

## **Item No. 15**

<b>APPLICATION NUMBER</b>	<b>CB/12/03046/VOC</b>
<b>LOCATION</b>	<b>Market Garden Nurseries, 64 High Road, Beeston, Sandy, SG19 1PB</b>
<b>PROPOSAL</b>	<b>Removal of Condition No.4 on Permission CB/12/01201/FULL Dated 02/08/2012 -in relation to Highways Access from the A1</b>
<b>PARISH</b>	<b>Sandy</b>
<b>WARD</b>	<b>Sandy</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Aldis, Maudlin &amp; Sheppard</b>
<b>CASE OFFICER</b>	<b>Amy Lack</b>
<b>DATE REGISTERED</b>	<b>23 August 2012</b>
<b>EXPIRY DATE</b>	<b>18 October 2012</b>
<b>APPLICANT</b>	
<b>AGENT</b>	<b>DLP Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Aldis and Cllr Maudlin due to local concerns regarding the development</b>
<b>RECOMMENDED DECISION</b>	<b>Variation of Condition - Granted</b>

### **Site Location:**

The application site, 64 High Road, Beeston, was formerly occupied by Thelsid Nursery. The site comprises: an unoccupied bungalow dwelling to the northern corner of the site, adjacent to the northbound A1 trunk road; a detached Atcost building to the southwest of the site; and a concrete access route through the site.

Access to the site can be made directly from the A1 or via a single width track from Orchard Close. This track also serves as footpath no.40.

The site does not fall within a Conservation area. It does not fall within a development envelope and as such lies wholly within the open countryside as defined by the proposals map.

This application has been submitted in conjunction with three other Section 73 applications which seek to revise conditions on existing planning approvals that relate to this application site. Planning references: CB/12/03000/VOC; CB/12/03045/VOC; and CB/12/03047/VOC.

### **The Application:**

This Section 73 application seeks the removal of condition 4 attached to the planning permission which was granted under planning application reference CB/12/01201/FULL for the erection of two warehouse buildings (Use Class B8).

The wording of that condition is as follows:

No development shall commence unless and until the developer has submitted to and had approved in writing by the local planning authority in consultation with the Highways Agency, the following design details relating to the required improvements to the access off the A1. The scheme shall generally conform to the arrangements shown in outline on RPSdrawing: JobNo: JKK6849 - Drg No: 100 - Rev B of CB/11/01546/FULL.

Scheme details shall include drawings and documents showing:

- i) how the improvement interfaces with the existing highway alignment and carriage way markings including lane destinations,
- ii) full construction details relating to the highway improvement. This should include any modification to existing structures or proposes structures, with supporting analysis,
- iii) full signing and lighting details where applicable,
- iv) confirmation of full compliance with Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards),
- v) an independent stage 2 Road Safety Audit (taking account of any stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Notes, and

No development shall take place until the existing access of the A1 trunk road has been improved in accordance with the details approved as part of this condition. The access shall thereafter be used as the sole access for deliveries into the site.

The reason for the imposition of this condition was:

To ensure that the A1 will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980, and for the safety of traffic on that road. In pursuance with this requirement, the Highways Agency must be satisfied with all the details of the proposed improvement to access off the A1 prior to the commencement of construction work.

The applicant is of the view that the above condition is both unreasonable and unnecessary and therefore requests its removal. The restrictions of this condition means that construction of the two approved warehouse units, using the access off the A1 trunk road, is only permissible once the access improvements from this road have been implemented. They argue that the permission for the erection of the two

warehouses simply allows covered storage on the site as opposed to the open storage which has already been established via the granting of the original application to change the use of the site, approved under planning application reference CB/11/01546/FULL.

The existing permission for the warehouse buildings was granted by the Development Management Committee Members on 27 June 2012. This current application to remove the above condition must also re-consider the entire development again because if approved the Council would be granting a new permission for the development, taking into consideration any changes in planning policy or guidance and whether the site context has changed. This will be discussed within the main body of the report below under the heading 'Considerations'.

The details of the proposed development are unchanged and are as follows:

#### Warehouse 1:

This building would be sited adjacent to the existing warehouse on the site and would measure 24 metres by 15 metres, with a height of 5 metres to the eaves and 7.2 metres to the ridge. The length of this building would run parallel to the site's north western boundary.

#### Warehouse 2:

This building would be sited within the footprint of the former southern most greenhouse with the building lines of each running parallel. The building would measure 48 metres by 20 metres and would have a height of 5 metres to the eaves and 7.6 metres to the ridge.

