



**COMMITTEE DATE**    14/06/2023                      **WARD**            Hucknall Central

**APP REF**                      V/2022/0615

**APPLICANT**                      N William

**PROPOSAL**                      Change of Use From Car Showroom, Car Sales & Repair Garage to Self Storage ( Class B8 ) Including Siting of Portable Storage Containers and Storage Units on Open Areas of the Site

**LOCATION**                      76, Portland Road, Hucknall, Nottingham, NG15 7SA

**WEB-LINK**                      <https://www.google.com/maps/search/maps/@53.0348507,-1.1999762,18z/data=!4m2!2m1!6e1>

**BACKGROUND PAPERS**    A, B, C, D, E & K

App Registered 18/08/2022

Expiry Date 12/10/2022

*Consideration has been given to the Equalities Act 2010 in processing this application.*

*This application has been referred to Planning Committee by Cllr Mitchell to discuss residential amenity and Cllr Waters to discuss the character of the area, traffic and amenity.*

### **Background**

This application was brought before the planning committee in March 2023, where members requested that the application be deferred for a site visit to be carried out.

Since the deferral one comment has been received from a resident raising the following:

- Japanese Knotweed spread in neighboring gardens believed to be from the site.

A condition has previously been recommended for a Japanese Knotweed management plan to be submitted if any is found within the site and it is recommended that this remains.

### **Conclusion**

The recommendation to grant consent subject to conditions remains the same.

**COMMITTEE DATE**    22/03/2023                      **WARD**            Hucknall Central

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### **The Application**

This is an application for a change of use from car showroom, car sales & repair garage to self-storage (Class B8) including the siting of portable storage units on open areas of the site. The application seeks to use the existing buildings on the site for storage by sectioning off the interiors to provide separate units to customers but proposes no external alterations. In addition to this it is proposed to site a number of storage units of two different sizes to the hard standing to the front and rear of the site and provide a car park for customers to the front of the site.

The proposed storage units are detailed as being kuboid portable storage units with one size measuring 2m by 3.9m with a height of 2.1m and the other size measuring 2.07m by 2.07m with a height of 2.1m.

The front boundary wall will be replaced with a landscaping strip across the whole frontage and a 2.4m high fence and gate to half of the front boundary. There will also be 2.4m high gates within the site to provide additional security.

### **The Site**

The application site was formerly an established car sales site including showroom and on-site repairs garage however the site has been vacant for a couple of years now. It is located off Portland Road in the main urban area of Hucknall a short distance away from the town centre. To the north of the site is the telephone exchange and residential properties. To the east, south and west of the site are residential properties.

### **Consultations**

Site Notices have been posted together with individual notification of surrounding residents.

### **Residents**

#### **1<sup>st</sup> Consultation**

30 comments were received raising the following concerns:

- Increase in noise and disturbance
- HGVs bringing shipping containers
- Impact on visual amenity, appearance of locality, not a good representation of Hucknall
- Customers/deliveries will have to wait for gates to open
- Not suitable use for location, Better suited in industrial setting
- Increased traffic, Inadequate turning
- Increased on street parking
- Busy road which is heavily congested
- Increased air pollution
- Area is mostly residential
- Increased industrial crime and waste
- Impact from operation hours
- Dirt and dust
- Impact from stacking containers, loss of flight
- Impact on house prices
- Impact financially
- Impact from lighting
- Impact on health of residents, quality of life
- Japanese knotweed
- Trees on site but no mention of retention
- Too close to houses
- Vandalism and anti-social behavior
- Could store hazardous material, fire risk
- Sites better suited for doctors surgery

#### **Re-consultation**

4 comments were received raising the following concerns:

- Original comments stand
- Danger form traffic congestion
- Knotweed
- No plans for derelict land adj 12 Portland road

## 2<sup>nd</sup> Re-consultation

4 comments were received raising the following concerns:

