

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

4 DECEMBER 2013

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

13/2508/COU

82 Victoria Road, Thornaby, Stockton-on-Tees

Retrospective application for change of use from Storage (B8 Use Class) to Car repair (B2 Use Class)

Expiry Date 9 December 2013

SUMMARY

This retrospective application seeks planning permission for a change of use from storage (B8 Use Class) to a car repair use (B2 Use Class). As part of the scheme no external alterations are proposed. The submitted application form indicates that the business employs 1 full time employee and that the use would operate between 0800-1800 hours weekdays and 0800-1500 hours on Saturdays.

The application site relates to a semi-detached warehouse (approximately 85sqm in area) building located along Victoria Road, Thornaby. The established single storey building is adjoined to No 84 Victoria Road which includes a shop and a flat.

The Head of Technical Services does not consider there are sufficient grounds to object to the scheme on highway safety grounds, subject to a planning condition to ensure all business use is confined to within the boundary of the site and is contained in the recommendation.

No objections have been received from the Environmental Health Unit who have recommended conditions relating to hours of operation, details of noise insulation and fume/odour control, waste oil and use of solvents which are recommended accordingly.

Councillor Stephen Walmsley supports the application.

6 letters of objection have been received from neighbouring properties, which are summarised as the use being inappropriate for the residential area; property devaluation and loss of business; impact on amenity and impact on highway and pedestrian safety.

Subject to the imposition of the identified relevant planning conditions, the scheme is considered to accord with the general principles of the National Planning Policy Framework and accord with the principles of sustainable development. The scheme as proposed is not considered to have an adverse impact on the character and appearance of the area or lead to an unacceptable loss of amenity for neighbouring land users. It is considered that the scheme will not have an adverse impact on highway safety.

The application is recommended for approval accordingly.

RECOMMENDATION

That planning application 13/2508/COU be approved subject to the following conditions and informatives below;

01 The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date on Plan
SBC0001	3 October 2013

Reason: To define the consent.

Conditions to be discharged prior to commencement

02. Noise Insulation and fume/odour control

Within two months from the date of the decision notice, the premises to which this permission relates shall be insulated against the emission of noise, odours and fumes in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of both noise insulation measures and a ventilation and fume extraction system, including a full technical specification by a suitably qualified technical professional person, specifying the position of any ventilation, fume or flue outlet points to prevent odour or fume nuisance and to allow satisfactory ventilation to the building.

The agreed scheme shall be implemented within two months of the written agreement from the Local Planning Authority and be maintained in perpetuity.

Reason: In order to adequately control the impacts of the sites use on the amenity associated with the surrounding residential area in accordance with the requirements of Core Strategy Policy CS3.

Conditions to be Implemented

03. Waste oil

Should it be necessary to drain off sump oil, gearbox oil, hydraulic fluids and battery acids, all of this shall be carried out on a bonded impervious area which is to be drained into an interceptor constructed to retain all such fluids until removed by a licensed waste transport carrier.

Reason: In order to prevent pollution of the water environment.

Conditions which will remain in perpetuity

04. Restriction of use

Notwithstanding the provisions of the Town and Country Planning Use Classes Order (General Permitted Development) Order 2013 (or any order revoking and re-enacting that order), the development hereby approved shall be used as a car repair use only (B2 use Class) and for no other use within Use Class B2 and the unit shall not be sub-divided.

Reason; In the interests of the amenity of neighbouring land users and to which the permission is based upon.

05. Works inside building only

The car repair use hereby approved shall be confined to the building known as 82 Victoria Road only and no works shall take place outside of the building or on the adjacent highway.

Reason: In order to adequately control the impacts of the sites use on the amenity associated with the surrounding residential area and in the interests of highway safety.

06. Operating Hours

The building shall not be used for the repair of vehicles and no machinery shall be operated within and 0800-1500 hours on Saturdays and no working shall take place on Sundays or Bank the building or deliveries taken outside the hours of 0800- 1800 hours Monday to Friday Holidays.

