

TWC/2016/0232

Reviive, Wellington Road, Donnington, Telford, Shropshire, TF2 8AA
Retention of 3 storage containers for use for storage in connection with the authorised use of the site for the sale, storage and refurbishment of furniture (Retrospective)

APPLICANT

Reviive CIC

RECEIVED

11/03/2016

PARISH

Donnington and Muxton

WARD

Donnington

OFFICER Matthew Thomas

DONNINGTON & MUXTON PARISH COUNCIL HAS REQUESTED FOR THIS APPLICATION TO BE DETERMINED BY MEMBERS OF PLANNING COMMITTEE

OBJECTIONS RECEIVED: Yes

1.0 MAIN ISSUES:

1.1 The impact on the living conditions of neighbours

2.0 PROPOSAL

2.1 This planning application seeks permission for the retention of three storage containers in the yard located to the rear of the furniture store and workshop known as Reviive, located off Wellington Road in Donnington, to be used as storage in connection with the existing business operated from the site.

2.2 There are currently 4 containers located on the site, marked 'A', 'B', 'C' and 'D' on the existing block plan submitted with this application. It is proposed that container 'B' shall be removed from the site. Containers 'A' and 'D' are both to be relocated from their current positions adjacent to the rear boundaries of the adjacent residential properties, to the locations identified on the submitted proposed block plan, so that the remaining containers are located together, adjacent to the rear of the store/workshop building.

2.3 The containers are to be used for storage in connection with the use of the main building on the site, including in particular, storage of items which are to be sold in the retail store as well as general storage of items ancillary to the use and occupation of the main building.

3.0 SITE AND SURROUNDINGS

3.1 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.

- 3.2 There is a parking area to the front and side of the building and to the rear there is a yard containing the shipping containers and a detached building that was previously used as a valeting bay and has recently been used as a workshop.
- 3.3 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.
- 3.4 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.

4.0 SUMMARISED CONSULTATIONS

Standard consultation responses

- 4.1 Donnington & Muxton Parish Council: Object
- Object in order to preserve the amenities of the neighbours and the Parish Council insists that the conditions set when approval for the original application to locate this business here are implemented
 - The applicant has and continues to show complete disregard to conditions previously imposed and recommendations made by officers from the Borough Council when visiting the site. As far as the Parish Council is aware no application for the containers to be sited at this location was made and it continues to be used as a waste transfer site with more companies linked to the Wrekin Housing Trust and Reviive using the site for that other than specified in the original conditions
 - The noise resulting from the deconstruction of the furniture and other items is having a detrimental impact on neighbours whose videos and photographs clearly shows use of site other than that permitted and disregard to the use of health and safety equipment when breaking up furniture and other items
- 4.2 Environmental Health: Support subject to conditions
- The three storage units are only to be used to store the items arising from Reviive current normal business practice
 - The times the three storage units are to be filled and emptied only to take place during Reviive current opening hours; namely:
Monday to Friday 09:00 – 17:00 hours, Thursday 09:00 – 18:00 hours, Saturday 10:00 – 17:00 and Sunday 10:00 – 16:00 hours
 - Should there be any change to the above that results in an increase in noise coming from the site, a suitable noise assessment shall be required
- 4.3 Shropshire Fire Service: Comment - include Fire Authority informative

Neighbour consultation responses

4.4 Following neighbour consultation 2 letters of objection were received and the issues raised have been summarised below:

- No mention of any need for the containers was made when the original planning application was submitted
- Scarcely credibly that the original plans had overlooked the need for additional storage space which makes the waste transfer use more credible
- Some of the furniture is left outside the workshop and is later broken down or taken to the skips – noise from items being broken is audible within neighbouring properties and makes working or sitting in the garden impossible
- The Clean Cut company are apparently part of the furniture scheme, based in Ludlow with a link to the Wrekin Housing Trust
- Some reduction in the movement of skip lorries in the yard however the yard is still being used to process items that have been collected
- If the site at Ketley was used as it was intended, the skips which are ancillary to the lawful use of the site could be filled and emptied less frequently
- The wood workshop has been relocated and residents are no longer hearing that machinery however it was put in to the old valeting bay shed and therefore is planning permission required for this retrospective use?
- Residents are concerned about future expansion of the site without planning permission and associated nuisances cause
- 3 containers is greatly in excess of that which would be required for activities that lie within the permitted use of the site
- None of the previous permission have been adhered to
- The site has been making noise and mess from day one