- Original comments stand
- Not a suitable use for the location
- Amended plans increase number of containers
- No information regarding derelict land adj to No.12 Portland Road which is overgrown and full of building materials
- Amended operating times now proposes earlier opening
- Noise Impact Assessment state no forklifts or pallet trucks but these are usually expected under B8

## 3<sup>rd</sup> Re-consultation

5 comments were received raising the following concerns:

- Japanese Knotweed
- Area is mostly residential
- Portland Road is busy main route
- Use would better suite industrial area
- Crime, vandalism and anti-social behavior associated
- Impact on house prices
- Concerns about what is stored in containers
- Too close to residential properties
- Increased noise and disturbance
- Security of other boundaries
- Why is only one acoustic fence proposed
- Amended hours of operation are earlier than originally proposed
- Disagree that use of forklifts would not happen as this is what is usually associated with B8

## **ADC Land Contamination**

- Site has a historically contaminative use however the application is for a change of use for hard standing areas therefore recommend a watching brief in case possible contamination is encountered

## **NCC Highways**

### 1<sup>st</sup> Consultation

- Site has historically been used as a car showroom, car sales and car repairs but has been vacant for over 2 years
- Site has 4 extant points of access along the Portland Road frontage. It is proposed to close off two and they would need to revert to full height footways which involves works on the highway. Site layout plan should be amended accordingly. Main site access is to be retained however it is not clear from the plans what is proposed for the access beside no 12 Portland Road, opposite funeral parlor.
- Being mindful of the sites historic use, further information needs to be provided to demonstrate that the sites proposed traffic generation is not beyond that of the historic use. There are 35 parking spaces at the front of the site, whilst sufficient parking will need to be provided for the proposed use it

will also need to be provided because of the inability to park on street due to existing traffic regulation orders. Is it unlikely that 35 containers will be accessed at the same time?

- How big are parking spaces? Customers are unlikely to just arrive in cars, consideration should be given to providing parking spaces for larger vehicles.
- Positioning of portable containers in close proximity to the main access is of concern. Demonstrate that 2 vehicles in this case 2 7.5t vans can pass one another using swept path analyses.
- All vehicles regularly expected to visit the site to pick up or drop off goods regardless of size must be able to enter and exit the site in a forward gear. Otherwise the number or position of the portable containers will need to be reconsidered.

#### Re-consultation

- Two extant accesses become redundant as part of the proposal therefore the applicant will need to permanently close them off and revert them to footway with full height kerbs prior to first use.
- Satisfied that the site is unlikely to generate any more traffic than what the site has historically and that a range of parking solutions are to be provided on site. Appropriate swept path analyses have been provided. The only caveat to this would be if the positioning of the portable containers were to change then the exercise should be repeated to ensure that vehicles won't end up reversing out onto Portland Road.
- No highways objections subject to conditions and informatives

#### 2<sup>nd</sup> Re-consultation

- Amendments do not fundamentally change previous conclusion other than the need to update the proposed conditions to reflect the drawings.

### **ADC Environmental Health**

#### 1<sup>st</sup> Consultation

- Noise – premises backs onto a residential area which could be impacted by noise from the proposed use of the site however without a noise impact assessment provided to demonstrate the impact of the proposed use we cannot comment if the site usage is acceptable. Request condition for noise impact assessment to be submitted prior to use.
- Lighting – since the site is accessible during early mornings and later evenings throughout the year, the current lighting provision would not seem to facilitate secure access for users of the site, yet without a lighting scheme provided in the application cannot comment if the increase in lighting would negatively impact the local residents in the form of light pollution. Requested condition for lighting scheme to be submitted prior to occupation.

