
APPLICATION DETAILS

Application No:	23/0291/FUL
Location:	J H Proudlock Limited, Emmerson Street, Middlesbrough
Proposal:	Erection of 6No Industrial units for Use Class B2 & B8 (demolition of existing buildings)
Applicant:	Sadiq and Finnegan
Agent:	Lee Wardman
Ward:	Park
Recommendation:	Approve with Conditions

SUMMARY

Permission is sought for the demolition of some existing buildings on the site and the erection of 6 no. industrial units (use class B2 and B8).

Following a consultation exercise objections were received from residents from 3 properties.

The site is white land with no specific allocation in the Local Plan. It is located in an industrial area and therefore the principle of the proposed use on this site is acceptable. It is considered that the proposed development would provide a good reuse of the vacant site without a significant detrimental impact on surrounding properties. The scale and design of the proposed units are in keeping with the surrounding area.

Whilst the Local Highway Authority do not support the application they have confirmed that it will not result in significant traffic generation. On balance, taking into consideration the existing highway situation in the area and recent appeal decisions the Local Planning Authority consider the development to be in accordance with the highways requirements of policies CS18, CS19 and DC1 of the Local Plan.

The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan policies, specifically CS4, CS5, CS18, CS19 and DC1. The recommendation is for approval with conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is approximately 0.06 hectares. It is located on the east side of Emmerson Street, south of the junction with Stonehouse Street. The site is located in an industrial area with a builders yard as the established use, which includes single storey buildings to the northside, a storage/distribution unit attached to the southside and a cash and carry/retail units to the front. There are residential dwellings located to the rear of the site with the rear

boundary wall of the application site forming the rear boundary wall of the residential properties. There is also an apartment located above the cash and carry/retail unit to the front.

The existing site comprises a builders yard with a single storey building in the southeast corner of the site. To the north of the site is a dilapidated single storey building.

Planning permission is sought to demolish existing buildings on the site and erect 6 no. units of varying floor areas, to be used for General Industrial (B2 use class) and Storage and Distribution (B8 use class). Work has already commenced on site but has not been completed. As a result this application seeks retrospective consent.

Site Visit 21st September 2023

PLANNING HISTORY

No relevant planning history

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).
- Stainton and Thornton Neighbourhood Plan (2022)

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development

although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

DC1 - General Development, CS5 - Design, CS4 - Sustainable Development, UDSPD - Urban Design SPD, H1 - Spatial Strategy, CS7 - Economic Strategy, HGHDC - Highway Design Guide, CS18 - Demand Management, CS19 - Road Safety

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

Following a consultation exercise three objections were received from residents. The comments are summarised below.

- 1) In support of some form of development but have concerns
- 2) Increased noise including roller shutters, engine noises, people shouting and having loud conversations;
- 3) Deliveries arriving early or late;
- 4) Drainage will overhand property;
- 5) Unsightly design and materials;
- 6) Height of the building is too large and is overbearing;
- 7) Impact on light into garden;
- 8) What are the opening hours and proposed uses; and;
- 9) Overlooking, privacy.

Received from:

1. 24 Canterbury Grove
2. 26 Canterbury Grove
3. 28 Canterbury Grove

Planning Policy – MBC

In accordance with Policy CS4 the proposed site location would see the reuse of previously developed land.

Consideration should be given to the nature of the use and the proximity of the adjacent housing at Canterbury Grove, particularly with respect to the potential for increased noise pollutions; in addition to this, given there are no car parking facilities proposed with the development, consideration should be given to the additional impact upon the road infrastructure in the immediate and surrounding vicinity. Should it be considered that the impacts be more than minimal the proposed use would be contrary to Policy DC1.

Highways – MBC

Development proposals are to erect 6 commercial units for B2/B8 use. The proposed development fronts Emmerson/Stonehouse Street and in terms of traffic generation is not considered to be significant due to the size of the units.

No parking is provided to the immediate site frontage, however parking for the development has been provided on adjacent land that is under the control/ownership of the applicant and is used as a builders yard. As such this adjacent car parking can be conditioned and secured to be used in perpetuity in association with the proposed development.

When assessing development proposals against the Tees Valley Highway Design Guide the level of parking ranges from 6 spaces being needed for a B8 use to 12 spaces being needed for a B2 use. 5 Car spaces are provided within this area and as such there is a shortfall of between 1 and 7 spaces.

