

Proposed Amended Conditions for Application 22/01810/FP

Land Adjacent to Unit 3 on the West Side of Cadwell Lane

PCC Committee 9th February 2023

Reason for Proposed Amendments:

Following the publication of reports to committee, the agent for the application questioned the imposition of Condition 1 restricting the development to a 5 year period. This was initially imposed to allow the weathering of the containers to be assessed over time and address potential concerns regarding impact on visual amenity.

The agent expressed the view that the imposition of a temporary consent would create uncertainty from a commercial viewpoint for their client and that the future weathering of the shipping containers could be addressed via a different condition.

A revised condition requiring the submission of and agreement of a Maintenance Management Plan setting out provisions for the maintenance and management of the external appearance of the containers could adequately address the potential concerns whilst allowing the Local Planning Authority to control the acceptable appearance of the containers over time.

The Planning Officer supports this approach and proposes the following amendments to the conditions for the above application. The agent agrees has confirmed that he is in agreement with the new Condition 8.

For clarity, the proposed amendments are:

- Removal of condition 1 requiring a temporary consent;
- New standard condition 1 requiring the proposal shall be begun before 3 years;
- New condition 8 setting out the Maintenance Management Plan requirement.
- The remaining conditions are unaltered.

Conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The use hereby approved shall only take place between the hours of 7.00am and 10.00pm. The facility may not be used between the hours of 10pm and 7am, unless a Noise Impact Assessment has been submitted to and agreed in writing by the Local Planning Authority.

Reason: The use is located nearby to residential properties. An assessment of noise impact on the residents of those properties is required prior to any night time use.

4. Prior to the first occupation of the containers, full details of the proposed lighting of the site including times of operation, luminance and appearance is to be submitted to and approved in writing by the Local Planning Authority and the approved details are to be implemented on site before the first use is implemented and is thereafter retained for the duration of this use.

Reason: To ensure the amenity of neighbouring occupiers is protected and that no unacceptable harm is caused to the local environment and wildlife.

5. Prior to the first occupation of the containers, full details of a CCTV system monitoring the site is to be submitted to and approved in writing by the Local Planning Authority and the approved details are to be implemented on site before the first use is implemented and is thereafter retained for the duration of this use.

Reason: To design out the potential for crime.

6. Prior to commencement of the development hereby approved, details of landscaping to protect and enhance the visual appearance of the site and its biodiversity shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To enhance the appearance of the entrance to the completed development and to protect and enhance the biodiversity of the site at the rear of the container compound.

7. The approved details of landscaping in Condition 6 shall be carried out before the end of the first planting season following either the first occupation of any of the containers or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development, the visual amenity of the locality and the biodiversity of the site.

8. Prior to the first occupation of the containers, a Maintenance Management Plan setting out provisions for the maintenance and management of the external appearance of the containers is to be submitted to and approved in writing by the Local Planning Authority. The approved details are to be implemented in accordance with the approved Maintenance Management Plan and thereafter continued for the duration of the use hereby permitted.

Reason: To safeguard the appearance of the completed development and the visual amenity of the locality.