#### Re-consultation

- Noise – Noise impact assessment submitted. Agree with the methodology of the assessments and the proposed mitigations including the change of operation hours, the use of kuboid units instead of shipping containers and a screening wall at a height of 2.5m to the Southern border as acceptable.
- Requested condition

## **Policy**

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

### **National Planning Policy Framework (NPPF) (2021)**

- Part 2 – Achieving sustainable development
- Part 6 – Delivering a strong, competitive economy
- Part 8 – Promoting healthy and safe communities
- Part 9 - Promoting sustainable transport
- Part 12 – Achieving well designed places

### **Ashfield Local Plan Review (ALPR) (2002)**

- ST1 – Development
- ST2 – Main Urban Area
- EM5 – Protection of Existing Employment Sites and Buildings

## **Relevant Planning History**

- V/1974/0004 – Car Park – Conditional
- V/1978/0650 – Extension for Offices & Stores - Conditional
- V/1985/0045 – Canopy, Sales Kiosk and Underground Storage Tanks - Conditional
- V/1991/0202 – Single Storage Garage Workshop – Conditional
- V/1991/0847 – Single Storey Workshop – Conditional
- V/1996/0707 – Installation of Storage Boxes and Change of Use to allow Carriage or Spare Parts and Promotional Mat - Conditional
- V/2003/0970 – Showroom Extension & Rear Covered Way – Conditional
- V/2013/0058 – Change of Use of Petrol Station Forecourt and Kiosk to Car Sales Pitch and Sales Office – Conditional

## **Main Considerations**

The main issues to consider in the determination of this application are:

- Visual Amenity
- Residential Amenity
- Highway Safety

## **Visual Amenity**

The application site is currently vacant with boarded up windows and has been subject to vandalism. The proposal will bring the site and existing buildings back into use.

Concerns have been raised by residents in relation to the proposal having a detrimental impact on the appearance of the locality, visual amenity and not being a good representation of Hucknall as Portland Road leads to the town centre.

The storage units proposed on the hard standing to the front of the site will be a prominent feature in the street scene along with the proposed fencing. However during the application process amendments to the scheme have been submitted which include moving the proposed fencing so it only runs down half of the front boundary and including a landscape strip with trees and shrubbery to help screen the fencing and storage units. Whilst it is acknowledged that the fencing and units will still be visible the landscaping will help to soften the appearance of them in the street scene.

Adjacent to the site is the telephone exchange which appears to be nominated for the local heritage list. Whilst the proposal will result in storage units being in proximity to this site it is considered unlikely to have an impact on the appearance of the neighbouring building and its character.

Overall it is considered that allowing a change of use of the site will bring a vacant derelict site back into use which in turn will improve the street scene. Whilst the proposal will be prominent to some extent in the street scene it is considered that the proposed landscaping will help to soften this and limit any impact the proposal may have in the visual amenity of the area and character of the street scene.

### **Residential Amenity**

There have been a number of concerns raised by residents in relation to the proposal and its impact on residential amenity.

Due to the nature of the proposal and layout of the site it is considered unlikely that it would have a detrimental impact on the amenity of neighbouring properties in terms of overlooking, overbearing, loss of privacy and overshadowing. It is understood that there are concerns that the storage units may be stacked which could impact neighbouring properties however it is recommended that a condition is attached to any forthcoming approval which would state that the units can not be stacked on top of each other.

Due to the proximity to residential properties a noise impact assessment was requested. The assessment was submitted along with a number of amendments to the scheme which included removing the shipping containers from the proposal and replacing them with the Kuboid KB200 units as they are smaller, do not bang and are made of composite plastic so there would be no resonance from impact to the side of the containers etc. Also the opening hours were amended to 7am to 7pm Monday to Saturday only with no opening on Sundays and Bank holidays. Finally an acoustic screen is proposed along the southern boundary between adjacent properties and the site. ADC Environmental Health have commented that they agree with the methodology used and the proposed mitigation amendments and have requested a condition.

The proposed opening hours are considered acceptable and should be conditioned in the interest of protecting residential amenity. Many comments raised concerns



regarding the site operating 24 hours a day and through the night and early morning. However by conditioning the proposed 7am – 7pm opening hours this will ensure the site only operates between these times.