No servicing nor turning area is provided within the site boundary with the development abutting the street frontage and as such vehicles delivering/collecting goods will need to do so from within the street. Such an arrangement is consistent with other adjacent units in the locality.

The development is located within an area of poor quality and unmanaged development. As such high levels of on-street car parking, storage of waste/materials and servicing etc already occurs within public areas and is outside of the authorities control. Furthermore the street fronting the proposed development is not public highway and as such outside of the jurisdiction/control of the Highway Authority. Development proposals will add to this existing situation.

The Highway Authority do not consider that they can support the proposals as presented.

Waste Policy – MBC

No Comment

Local Flood Authority – MBC

A flood risk assessment is not required for the site however drainage details are required to ensure it is suitably drained. A condition is required to provide the necessary information including the discharge point of any surface water from the roof, confirmation NWL have

agreed for a connection to their network and if they have required a restriction in flow, a plan showing the proposed drainage and the amount of runoff from the roof.

Environmental Health – MBC

No response

Secured by Design – Cleveland Police

I would like to make you aware that Cleveland Police operate the “Secured By Design” initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments. I recommend applicant actively seek Secured By Design accreditation, full information is available within the SBD Commercial Guide at www.securedbydesign.com.

I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour. Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage.

- The National Planning Policy Framework 2021 paragraph 92(b); which states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...
- The National Planning Policy Framework 2021, paragraph 130(f) which states that “Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.
- Policy CS5 (Design) of the Local Development Framework, section e states, creation of a safe and attractive environment, at all times of the day and night, where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion by incorporating the aims and objectives of both Secured By Design and Designing Out Crime concepts into development layouts and is therefore a material consideration.
- Another material consideration is Section 17 of The Crime And Disorder Act 1998.

Further information on the Secured By design initiative can be found on www.securedbydesign.com

Although not an SBD requirement, Middlesbrough along with many other areas nationwide suffers from offences of metal theft. These include copper piping, boilers, cables and lead flashing. Buildings under construction are particularly vulnerable. I recommend that alternative products be utilized where possible. Many new builds are now using plastic piping where building regulations allow and alternative lead products.

In addition to the above and on initial viewing of the proposals I would also make the following comments.

- Roller Shutters & windows are recommended to be to accredited LPS1175:A1 rating.
- On noting the rear elevation is proposed to be of brickwork I would recommend the other three elevations which are to be cladded have an inner skin to 1.8m in height of either brickwork or sections of expanded metal.
- Dusk/Dawn lighting to be installed by each door set elevation.
- Consideration to alarms being installed in each unit.

- CCTV covering units is also recommended.

Cleveland Fire Brigade

Cleveland fire Brigade offers no representations regarding the development as proposed.

However Access and Water Supplies should meet the requirements as set out in: Approved Document B Volume 2 :2019, Section B5 for buildings other than Dwellings It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 18 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in AD B Vol 2 Section B5 Table 15.2.

Recommendations

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

Further comments may be made through the building regulation consultation process as required.

Northern Gas

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

Northumbrian Water

No response

Northern Powergrid

No response

Ward Councillors

No response

PLANNING CONSIDERATION AND ASSESSMENT

Principle of Development

1. The application site is located in 'white land' as a result there are no specific policies in relation to the site. The key principles to be considered in relation to this application are the principle of the use in the proposed location, the visual appearance of the buildings, the access and highways issues in relation to the site and the impact on surrounding properties.

2. Given that the site is a brownfield site, in an existing business/industrial area, the proposed use is in keeping with the surrounding uses and is considered to be acceptable in this location. The reuse of the site meets the requirements of the NPPF which seeks to ensure high quality development of brownfield sites and Policy CS4 of the Local Plan