Reason: In the interests of residential amenity.

07. All customer vehicles which have been left with or are in the control of the operator of the site or are brought to the site for the purposes for which the approval is granted and all vehicles owned, used or controlled by the operator of the site and its employees shall be kept within the building to which this permission applies at all times

Reason: In the interests of residential amenity and highway safety

08. Use of solvents

There shall be no engine cleaning using solvents used on site unless a system has first been submitted to and approved by the Local Planning Authority.

Reason: In order to prevent pollution of the environment.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework

BACKGROUND

Planning Enforcement History

1. The Local Planning Authority received a complaint that a commercial garage had been set up and was operating during various times of the day and night at 82 Victoria Road.
2. The Planning Enforcement Officer checked the planning history of the site and noted that that in 1973/74 the garage which the current application site relates to, was erected as a warehouse (reference W2111/73, which is classed as a B8 Use), in connection with the rest of the site, all known as 82 Victoria Road. On further detailed investigation into the planning history it appears that the warehouse (82 Victoria Road) has never had any planning approval to operate independently from No 84, although 84 Victoria Road has had further planning approvals.

3. Although the unauthorised use ceased for a period in 2013, a new complaint was received that the use had started again and the vehicle repairs were now being carried out mainly at weekends or late at night. The situation was investigated again and monitoring by planning enforcement officers, who confirmed that the vehicle repairs were now being carried out at weekends or late at night.
4. The Planning Enforcement Section advised the owner in writing that either the unauthorised use ceased to operate prior to 1st May 2013 or that a planning application be submitted by end of February 2013.
5. As no planning application had been received by late March 2013, it was considered expedient to take enforcement action for the use to cease, on the basis of its operation late at night (and resultant amenity impact) and the highway safety issues. It is understood that an Enforcement Notice was served on the applicant accordingly in April 2013.
6. The applicant now seeks to regularise the use within the building but operating solely within times during the working week and on Saturdays by submitting the current application.

SITE AND SURROUNDINGS

7. The application site relates to a semi-detached warehouse (approximately 85sqm in area) building located along Victoria Road, Thornaby. The established single storey building is adjoined to No 84 Victoria Road which includes a shop and a flat. The rear of the building (south) abounds No 6 Stainsby Street. A gated alleyway is present immediately to the west of the building with a flatted development beyond along Stranton Street. Immediately opposite the site to the north are No's 34 Scarborough Street and 31 Havelock Street. The predominantly brick built building features a set of timber access gates and a steel roller shutter to the front.

PROPOSAL

8. This retrospective application seeks planning permission for a change of use from storage (B8 Use Class) to a car repair use (B2 Use Class). As part of the scheme no external alterations are proposed. The submitted application form indicates that the business employs 1 full time employee and that the use would operate between 0800-1800 hours weekdays and 0800-1500 hours on Saturdays.

CONSULTATIONS

9. The following Consultees were notified and comments received are set out below:-

Head of Technical Services

General Summary

This report is an update to the Technical Services report dated 31/10/2013. In the previous report the Head of Technical Services requested further highway information. As this has not been provided, this report recommends that should planning approval be granted, a condition be applied to ensure all business use is confined to within the boundary of the site.

Highways Comments

The established use of the site has no associated car parking, with the existing building relying upon on-street parking. That said, the previous comments did request that the

applicant demonstrate that vehicles could be accommodated within the boundary of the property given that the nature of the proposed land-use would in itself attract vehicle trips to the site. This property is adjacent to a gated alley and any vehicles waiting to be repaired that waited on-street could obstruct access to the alley.

