

## **INFORMATION RECEIVED SINCE PREPARATION OF REPORT**

Application number	TWC/2015/0496
Site address	Reviive, Wellington Road, Donnington, Telford, Shropshire, TF2 8AA
Proposal	Variation of condition 2 of planning permission TWC/2013/0118 to allow the movement of the woodwork workshop from the main building to another building on site
Recommendation	Full Grant

**THIS APPLICATION WAS DEFERRED AT THE 15<sup>TH</sup> JULY 2015 PLANNING COMMITTEE SO THAT THE COMMITTEE COULD VISIT THE SITE.**

OBJECTIONS RECEIVED: Yes.

**THIS APPLICATION IS BEFORE COMMITTEE AT THE REQUEST OF DONNINGTON AND MUXTON PARISH COUNCIL.**

### **1. PROPOSAL**

- 1.1 Planning permission was granted in March 2013 for the change of use of the former Inchcape car showroom and workshop to a furniture showroom and workshop (planning application reference TWC/2013/0118). Planning permission was granted subject to a number of conditions, including a condition (No.2) that stated:

*The activities associated with the furniture business will operate as set out in the email of 22nd March 2013 from Julian Price of Shropshire Housing Alliance, unless otherwise agreed in writing by the Local Planning Authority.*

- 1.2 The email made reference to a woodwork workshop that would be located within the main building and to an electrical workshop where Portable Appliance Testing would take place. The development has not operated in accordance with this description as a separate detached outbuilding is being used as a woodwork workshop. This is located to the rear of the main building and backs onto the rear garden of 'Newlyn', a house fronting Furnace Lane.
- 1.4 This application seeks to vary the wording of Condition 2 of planning permission TWC/2013/0118 to enable the detached building to be used as a woodwork workshop.

### **2. SITE AND SURROUNDINGS:**

- 2.1 The site is located on the southern side of Wellington Road between Donnington and Trench. The overall site measures 0.5 hectares and contains a large relatively modern building constructed in grey cladding with large glazing panels.

- 2.2 There is a parking area to the front and side of the building and to the rear there is a yard containing a number of shipping containers and a detached building that was previously used as a valeting bay. It is the use of this building that is the subject of this application.
- 2.3 The site is located in a mixed residential and commercial area, with rear gardens of the houses in Furnace Lane bounding the site to the south west and rear gardens of the houses in James Way bounding the site to the east. Opposite the site is a Territorial Army building and the (now demolished) Coddon Social Club.
- 2.4 The boundary to the houses along Furnace Road consists of close boarded fencing and boundary to the east consists of a metal fence with screening attached. The site is flat and the workshop building is single storey with openings on the front and side of the building.

### **3. RELEVANT PLANNING HISTORY:**

#### 3.1 Planning Applications:

- TWC/2013/0118: Change of use of car showroom and workshop to furniture showroom and workshop. Approved 25/03/2013.
- TWC/2013/0854: Installation of 4no. storage units (Retrospective). Refused 11/12/2013.

#### 3.2 Enforcements:

- ENF/2013/0585: Alleged breach of condition 2 (furniture business activities) and 5 (opening hours and workshop activities, collection & deliveries) of TWC/2013/0118. Enforcement Notice issued 29/01/14 and the appeal was dismissed 17/02/2015.

### **4. PLANNING POLICY CONTEXT:**

4.1 National Planning Policy Framework (the NPPF) – the NPPF is not the development plan for Telford and Wrekin but it is a material consideration in this case because all of the borough's development plan policies have to be viewed in the light of this more recent national guidance.

#### 4.2 Core Strategy policies

- CS2 Jobs
- CS15 Urban Design

#### 4.3 Saved Wrekin Local Plan policies

- E4 Development on Unallocated Employment Sites in the Urban Area
- UD2 Design Criteria

### **5. SUMMARY OF CONSULTATION RESPONSES:**

## Standard consultation responses

- 5.1 Donnington and Muxton Parish Council: Object.
- The Wrekin Housing Trust (WHT) has disregarded the conditions laid out in the planning consent obtained in 2013,
  - The area is being used as a dump,
  - Noise and disturbance affects residents and workmen,
- 5.2 Environmental Services (Pollution Control): Comment:  
Concerns are raised due to the complaints that have been received. A temporary approval will give the applicant time to complete a survey and potentially implement and suggested mitigation. All doors and windows should remain closed when tools are being used.
- 5.3 Shropshire Fire Service: No objection subject to the attachment of an Informative.