Highways

3. The majority of Emmerson Street (including the section where this site is located), Stonehouse Street and Simpson Street, and a stretch of unnamed road located between Stonehouse Street and Simpson Street, are these are unadopted. As a result they are outside the control of the Local Highway Authority.
4. The Local Highway Authority have confirmed that the proposed development will not result in significant traffic generation due to the scale of the development.
5. The application site is located in an area where the industrial/commercial buildings do not generally have in curtilage parking. Vehicles visiting the area frequently park on the road and pavement in the surrounding streets. The applicant owns and controls the adjacent site to the north of the application site which is a builders yard and the submitted details proposes 6no. parking spaces within the adjacent land. This is in keeping with the requirements for B8 units. There is ample space within the yard to provide the parking spaces for persons using the proposed units. Whilst the spaces are detached from the application site they are located within 50m walking distance which is considered to be a reasonable walking distance. Given that the existing situation at the site and in the surrounding area is that on-street parking is dominant, any off-street provision is considered to be of a benefit to the area.
6. As stated in the highway comments, whilst no servicing or turning area is provided within the site boundary and as such vehicles delivering/collecting goods will need to do so from within the street. This is consistent with other adjacent units in the locality.
7. The proposed plans identify areas within the units that will be used to store refuse for collection. This can be controlled by condition to ensure that the waste is not kept externally causing obstructions on the highway.
8. Whilst the Highway Authority do not consider that they can support the proposed development the Local Planning Authority must take into account all material considerations. In this instance that includes the existing situation in the area in relation to parking and highways matters, it also includes appeal decisions. A recent appeal decision for the cash and carry unit opposite the site which was refused by the Local Planning Authority, in part on highways grounds. Concerns were raised by the LPA that the scheme removed a service vehicle parking space and had no customer parking yet intended to increase the scale of the retail area of the premises. The refused application was allowed at appeal. In reaching their decision and allowing the appeal the Inspector stated:

“During the time that I was at the site and the surrounding area there were only a very small number of vehicle movements on Stonehouse Street and Emmerson Street and very few pedestrian movements. Due to the nature and width of the carriageway and its width being constrained in places by parked vehicles, the observed speed of vehicles was low. Whilst I recognise

that this is just a snapshot of the conditions at the time of my visit, mid-morning on a normal weekday, and that they may vary at different times, there is no substantive evidence before me that would suggest that this is not relatively typical of the road conditions at other times when the cash and carry may be trading."

9. The Inspector confirmed that the site is in close proximity to public transport and there is a public car park located in close proximity on Binks Street.
10. The Inspector concluded that:

"whilst the appeal proposal may result in a small increase in footfall and vehicle movements, I do not find that this would result in highway conditions that were inherently dangerous or make the existing situation noticeably worse...I therefore conclude that the proposed development would not cause harm to the safe operation of the highway in the vicinity of the appeal site."
11. In relation to this current application, it is considered that the proposed application to erect 6 no. units at the application site will not result in significant traffic generation (as confirmed by the Highway Authority) and that the existing situation in relation to parking and servicing at the site and in the vicinity will remain unchanged. The development will result in the benefit of 6 parking spaces, which can be controlled by condition, on the adjacent site to serve the proposed units. Given the Inspectors previous decision in this regard, it is considered on balance, that the development will not harm the safe operation of the highway and is therefore in accordance with the requirements of policy CS18, CS19 and DC1.

Amenity

12. The site is located in an industrial area however there are residential properties to the rear and an apartment on the first floor of a property to the front of the site. Objections have been received from residents to the rear in relation to noise from the proposed development, particularly in relation to the roller shutters and persons talking loudly at the site. The current situation is that the site has sui generis use as a builders yard, whilst it may not be used currently it is an existing permission that can be brought back into use without permission being required. There are no planning controls in place to restrict the hours of use of the site currently.
13. Historically the site was a builders yard with single storey flat roof buildings located to the northern section. The building to the north is still in situ which includes a large roller shutter and pedestrian access with roller shutter and are built up to the footpath. A high boundary wall ran along the rest of the boundary with the footpath leading to a gate at the southern end. The southern end is located immediately adjacent to an existing storage unit that also has a large roller shutter and pedestrian access also with a roller shutter.
14. The erection of the proposed units will provide some mitigation for noise from the site as the buildings will dampen any noise as opposed to the current situation which includes a large open yard. Roller shutters are common in the location due to the industrial nature of the area and are located on the front elevation. It is considered that a restriction of the hours of operation of the premises ensure that any noise from the use of the premises only occurs within typical daytime operating hours. This will ensure that there is no detrimental impact on residents in the area at times of the day when background noise levels are lower and they should generally be able to expect

more peace and quiet. If this application is approved the hours of use will be controlled by condition.