The information requested has not been provided and therefore the applicant has not fully demonstrated the impact on the highway. However, the site has established B8 use and would also be permitted to operate as B1 use (office) under permitted development rights; both of which would generate vehicle trips associated with the operation of the business along with visitor and employee trips. The overall net change in trips would therefore be negligible if it was ensured that all vehicle repairs would be accommodated within the boundary of the site. Subject to a planning condition requiring all vehicle repair works to be undertaken within the boundary of the site, there would be insufficient grounds to warrant a highway objection to this development.

Environmental Health Unit

Although I have no objection in principle to this planning application, I do have a number of concerns. The location of the garage is within a residential area of Thornaby which may generate noise complaints. I have checked the history of this site and Environmental Health has received one complaint regarding noise from this business. I cannot see the hours of operation however I would require that they are conditioned to a reasonable time e.g. as below:

Hours of operation

The opening hours should be limited to ensure that adjacent residential premises are not adversely affected by either customers using the premises or from vehicles servicing the premises at unsocial hours.

E.g. All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 4.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

(The EHU Officer subsequently confirmed that the indicated hours are acceptable for the operation for car repairs)

I would also ask that the following conditions are added:

Waste oil

A bonded impervious area should be constructed where vehicles can be sited to drain off sump oil, gearbox oil, hydraulic fluids and battery acids. This area should be drained into an interceptor constructed to retain all such fluids until removed by a licensed waste transport carrier.

Use of solvents

No engine cleaning using solvents to be permitted on site unless a system is approved by the Local Planning Authority prior to installation and use.

Additional comments from the Environmental Health Unit Manager (summarised)

A condition to ensure adequate noise insulation and ventilation to the building to control odour and noise leakage from open doorways;

- Noise disturbance from premises

Before the premises is brought into use the building, structure and plant shall be insulated against the emission of noise, odours or fumes in accordance with a scheme to be approved by the Local Planning Authority and shall be installed before the development is brought into use and thereafter be retained in full accordance with the approved details. The scheme shall include details of both noise insulation measures and a ventilation and fume extraction system, including a full technical specification by a suitably qualified technical professional person, specifying the position of ventilation, fume or flue outlet points adequate to prevent odour or fume nuisance to adjacent properties and to allow satisfactory ventilation to the building should doors and windows need to be closed during noisy activities to control noise nuisance.

Councillor T Large
Councillor Tracey Stott
No comments received

Councillor S F Walmsley

Regarding the above Planning Application, Daniel, I would suggest that Mr Fiaz has complied with what was asked of him. Precedents have been set locally and change of use would eliminate dereliction and abandonment of this site. The area is already blighted with a number of empty, decaying properties in an area of acute deprivation, scant facilities, and now a hugely reduced, essential library service pushed out to the periphery of this part of Thornaby. Tina and I would expect some consistency in respect of similar usage in Elizabeth Street and Salisbury Street. As Councillors for the area, I hope that this will suffice in respect of our comments.

Development and Regeneration

Regeneration & Economic Development acknowledges the investment made to date in the property by the owner. In view of the existing usage of the building and the number of trading businesses in the area, we do not have an objection to the change of use request.

PUBLICITY

10. Neighbours were notified and comments received are set out below :-

Mrs Ann Robertson
84 Victoria Road Thornaby

I am the owner of the property 84 Victoria road which is next door to the garage applying for this planning permission, I oppose this application as it will devalue my property and it will make it less desirable to any potential buyers if I sell the property & this is mainly a residential area and I don't believe we should have a car repair garage in this road.

Mr Robert Robertson
Shop 84 Victoria Road

As this is a retrospective application the proposed garage adjacent to my shop is already open and running and I am already sick of the noise and of all the taxis filling up the street and parking outside my barber shop as my customers have nowhere to park and when they see all the taxis parked outside they are assuming that these taxi drivers are in my shop waiting for haircuts and that the shop is busy so they are going elsewhere for their haircut so this garage has already had a detrimental effect on my business and my takings have been greatly reduced since it opened therefore I strongly oppose this application

Alan Peacock
9 Stranton Street Thornaby

I do not think this is a suitable site for car repairs. Noise, petrol, oil, acid, gas bottles and vehicles going in and out over a public footpath. This is a residential area. Car workshops should be on industrial estates.

