not ideal, there is no evidence to suggest that the displaced parking has and will continue to give rise to highway operational concerns or adversely impact on the safety of highway users, and as the proposal is for a temporary period it would be difficult to justify an objection on parking grounds without a substantive evidence base. In view of this, the application is viewed as satisfactorily according with the relevant highways development plan policies in this regard.

Summary - 'Sustainable Development'

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking. Paragraph 7 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and Paragraph 8 indicates that these should be sought jointly and simultaneously through the planning system.

In this instance there are several benefits that weigh in support of the proposal, in particular that the temporary consent will allow an existing employer's growing business in the borough to remain in business whilst relocating to larger scale premises.

Conclusion/Reasons

In considering the planning merits against the NPPF as a whole the proposal represents sustainable development; Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the application be granted subject to conditional control.

RECOMMENDATION

It is recommended that Central Stockport Area Committee grant planning permission.