15. The proposed units are located up to the footpath in the location of the previous boundary wall. They sit forward of the existing unit to the south (which has a small service area located at the front) by approximately 2m.
16. A single storey building used to sit in the southeast corner of the site along the boundary with the residential properties to the rear, this has been demolished. This building had a mono-pitch roof which sloped up towards the attached larger unit to the south.
17. The high boundary wall that forms the eastern boundary of the site, and forms the rear boundary wall of the neighbouring residential dwellings is approximately 3.15m in height. The proposed buildings will increase the height of the wall by 1m to the eaves. The roof slopes away from the boundary and the ridge is approximately 5.3m in height. The building sits lower in height than the attached building to the south. The height to the eaves is approximately the same height as the previous single storey building on the site.
18. The boundary wall which forms the rear wall of the residential gardens is high. Some residents have outbuildings located at the bottom of the garden that reduce the visual impact of the wall, some also have foliage growing up the wall and trees which softens its appearance and reduces its visual impact. As a result, the increased height of the rear wall is not considered to be overly dominating when viewed from the residential dwellings and the rear gardens, when taking into account the existing circumstances.
19. The plans include a box guttering detail at the rear of the units which runs the guttering through the building internally to ensure that it does not overhang and encroach the neighbour's premises.
20. The rear wall of the proposed units, which forms the rear boundary wall of the residential gardens, is located to the west of the gardens. As a result, any impact on light from the increased height of the wall will affect the bottom of the garden in the late afternoons and evenings and will be more prominent in the winter months. This impact is not considered to be significant and will not result in any significant harm to primary windows and rooms in the dwellings.
21. No windows are proposed on the rear elevation of the unit, as a result there is no overlooking of neighbouring properties and therefore no impact on the privacy of the residents.
22. It is the planning view that the proposed development will not have a significant detrimental impact on the amenity of neighbouring properties in relation to dominance of appearance, light, privacy or noise in accordance with the requirements of policy DC1.

Design/Streetscene

23. The proposed building is constructed with a pitched roof and gable end with roller shutters on the front elevation with one large opening and a separate smaller pedestrian opening. The scale of the units is in keeping with the surrounding area.

24. Currently the rear elevation has been erected in blockwork. Work on site has ceased whilst the applicant seeks planning permission. If approved the rear blockwork which is visible above the existing rear wall will be rendered to provide a better quality finish. The remaining elevations will be cladded.
25. The buildings are of a typical design and appearance to others in this location and are typical for industrial units. It is the planning view that the proposed units will not detract from the visual appearance of the area and are in accordance with the requirements of policy CS5.

Other Matters

Flood Risk

26. The Local Flood Authority have confirmed that a flood risk assessment is not required for the proposed development. However, as limited drainage information has been received it is necessary to place a condition on the application to require further information to be submitted for consideration. Given the development has already commenced it is considered necessary ensure the condition is worded to require the information to be submitted prior to work recommencing on the site.

Material Considerations

27. Only material considerations can form part of the analysis of a planning application. A number of comments have been received which are not material considerations and therefore they cannot be considered during the analysis of this application. They include but are not limited to: The fact that the work commenced without notification or permission and any damage to neighbouring properties during the demolition of the previous building on the site.

Conclusion

28. The application has been considered in relation to the principle of development and the impact on nearby residents and the visual amenity of the area. It is considered that the proposed development would provide a good reuse of the vacant site without a significant detrimental impact on surrounding properties. The scale and design of the proposed units are in keeping with the surrounding area.
29. Whilst the Local Highway Authority do not support the application they have confirmed that it will not result in significant traffic generation. On balance, taking into consideration the existing highway situation in the area and recent appeal decisions the Local Planning Authority consider the development to be in accordance with the highways requirements of policies CS18, CS19 and DC1 of the Local Plan.
30. The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan policies, specifically CS4, CS5, CS18, CS19 and DC1. The recommendation is for approval with conditions.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

1. Approved Plans - Retrospective

The development hereby approved is retrospective and has been considered based on the details on site and on the plans and specifications detailed below:

- a) Location Plan, drawing no. L023007-001;
- b) Proposed Site Plan, drawing no. L023007-007 rev. C;
- c) Proposed Floor Plan, and Roof Plan, drawing no. L023007-005 rev. A; and,
- d) Proposed Elevations, drawing no. L023007-006 rev. A.

This approval only relates to the details on the above plans and specifications, it does not relate to any other works.

Reason: For the avoidance of doubt and to ensure that the development is carried out as approved.

2. Materials - Approved Details

The development hereby approved shall be carried out in complete accordance with the external finishing materials detailed in the approved Proposed Elevations, drawing no. L023007-006 rev. A, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of the visual amenities of the area having regard for policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF.