### **National Guidance**

#### **National Planning Policy Framework (2012)**

Section 1 - Building a Strong, competitive economy (paragraph 18)  
Section 3 - Supporting a prosperous rural community (paragraph 28)  
Section 7 - Requiring good design (paragraph 56)

Circular 11/95 - The use of Conditions in Planning Permissions

#### **Regional Spatial Strategy East of England Plan (2008)**

SS1: Achieving Sustainable Development  
ENV7: Quality in the Built Environment

#### **Core Strategy and Development Management Policies (2009)**

CS14                      High Quality Development

DM3	High Quality Development
DM4	Development within and Beyond Settlement Envelopes
DM12	Horticultural and Redundant Agricultural Site

## Supplementary Planning Guidance

Design in Central Bedfordshire; A guide for Development (2010)

### Planning History

CB/12/03047/VOC	Variation of Condition No 5 on Permission CB/11/01546/FULL dated 15/09/2011 to be varied to: No goods, waste or other materials shall be stored, stacked or deposited outside the building(s) to a height exceeding 5 metres, unless otherwise agreed in writing by the local planning authority. Pending consideration.
CB/12/03045/VOC	Variation of Condition No. 4 on Application No. CB/11/03441/VOC dated 08/06/2012 From: There shall be no machinery used at the site, outside the hours of 0730 hours to 1800 hours Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays and there shall be no goods moved within the site or deliveries received or despatched outside the hours of 0600 hours to 1800 hours Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays. To: There shall be no machinery used at the site outside the hours of 0730 hours to 1800 hours Monday to Friday or outside the hours of 0800 hours to 1600 hours on Saturdays, and at no time on Sundays, Bank or Public Holidays and there shall be no goods moved within the site or deliveries received or despatched outside the hours of 0600 to 1900 hours Monday to Friday or outside the hours of 0800 hours to 1600 hours on Saturdays and at no time on Sundays, Bank or Public Holidays. Pending consideration.
CB/12/03000/VOC	Variation of condition 1 (hours of operation and delivery) of planning approval reference CB/11/03441/VOC to allow for the operation of machinery and deliveries on Saturday between 0800 hours to 1600 Hours. Pending consideration.
CB/12/00483/FULL	Re-cladding and minor alterations to elevations of existing building. Granted.
CB/11/03441/VOC	Variation of Condition: Change condition 4 (hours of vehicular movement) of Planning Permission CB/11/01546/FULL. Refused. Allowed at Appeal.
CB/11/01546/FULL	Change of use from nursery/horticultural site to commercial timber yard (Sui Generis). Granted.

**Representations:  
(Parish & Neighbours)**

Sandy Town Council    Objection. By closing the access off the A1 it will exacerbate the impact which increased number and size of vehicles will have upon the surface of the road which is already deteriorating from use of vehicles accessing the site.

Neighbours            A petition has been received, submitted on behalf of resident's of The Green and Orchard Road containing 43 signatures.

This is in objection to the proposal for the following reasons:

- By virtue of the change to conditions the timber yard could dominate residents lives seven days a week;
- Residents object to the removal of a condition to allow development, or allow its permanent removal;
- An increase in traffic has already been noticed and this will only get worse;
- HGV accessing the site via footpath 40 is unacceptable;
- At the committee meeting on 27 June 2012 Cllr Maudlin expressed concern for the time restrictive condition to be in place otherwise deliveries would make life untenable for residents;
- Removal of condition 4, even as lenience would leave continual use of Footpath 40 open for appeal;
- The A1 access should become In and Out. the view of this site for vehicles travelling northbound is less obstructed than other village openings and clearer than Orchard Road after a bend.

The above is a summery of the comments received. A full copy of the petition can be reviewed on the application file.

**Publicity**

Site notice            Posted on a telegraph pole at the end of the concrete access track/footpath 40 - 04.09.12

Press advert            02.11.2012

**Consultations/Publicity responses**

Highway Agency        No objection.

The applicant is currently engaged with the Highway Agency in delivering the highway improvements that have been conditioned.

Archaeology	No objection. The applicant has already supplied an archaeological desk-based assessment for this site and is working to fulfil the requirements of condition 5 (Archaeology) of planning consent CB/12/01201/FULL. The removal of condition 4 will have no impact on the archaeological interest of this site and therefore I have no objection to this application.
Public protection	No comment.
Highway authority	No comment.
Minerals and waste	An amendment to a previously approved development there are no further comments to make.
Bedfordshire and River Ivel internal drainage board	No comment.

### **Determining Issues**

This application seeks the removal of condition 4 attached to the planning permission which was granted under planning application reference CB/12/01201/FULL. The proposed development is identical and therefore the assessment of the application turns to the principle of removing the condition, whether or not there have been any changes in planning policy or guidance and whether the site context has changed.