There have also been concerns raised in relation to comings and goings, noise from machinery and vehicle noise. It is considered that comings and goings and vehicle noise would potentially be on a similar scale to what they were for the car sales business. It is considered unlikely that machinery will be used within the site as it is proposed for storage only. It is acknowledged that whilst the site is getting up and running and the containers are being delivered there may be an increase in vehicles for a short time but once it is in operation it is considered unlikely that any significant noise and disturbance should occur from the proposed use and any that does is unlikely to go above that experienced for the car sales business.

Concerns have been raised in relation to lighting at the site and the impact this may have on residents. Further information has been submitted detailing that the existing lighting on the site is to be retained exactly as it was for the car sales business. This comprises of small floodlamps on buildings and poles. It is proposed to only have the lighting switched on during the hours of operation. To ensure this is the case a condition is recommended. Plans demonstrating the internal lighting in the 3 buildings have also been submitted and it has been detailed that the internal lights will be on and activated when detected by sensor. Due to the above it is considered unlikely that the proposed lighting would have an impact that would be more detrimental than what it was previously for the car sale business.

### **Highway Safety**

The application proposes to utilise the existing main entrance of the site and will close off two of the other accesses whilst leaving the final access adjacent to No.12 Portland Road in situ with the existing gates and bollards to remain. A car park providing 17 car parking spaces, 7 van parking spaces and 2 7.5t lorry spaces is proposed.

Nottinghamshire County Council have been consulted on the proposal and in their initial comments raised a number of queries and requested further information and clarification on parking space sizes, access points and a swept path analyses. Further information was provided along with swept path analyses and the Highways Authority commented that they have no objections subject to four conditions and two informatives being appended to any forthcoming approval. They also commented that the two accesses to become redundant must be stopped up and reverted back to a footway. They were also satisfied that the site is unlikely to generate any more traffic than what the site has historically and that a range of parking solutions have been proposed. They did however raise that the only caveat to this would be that if the positioning of the containers were to change the swept path analyses would need to be repeated.

It is recommended that in the site layout proposed is conditioned to ensure that if the applicant wishes to amend the layout of the containers in the future or increase the

number of containers they would need to apply for permission. Therefore, the highways and access situation could be assessed again.

Concerns have been raised by residents in relation to increased traffic, inadequate turning and increased on-street parking on nearby streets. After assessing the submitted information and comments from the Highways Authority It is acknowledged that there will be more traffic whilst the site is being brought into use because of the siting of the units but once complete and open to customers is considered unlikely to lead to a detrimental increase in traffic. In addition to this the swept path analyses and layout plans provided demonstrate that vehicles can move within the site to access and egress in a forward gear and a number of parking spaces have been provided. Due to the nature of the proposal, it is unlikely that customers will park on neighboring streets as they will want to be as close to their unit as possible to drop off and pick up items being stored.

Taking the above into consideration it is considered that the proposal would not have a detrimental impact on highway safety or the highway network.

### **Other**

Comments have been received from residents stating that there is Japanese Knotweed on the site. To ensure that the correct procedures are followed in relation to any potential Japanese knotweed and to stop the spread it is recommended that a condition be appended to any forthcoming approval requiring the applicant to establish the extent of Japanese knotweed on site and if any is found to submit a management plan.

There have also been concerns raised in relation to not knowing what is being stored and the potential for hazardous material to be in the units creating a risk. It has been detailed in the submitted design and access statement that customers are not allowed to store any goods which are hazardous, flammable, environmentally harmful, explosive, illegal or perishable.

### **Conclusion :**

The application site is currently vacant and the proposal offers the opportunity to bring the site back into use. As discussed within this report whilst it is acknowledged that the proposal will be prominent in the street scene it is considered that with the addition of the landscaping proposed this will help to soften the appearance thus having less impact on the character of the street scene and visual amenity of the area. It is considered unlikely that the proposal will have a detrimental impact on the amenity of residents and conditions are recommended to control aspects of the business in the interest of protecting residential amenity. Access and movement within the site have been assessed and NCC Highways offer no objections subject to conditions therefore no concerns are raised in relation to highway safety and the highway network.