3. Car Parking

The development hereby approved shall not be brought into use until the areas for vehicle parking have been laid out in accordance with the approved drawing Proposed Site Plan, drawing no. L023007-007 rev. C, or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Such areas shall thereafter be retained in perpetuity for the sole purpose of parking vehicles associated with the approved development.

Reason: To ensure a satisfactory form of development and in the interests of highway safety having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

4. Hours of Opening/Use

The premises shall not be open for customers/use shall not operate outside the hours 8am to 6pm Monday to Saturday and 10am to 4pm Sunday and Bank Holidays.

Reason: In the interests of amenity of residents having regard for policy DC1 of the Local Plan and section 12 of the NPPF.

5. Deliveries and Collections

Deliveries and collections to the rear of the premises including waste collection must be restricted to between the hours of 8am to 6pm Monday to Saturday and 10am to 4pm Sunday and Bank Holidays.

Reason: In the interests of amenity of residents having regard for policy DC1 of the Local Plan and section 12 of the NPPF.

6. Drainage Scheme

Development shall not re-commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

7. Bin Store

The development hereby approved shall not be occupied/brought into use until the refuse/recycling store has been provided in accordance with submitted drawing(s) Proposed Floor Plan, and Roof Plan, drawing no. L023007-005 rev. A, or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Such drawings to show the position, design, materials and finishes thereof. Thereafter the refuse/recycling store shall be retained in perpetuity for the sole purpose of refuse/recycling storage.

Reason: In the interests of the amenities of residents to ensure a satisfactory form of development having regard for policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF.

Reason for Approval

This application is satisfactory in that the design of the proposed 6no industrial / business units for B2 and B8 uses accord with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF. In addition the 6no industrial / business units for B2 and B8 uses accord with the local policy requirements (Policies CS4, CS5, CS17, CS18 & DC1 of the Council's Local Development Framework).

In particular the 6no industrial / business units for B2 and B8 use are designed so that their appearance would not be detrimental to any nearby sites, is complementary to the immediate industrial environment, and so it will not have an adverse effect on the residential amenity of occupiers in the wider area. The 6no industrial / business units for B2 and B8 use will not prejudice the appearance of the area and does not significantly affect any landscaping nor prevent adequate and safe access to the site.

The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations which would indicate that the development should be refused.

INFORMATIVES

- Construction Noise
The applicant should be aware that noise from construction work and deliveries to

the site may have an impact upon local residential premises. The applicant may if they wish to apply for a prior consent under the Control of Pollution Act 1974 Section 61 with regard to working hours at the site. The applicant can contact the authorities Environmental Protection service for more details regarding the prior consent process. The hours that are recommended in the Control of Pollution Act for noisy working are 8am-6pm Mon-Fri, 8am-1pm Saturday and no working Sundays and Bank holidays.

- Commercial Premises

Before any fixed plant and machinery, including refrigeration and air conditioning equipment, is used on the premises it shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of airborne and structure-borne.

Before any ventilation and fume extraction system is used on the premises it shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the Local Planning Authority. Further advice is available from the Community Protection Service.

- Discharge of Condition Fee

Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website <https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>. Please be aware that where there is more than one condition multiple fees will be required if you apply to discharge them separately.

- Civil Ownership Matters

This permission refers only to that required under the Town and Country Planning Act 1990 (as amended) and does not include any other consent or approval under any enactments, byelaw, order or regulation. The grant of planning permission does not override any third party rights which may exist over the application site.

In addition, you are advised that any works affecting party walls or involving excavations for foundations adjacent to a party wall you will be required to serve notice on all adjoining owners before work commences and adhere to the requirements of the Party Wall Act 1996.

- Rights of Access/Encroachment

This planning approval does not permit any person to access another person's land/property to enable the works to be completed, without their consent. Any encroachment into another person's land/property above or below ground is a civil matter to be resolved between the relevant parties.

- Statutory Undertakers

The applicant is reminded that they are responsible for contacting the Statutory

Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/ diversion work that may be required. The applicant is advised to contact all the utilities prior to works commencing.

- **Name and Numbering**
Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Councils Naming and Numbering representative on 01642 728155.
- **Deliveries to Site**
It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public.
- **Demolition**
Demolition requires notification under Section 80 Of the Building Act1984 prior to any work commencing on site.

Case Officer: Shelly Pearman

Committee Date: 08-Feb-2024

Appendix 1 – Site Location Plan

