

Addendum

LA01/2015/0519/F

Full Planning Permission

Update

The applicant's representative has made a submission by email dated 20th March 2017 for circulation to members. The matters raised within this email are addressed below:

- *The site already has a series of commercial consents for Class B2/B3 of the Use Classes Order and Sui Generis – Car Wash – These planning consents were implemented and provide a legal fallback position.*

This is not disputed and is considered under Paragraphs 8.15 and 8.19 of the Committee Report.

- *The red line accompanying each of the earlier applications dictates the lawful extent of the site. No planting conditions were attached in each case and vehicles were parked and stored along with a car wash on the hardcore area – There were no concerns expressed in respect of these matters occurring outside the building nor any visual harm.*

This area would have been previously used as an ancillary use to the main building. This application now seeks to utilise the area of hardcore for a primary use of storing and displaying plant and machinery for hire. This is considered under Paragraphs 8.11 and 8.19 of the Committee report.

- *The applicant doesn't need planning consent to use the existing commercial building for the repair of the plant and machinery, as it is within the same use class as those previously granted permissions.*

This matter is addressed under Paragraph 8.15 of the Committee Report.

- *The locally important buildings test introduced in the SPPS cannot remove lawful use rights.*

Nothing contrary to this has ever been implied or suggested within the Committee Report. It seeks to protect the re-use to an unacceptable use in the countryside.

- *Reliance has been placed on traffic figures previously supplied, which were not robust nor could they have supported any business. TNI should have picked this up during the processing of C/2009/0747/F and C/2011/0533/F.*

There is no objection on traffic grounds. However reference is made to the number of customers in Paragraph 8.10 and merely queries such a low number, for such a business now proposed, to operate and be viable. It should be noted that Paragraph 8.10 makes reference to "sales", and as the sales element of the proposal has been removed, the word "sales" should be removed from this sentence.

- *The planning office has the ability to attach a condition and amend the drawings to allow a specific amount of vehicles to be displayed for hire on the hardcore area. This would restrict the scale and intensity of use and when combined with a planting condition would overcome any concerns in respect of visual amenity. Indeed there would be a clear visual betterment and a restriction on the intensity, which the previous consents cannot achieve.*

It is unclear how such a condition could operate in practice or be enforced. It is doubtful as to whether this would be reasonable

given the nature what is proposed and the extent of the proposed red line.

- *The existing access onto the Carhill Road is lawful and has the benefit of a Certificate of Lawful Development issued on 2/2/2016.*

There is correct and is covered under the Planning History; Section 3.0 of the Planning Committee report.

- *The absence of any sustainable objections to the proposal on traffic, environmental or residential amenity grounds.*

Planning applications are assessed on their merits against planning policy, not based on the number of objections or otherwise. As the hire and sales element is unacceptable in the rural area, the proposal is contrary to policy PED 4 of Planning Policy Statement 4.

Recommendation

That the Committee agrees with the recommendation to refuse as set out in Section 9 of the Planning Committee Report.