Mrs Teresa Paleschi
5 Stainsby Street Thornaby

I object regarding the garage because the amount of cars parked on Victoria Road is dangerous. Children going to school Cars in and out. Cars emptying rubbish onto the road. So much traffic on Victoria Road.

Miss Emma Nicholson
11 Stainsby Street Thornaby

This property is already used for fixing cars particularly taxis. This is a residential area and we already have too many cars using the surrounding streets due to the mosque. We now don't need cars that need repairing on the road or pavement which has already being happening. There are a lot of children in this area and more cars parked everywhere is just asking for accidents too happen. Again this is residential and there is not enough space for this and we don't constantly want the smell of petrol and fumes. As a homeowner too this will definitely bring the value of my home down.

Denis Robinson
37 Scarborough Street Thornaby

to whom it may concern I understand the premises in Victoria road Thornaby adjacent to the barbers shop and opposite the mini food market have applied for permission to operate as a commercial garage and repair to taxis this business has been carried on for months now I did phone your dept. about this but nothing appears to have happened we already have traffic problems in the area with cars and taxis using the mosque in Westbury street there is little enough parking space as it is and we already have taxis awaiting repair parking up alongside the shop and in adjacent streets can I take it at the moment they are operating illegally I do object to permission being granted as small children also use this area and pathways to go to the park cars reversing in and out at all hours is not suitable.

PLANNING POLICY

11. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan
12. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations
13. The following planning policies are considered to be relevant to the consideration of this application:-

National Planning Policy Framework

Paragraph 14. 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:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

-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 -specific policies in this Framework indicate development should be restricted.

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

8. Additionally, in designing new development, proposals will:

_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

MATERIAL PLANNING CONSIDERATIONS

14. The main planning considerations with respect to this application are the principle of development, the impact on the character and appearance of the surrounding area, the impact on the amenity of neighbouring properties and the impact on highway safety.

15. 6 letters of objection have been received which have been set out in full above. These objections are summarised as follows;

- Inappropriate use for residential area, should be sited within industrial estate
- Property devaluation and loss of business
- Retrospective application and use already causing nuisance with taxi vehicles, which are primarily being fixed, being parked on highway
- Impact on amenity in terms of smells and odours
- Impact on highway and pedestrian safety and an increase in traffic and car parking problems

Principle of development

16. The National Planning Policy Framework states that "*the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system*".

17. In order to achieve sustainable economic growth, the Government's objectives for planning include "*delivering more sustainable patterns of development by reducing the need to travel, especially by car and respond to climate change*".
18. The scheme relates to the provision of a different commercial use within a predominantly residential area (notwithstanding the provision of a small number of commercial units sporadically located in the area). The commercial use of buildings in residential areas requires careful consideration as general industrial B2 uses or 'sui generis' uses raise a number of issues including highway safety and amenity, matters of which will be considered below.
19. In terms of the sustainability of the site consideration is given to the established siting of the building and the site's location within the Limits to Development as defined by the saved Local Plan. The site is located within walking distance of large residential areas and close to public transport routes. As such the site is considered to be sustainable and accords with the general provisions of the National Planning Policy Framework.
20. The scheme would provide the building with an appropriate use and prevent it becoming a vacant unit and clearly has economic benefits in terms of employment. Consideration is also required to be given to the 'fall back' position of the building being able to change to a B1 Use (Offices not within the A2 Use, research and development and light industry) or to revert back to the authorised B8 Use (wholesale warehouse, distribution centre) without requiring planning permission.
21. In view of the above considerations, it is considered that on balance, the principle of a commercial use within an established commercial building is considered to be acceptable in this specific instance, subject to the scheme satisfying other material considerations as set out below.