5.0 RELEVANT HISTORY

Planning Applications

- 5.1 TWC/2013/0118 – Change of use of car showroom and workshop to furniture showroom and workshop – Full Granted (25/03/2013)
- 5.2 TWC/2013/0854 – Retrospective siting of 4no. storage units to be used in conjunction with waste transfer facility – Full Refused (11/12/2013)
- 5.3 TWC/2015/0496 – 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 – Full Refused (11/08/2015)
- 5.4 TWC/2015/0602 – Siting of 4no. containers for storage (Retrospective) – Full Refused (28/08/2015)

Enforcements

- 5.5 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

6.0 RELEVANT POLICIES

- 6.1 National Guidance
National Planning Policy Framework (NPPF)
- 6.2 Core Strategy:
CS2 Jobs
CS15 Urban Design
- 6.3 Wrekin Local Plan:
E4 Development on Unallocated Employment Sites in the Urban Area
UD2 Design Criteria
- 6.4 Telford & Wrekin Local Plan (Publication Version)
SP4 Presumption in favour of Sustainable Development
EC2 Employment in the Urban area

7.0 BACKGROUND INFORMATION

- 7.1 In March 2013 planning permission was granted for the change of use of a car showroom and workshop off Wellington Road in Donnington to a furniture showroom and workshop. This permission was subject to a number of conditions including a personal permission to the applicant and opening hours.
- 7.2 In January 2014 the Council served an Enforcement Notice on the applicant as it was alleged that there had been an unauthorised change of use of the site from a furniture store and workshop to a mixed use of furniture shop, workshop, waste transfer station and siting of container units. The applicant submitted an appeal against this enforcement notice (appeal ref: APP/C3240/C/14/2214532). The Inspector upheld the enforcement notice in part, by requiring the cessation of any waste transfer aspects of the operation. The applicant has duly complied with the enforcement notice, having ceased all activities relating to the sorting of imported furniture and other goods on site, and these activities now take place at a second site rented by the applicant in Ketley.
- 7.3 The wording of the Enforcement Notice as issued by the Council had required the applicant to remove all skips and container units from the land however the Inspector concluded that the effect of this would be to wrongfully take away elements of a lawful use and the wording of the notice was therefore varied by the Inspector so as to require only the removal of containers used in association with the unlawful waste transfer station use. Following that

decision, the four containers were retained in situ on the site and have been in use for storage uses in connection with the on-going permitted use.

- 7.4 In acknowledgement that the containers were proposed to be retained on the site in a permanent manner, an application was subsequently made for the retention of all four containers (ref TWC/2015/0602) which was refused by the Local Planning Authority in August of that year. At that time officers considered the containers were sited in close proximity to the boundaries with neighbouring houses and that the storage containers were visible from those properties and were of poor design. The application was refused for the following reason:

The containers, by virtue of their design and siting, are considered to have a detrimental effect on neighbouring properties amenities and are therefore considered to have a detrimental and unacceptable impact on the amenities of neighbouring properties in terms of noise and visual impact and that the proposal therefore conflicts with Core Strategy Policy CS15, saved Wrekin Local Plan Policy UD2 and the NPPF.

- 7.5 This current application has been submitted following the above refusal and the applicant states that it 'represents a wholly different position, one which is more sensitive to the impact on the adjacent occupiers whilst continuing to provide the storage facilities which are required for the continuance of the permitted use of the site and the effective operation of the applicant's business'.

8.0 PLANNING CONSIDERATIONS

- 8.1 Having regard to the development plan policies and other material planning considerations, including comments received during the consultation process, the main issue in the consideration of this planning application is the impact on the living conditions of neighbours.
- 8.2 The previous application (ref: TWC/2015/0602) was refused as the proposal was considered to have an unacceptable impact on the living conditions of neighbouring properties in terms of noise and visual impact. The applicant has addressed these issues in the accompanying supporting statement.