## Neighbour consultation responses

- 5.4 A total of 22 letters were sent to neighbouring properties and as a result 5 letters of objection have been received raising the following issues:
- Noise and disturbance which can be heard from gardens and within houses
  - An additional workshop would add further noise
  - Only hand tools are permitted
  - Breaking up of furniture in the yard is also noisy
  - More powerful and noisy equipment could be used
- 5.5 Reference has been made to the use of the site as a waste transfer station which relates to the enforcement at the site listed in Paragraph 3.2 above. This proposal does not relate to that operation but reference will be made to it below.

## 6. **PLANNING CONSIDERATIONS:**

- 6.1 Having regard to the development plan policies and other material planning considerations, including comments received during the consultation process, the planning application raises the following main issues:
- The impact on the living conditions of neighbours
  - Other matters

### The impact on the living conditions of neighbours

- 6.2 Planning permission was granted for a change of use of the site from car sales and workshop to a furniture showroom and workshop in 2013. The business is a community project that collects/takes delivery of furniture and other donated items, repairs and refurbishes them and then sells them. The previous use of the site as a car sales/repairs business caused disturbance to residents and objections were raised to the previous application regarding the potential for noise from the workshops. Information was received from the

applicant regarding the operation of the business and it was considered that subject to conditions controlling how the business would operate that the proposal would not be harmful to the living conditions of the occupiers of neighbouring houses. The woodwork workshop should have been located within the main building with the roller shutter doors closed during operation. The business has not operated in accordance with those restrictions with the detached former valeting building being used as a woodwork workshop.

- 6.3 The objections that have been received from neighbours mainly relate to the noise and disturbance from the use of the machinery in the workshop. It is claimed that the machinery is clearly audible from within the houses next to the site even with all doors and windows closed. The workshop is adjacent to the boundary with the houses in Furnace Road (and approximately 20 metres from the houses) and as such there is the potential for the workshop to have a detrimental impact on living conditions.
- 6.4 Officers have visited the site and listened to machinery being operated although residents are concerned that not all of the machines were demonstrated for officers. It was clear during the site visit that both of the doors in the workshop were open during its use and it is likely that noise levels would be reduced if the doors were shut when the workshop is in use.
- 6.5 The existing planning permission allows for the workshops within the main building to be used between the hours of 09:00 and 17:00 from Monday to Friday subject to the doors remaining closed. It is considered reasonable to grant planning permission for the use of the detached outbuilding as a workshop for a temporary 6 month period with further restrictions to ensure that both of the doors are shut when the workshop is being used (apart from to allow access and egress). This would allow an appropriate amount of time for the use to be monitored and for complaints to be investigated if they continue to be received. This will also allow time for the applicant to undertake a noise assessment that would be required before a permanent permission could be considered.
- 6.6 Accordingly it is considered that the proposal would be in accordance with Core Strategy Policies CS2 and CS15, Saved Wrekin Local Plan Policies E4 and UD2 and the NPPF.

#### Other matters

- 6.7 Reference has been made in the representations received from the Parish Council and from residents to the use of the site as a waste transfer station. This relates to the use of the site by Wrekin Housing Trust as a waste transfer for their properties. Enforcement action was taken against this use and following the appeal being dismissed in February 2015 that use has now ceased at the site.
- 6.8 A number of shipping containers are located at the site however they do not form part of this proposal and a separate planning application to seek their retention has been submitted to the Council. Although both of these matters

have been issues for local residents they are not material planning considerations in the determination of this application.

## **7. CONCLUSIONS**

- 7.1 It is evident from the representations that have been received that the use of this building as a woodwork workshop has the potential to cause harm to the living conditions of nearby residents. However it is considered that given the previous use of the building for the valeting of cars and subject to further restrictions to ensure that the doors are close during its use then, on balance, a temporary six month consent would be appropriate so that any complaints that are raised can be assessed to ascertain whether the use causes a statutory nuisance.

## **8. RECOMMENDATION**

Based on the conclusions above, it is recommended that the Committee GRANT PLANNING PERMISSION for a temporary 6 month period subject to the following conditions:

1. Temporary consent
2. In accordance with email dated 22nd March in addition to detached workshop.
3. Hours / Days of operation
4. Doors to remain closed
5. No burning of materials
6. Approved plans

### Informatives

- |    |         |   |
|----|---------|---|
| 1. | I40     | Conditions                                    |
| 2. | Fire    | Fire Authority Informative                    |
| 3. | I41     | Reason for grant of permission                |
| 4. | RANPPF1 | Approval – National Planning Policy Framework |