Character and appearance of surrounding area

22. As detailed above, the existing building is an established building within the area with an associated commercial use (B8 Use). In view of the current scheme not entailing any external alterations, it is considered that the change in use of the building would not adversely affect the character and appearance of the existing building or the visual amenity of the surrounding area.

Amenity

23. Paragraph 123 of the NPPF states

*"Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
 *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established and
 identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason".

24. The applicant has indicated hours of operation that are considered to be reasonable in the context of the predominately residential area; the Environmental Health Unit has raised no objections to these hours. The above referenced hours of operation are considered to be

reasonable and can be secured by way of a planning condition. Such control over the hours of operation would also address one of the reasons for the Local Planning Authority issuing of the Enforcement Notice when the use was operating late at night and on weekends.

25. Nonetheless, it is understood from the objections received and the planning enforcement record that the applicant has previously operated both without planning permission and at various times of the day, which formed one of the reasons for it being expedient to authorise enforcement action. As such, should the applicant operate outside of the approved hours of condition, the applicant would be in breach of a planning condition whereby a Breach of Condition Enforcement Notice could be served and for which there is no right of appeal to the Secretary of State. The breach of condition notice is mainly intended as an alternative to an enforcement notice for remedying a breach of control arising from failure to comply with any planning condition or limitation. But it may also be served in addition to the issue of an enforcement notice, as an alternative to a stop notice, where the Local Planning Authority consider it expedient to stop the breach quickly and before any appeal against the enforcement notice is determined, because, for example, it is causing serious environmental harm, or detriment to amenity or public safety. It is particularly apt for use where a valid planning condition has clearly been breached and the salutary experience of summary prosecution (or the threat of prosecution) seems likely to compel the person responsible to comply with the condition.
26. As noted above, consideration is also given to the fall back uses that the existing building could operate as without requiring planning permission, and the lack of any planning controls on the operation and opening hours of the last authorised use. As such, it is considered necessary in the interests of the amenity of surrounding area to restrict the use to the car repairs use only and for no other uses. This would in effect provide the Local Planning Authority with a level of control of the use of the building that currently does not exist (notwithstanding any controls by other environmental legislation).
27. The Environmental Health Unit (EHU) Manager has advised that a planning condition relating to an appointment system may assist in controlling parking problems but would not reduce any noise problems and does not consider this to be enforceable. The EHU manager therefore considers that the condition restriction the hours of use in addition to a condition to ensure adequate noise insulation and ventilation to the building to control odour and noise leakage from the building would further assist in reducing the noise disturbance impact of the use. This is considered to be necessary, and subject to the change of wording of the condition, it can be secured by a planning condition with details to be submitted and agreed within 2 months from the date of the decision notice and implemented within a further two months of written approval from the Local Planning Authority, taking into account the retrospective nature of the application.
28. The Environmental Health Unit has also recommended that restrictions on the use of waste oil and the use of solvents, which can also be secured by way of planning conditions.
29. In view of the above considerations including the imposition of the appropriate planning conditions the existing use of the building and the fall back position of other uses operating from the site under permitted development, it is considered that on balance, the scheme will not result in an unacceptable loss of amenity in terms of outlook, overlooking, overbearing, noise disturbance and odour nuisance/fumes as to warrant a refusal of the application.