Noise

- 8.3 The applicant has stated in the supporting statement that the containers are not opened on a regular basis meaning that there is limited noise emanating from their opening and closing. The applicant continues that employees do not access the containers frequently, nor are they regularly filled and no activities which create noise take place inside the containers.
- 8.4 It is now proposed to remove Container 'B' from site and this alone will reduce the potential for noise generation. Containers 'A' and 'D' are to be relocated as far away from the rear boundaries of the adjoining residential properties and closer to the main building. These two containers will be situated

alongside container 'C' so that they are all in one cluster, reducing any adverse visual impact. The existing boundary fencing/hedging will provide a shielding effect, thus further reducing the impact of any noise that is generated in the use of the containers.

- 8.5 The Council's Environmental Health Officer has been consulted during the process of this application and has assessed the current proposal in respect of the impact on the living conditions of neighbouring properties as a result of any noise being generated from the use of the containers. The Officer supports the application on the basis that the three storage containers are used for the storage of items arising from current normal business practice only and in line with the existing opening hours. It is proposed to control this through the use of appropriately worded conditions. The applicant is to be made aware that any changes to the above will result in the requirement for a comprehensive noise assessment however one is not deemed necessary for this application.

Visual Impact

- 8.6 In respect of the adverse visual impact of the previously refused proposal the supporting statement confirms that one of the containers (container 'B') will be removed and that containers 'A' and 'D' will be relocated away from the rear boundaries of the adjacent residential properties.
- 8.7 Officers are minded to agree with the applicant that the residential properties bordering the site on James Way have the benefit of a large amount of screening by tall trees such that, for a large proportion of the properties on this street, the site will not be visible from the rear of these dwellings. For those properties where the trees do not fully screen the containers, a high fence along this boundary means that they are only visible in their current location from the first floor of those properties.
- 8.8 The Local Planning Authority considers that the relocation of containers 'A' and 'D' will reduce their visual impact by reducing their prominence within the site and to the extent that they are visible to the adjacent occupiers, they will be seen in the context of and against the backdrop of the main building, reducing their visual impact. In relation to those properties situated along Furnace Lane; for the vast majority, container 'C' is obscured from view by the main building and so following the relocation of containers 'A' and 'D' next to container 'C' and when considering the separation distances involved, these two containers will be similarly obscured, so that the overall visual impression will be significantly improved for the occupiers of those dwellings.

9.0 CONCLUSION

- 9.1 The Local Planning Authority considers that the applicant has successfully addressed the previous reason for refusal in that the current proposal is no longer contrary to policy CS15 of the Core Strategy or policy UD2 of the Wrekin Local Plan. The proposed removal of one of the containers together with the relocation of two containers closer to the main building and away

from the rear boundary of adjacent neighbouring properties will reduce the impact on the living conditions of neighbours in terms of noise and visual impact and this has been reflected in the small number of neighbour objections received.

- 9.2 Officers do acknowledge the 2 letters of objection received by neighbours. The issues contained within primarily relate to noise and disturbance and concerns over the way the business is currently operated and how it will be operated in the future. Whilst officers consider the proposal is now acceptable and compliant with local planning policy it is considered appropriate to allow a temporary permission for a 2 year period. During this time the Local Planning Authority will be able to monitor the site and assess any complaints received to ascertain whether the use causes a statutory nuisance and will be able to reconsider the permission, if at all necessary, at the end of the 2 year period.

8.0 RECOMMENDATION

- 8.1 Based on the conclusions above, it is recommended that the Committee **GRANT PLANNING PERMISSION** for a temporary 2 year period subject to the following conditions:

1. Temporary consent – 2 years
2. Containers to be used for storage purposes associated with the original planning permission only
3. Hours/Days of operation (as existing)
4. Approved Plans

Informatives

1. Fire Authority
2. Conditions
3. Reasons for grant of permission
4. Approval – National Planning Policy Framework