Therefore, the application is recommended for conditional consent subject to the conditions detailed below.

**Recommendation: - Grant consent subject to the following conditions**

**CONDITIONS**

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans: Site Location Plan, Site Layout Plan, Storage Container Elevations, Boundary Elevations, Dwg No. LOFT-22-P01revF received 03/03/2023, Landscaping Plan Dwg No. LOFT-22-P03revA received 03/03/2023, Proposed Floor Plans Dwg No. LOFT0-22-P02 received 17/08/2022. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. The proposed storage containers shall not be stacked at any time.
4. No part of the development hereby permitted shall be brought into first use until two existing site accesses that have been made redundant as a consequence of this consent and as shown on plan LOFT-22-P01revF are permanently closed and the access crossings reinstated as full height footway to the satisfaction of the Local Planning Authority.
5. No part of the development hereby permitted shall be brought into first use until the parking and turning areas are provided in accordance with the approved plan, LOFT-22-P01revF. These areas thereafter shall not be used for any purpose other than parking, turning, loading, and unloading of vehicles.
6. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. Before the development hereby approved is operational, the recommended sound insulation scheme submitted as part of the application shall be implemented in full and validated by a competent person and the validation report submitted to and approved in writing by the local planning authority.
8. If during the construction works any potential land contamination or unusual odour is encountered, all construction works shall cease immediately and not resume until either:
  - i. The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority.

or

- ii. The timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority.

If potential contamination is identified pursuant to part (a) of this condition, the development shall not be occupied until land contamination is fully remedied in accordance with a remediation scheme submitted to and approved in writing by the Local Planning Authority and a post completion verification report, including results of sampling and monitoring carried out, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the site remediation criteria have been met.

9. There shall be no storage outside the containers hereby permitted or buildings within the site at all times.
10. Prior to occupation of the development the extent of Japanese Knotweed on the site shall be established and if any is found within the site a management plan with time frames shall be submitted to and approved in writing by the Local Planning Authority and work shall be carried out in accordance with the agreed management plan.
11. The use of the hereby permitted development for Self-Storage shall take place during the hours of 7am – 7pm Monday to Saturday only and at no times outside of these hours or on Sundays and Bank Holidays.
12. No additional external lighting shall be installed unless a scheme has been submitted to and approved in writing by the Local Planning Authority. Any additional lighting installed shall be carried out in accordance with the approved scheme.
13. The existing lighting on site shall only be illuminated during the hours of 7am – 7pm Monday to Saturday.

## **REASONS**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To protect visual amenity and safeguard the amenity of residents.
4. In the interests of pedestrian safety
5. To ensure that vehicles entering and leaving the site may pass each other clear of the highway. To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of Highway safety.
6. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
7. To protect the aural amenity of future occupiers of the dwellings

8. To ensure that contaminated land is properly treated and made safe and to safeguard the health and safety of the future occupants in accordance with NPPF paragraphs 183 and 184.
9. To protect visual amenity
10. To prevent the spread of Japanese Knotweed
11. To safeguard the amenities of residents living in the vicinity of the application site.
12. In the interests of residential amenity.
13. In the interests of residential amenity.

## **INFORMATIVE**

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. The development makes it necessary to reinstate 2 vehicular crossings to full height footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, VIA East Midlands on 0300 500 8080 or email [contactus@viaem.co.uk](mailto:contactus@viaem.co.uk) to commence the licensing process.
3. It may be necessary to temporarily close the adjacent footway to undertake site clearance, and demolition works; if this is the case it will be necessary to contact VIA East Midlands in good time to ensure all necessary licenses etc have been approved. They can be contacted on 0300 500 8080 or email [contactus@viaem.co.uk](mailto:contactus@viaem.co.uk)