Highway safety

30. The submitted application form indicates that the site benefits from 6 in curtilage car parking spaces; following a request by the Head of Technical Services (HoTS) for the applicant to demonstrate these spaces on a plan, the applicant has not submitted such details. It was noted from the case officer's site visit that the site did not appear to benefit from any in curtilage car parking.
31. The HoTS has taken into consideration the 'fall back' position of the permitted B1/B8 uses that the building could operate as, commenting that "the site has established B8 use and would also be permitted to operate as B1 use (office) under permitted development rights; both of which would generate vehicle trips associated with the operation of the business along with visitor and employee trips. The overall net change in trips would therefore be negligible if it was ensured that all vehicle repairs would be accommodated within the boundary of the site".
32. As such, the HoTS concludes that subject to a planning condition requiring all vehicle repair works to be undertaken within the boundary of the site (as required for amenity purposes also), there would be insufficient grounds to warrant a highway objection to this development.
33. In view of the above considerations, it is considered that the development would not result in an adverse loss of highway and pedestrian safety as to warrant a refusal of the application.
34. With respect to vehicles (identified within the letters of objection as being primarily taxis), matters of obstruction on the adopted highway could be controlled by separate highway legislation. However recommended condition no.7 would require that all customer vehicles which have been left with or are in the control of the operator of the site or are brought to the site for the purposes for which the approval is granted and all vehicles owned, used or controlled by the operator of the site and its employees shall be kept within the building to which the permission applies at all times.

Residual matters

35. A number of objections have referred to the retrospective nature of the application in which the use has been operating for several months without planning permission. As detailed above, following the issue of an Enforcement Notice, the use ceased on the site only to start up again later in the year. The applicant has therefore chosen to submit a retrospective application to regularise the situation. Whilst the Local Planning Authority does not condone such applications, to seek the submission of a planning application is the first line of planning enforcement action (unless there is significant material harm that would require an Enforcement Stop Notice). Furthermore the recommended planning conditions would make the development acceptable in planning terms and enable the Local Planning Authority to serve a Breach of Condition Notice if the planning conditions were not complied with as indicated earlier in the report.
36. Property devaluation and a loss of business are not material planning considerations.
37. Councillor Stephen Walmsley has cited 'similar' uses within close proximity of the current application site. Whilst each application is assessed on its own individual merits, it is noted from the planning records that a planning application for the erection of a garage for repair use at 33 Elizabeth St was deemed to be permitted development (reference 94/1116/P, dated 30.06.1994). With respect to Salisbury Street, permission was granted on 01.08.2008 (reference 08/0529/FUL) at the rear of No 1 for the "*retention of use of*

workshop/garage for car gearbox repairs and fire extinguisher servicing within Use Classes B1 and retention of internal and external refurbishments".

38. With respect to this latter approval, it is considered that the current application and the above scheme are not instantly comparable. The use at the rear of No 1 Salisbury Street was restricted solely to workshop/garage for car gearbox repairs and fire extinguisher servicing and the hours of use were limited to standard working hours.
39. Reference is made in the objection from 11 Stainsby Street to the scheme resulting in anti-social behaviour/crime. Issues such as crime and anti-social behaviour which have been raised are based on assumptions and not supported by evidence as to the characteristics of the occupiers and should therefore not be taken into account in the determination of this proposal. Section 17 of the Crime and Disorder Act 1998 places a duty on the authority to consider the crime and disorder implications of the scheme. Whilst there is no evidence to link such issues to the use, any potential problems arising from this behaviour can be dealt with by other methods such as the police service or community enforcement section and would not be a reason to warrant refusal of the application.
40. The provisions of Section 17 of the Crime and Disorder Act 1998 have therefore been taken into account in the preparation of this report.

CONCLUSION

41. The scheme is considered to accord with the general principles of the NPPF as the scheme is considered to accord with the principles of sustainable development. The scheme is not considered to have an adverse impact on the character and appearance of the area or lead to an unacceptable loss of amenity for neighbouring land users or highway safety subject to compliance with the recommended planning conditions.
42. It is recommended that the application be Approved with Conditions for the reasons specified above.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Daniel James Telephone No 01642 528551**

WARD AND WARD COUNCILLORS

**Ward Mandale and Victoria
Ward Councillor Councillor S F Walmsley**

**Ward Mandale and Victoria
Ward Councillor Councillor T Large**

**Ward Mandale and Victoria
Ward Councillor Councillor Tracey Stott**

IMPLICATIONS

Financial Implications:
As report.

Environmental Implications:
As report.

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.