#### Changes to Planning Policy and Guidance

The following key changes have been made to Planning Policy and Guidance since the determination of the original application:

- Car parking standards (2012)

Review of this Council's recently adopted guidance does not introduce any significantly different planning considerations no alter the policy background against which the proposal needs to be assessed.

#### Changes in circumstances on site

There have been no material changes in circumstance other than the applicants wish to construct the warehouse buildings while progressing the provision of the new access from the A1. Accordingly, from the consultation responses received and an inspection of the site and surroundings the main considerations of the application are;

1. Principle of removing condition 4
2. Impact upon the visual amenity of the surrounding area
3. Impact of the proposal on surrounding residential amenity
4. Highway Safety
5. Archaeology
6. Water contamination
7. Third party representations

8. Other issues
9. Conclusion

## **Considerations**

### **1. Principle of removing condition 4**

Currently the erection of the warehouses is only permissible once access improvements have been completed as restricted by condition 4 of CB/12/01201/FULL, the condition this application seeks to remove. The applicant argues that the permission serves to afford covered storage for the extant commercial timber yard use which establishes the acceptability of open storage on the site as part of that use. As such, the applicant considers the imposition of condition 4 requiring completion of the access improvements before building on site may take place unreasonable. They believe it presents an unnecessary barrier to delivering the timber business at this site. The applicant is keen to progress with the development of the site, and the access improvements but securing the latter is a lengthy process which is consequently holding up delivery of the warehouses and use of the site as a timber yard.

The applicant has demonstrated a willingness to deliver the required access improvements. Details required by the first part of condition 6 attached to the original permission for the change of use from a nursery/horticultural use to a commercial timber yard (CB/11/01546/FULL) have been submitted and approved by this local planning authority on 6 June 2012 following consultation with the Highways Agency. These are the same details which are required by the first part of condition 4 of CB/12/01201/FULL which this application seeks to remove.

Further to the approval of these details it has been confirmed that the applicant is progressing a S278 Agreement with the Highways Agency. This requires the preparation of technical matters, highways drawings, drainage drawings and the like, but is a lengthy process and one which is subject to external delays and unforeseen issues.

Central Government advice contained within the National Planning Policy Framework (2012) places an emphasis upon the importance of local planning authorities removing barriers to businesses. It requires the planning system to do everything it can to support economic growth and should operate to encourage, not act as an impediment to sustainable growth. Accordingly, significant weight must be placed on the need to support the timber yard business in Beeston and the economic growth it will contribute, not impede it. At the same time the Council must have regard to highway safety.

As such, the complete removal of condition 4 sought by this application is not supported. Alternatively an amended condition should be imposed. Given details required by the first part of this condition have approved it would not be rational to again require the imposition of this part of the condition. It is recommended that in the interests of highway safety and to reflect the previous concerns of the Committee a condition which would allow the applicant to commence construction

of the warehouse buildings whilst putting in place measures to deliver the improvements to the A1 access should be imposed.

This approach is consistent with a recommended condition of the new permissions which would be granted should the proposals made under planning application references CB/12/03000/VOC; CB/12/03045/VOC; and CB/12/03047/VOC be approved.

It is suggested the varied condition read as follows:

Within 12 months from the date of this approval the access improvements from the A1 as detailed on drawing numbers 101 P1; 100 B; and the Stage 2 Road Safety Audit reference 11119-JJF- S2RSA-B (February 2012) and approved by the local planning authority on 06.06.2012 in connection with planning application reference CB/11/01546/FULL shall be fully completed. Thereafter the new access shall be used as the sole access for all deliveries to the application site.

This proposed condition has the benefit of allowing the applicant to operate their business from the site while at the same time secure the new A1 access which in the longer term will benefit the local residents by reducing HGV movements associated with the application site. It is accepted that initially allowing the use to commence prior to completion of the improvements to the access will result in additional traffic in Orchard Road, The Green and along footpath 40. However, the appeal Inspector did not consider the use of the rear access or the impact on nearby dwellings to be unacceptable. In his consideration of vehicular movements to and from the site, he noted this road exists as a through route and is open to all traffic at all times. Further to this the eastern end of this road is already affected by the persistent noise of heavy traffic travelling along the A1. The Inspector also noted that while traffic movement would generate some noise and it is unlikely to be greater than could have occurred under the previous unrestricted use. He also remarked that the noise of a goods vehicle moving slowly is not a sudden or intrusive noise.

The recommendation to approve the variation of condition 4 as opposed to its removal has been put to the applicant. They do not agree with this approach and wish the application to be determined as submitted, requesting the removal, not the variation of the condition. Notwithstanding this, the recommendation to the Committee is to proceed with the variation of condition 4 as suggested above.

The Encyclopaedia of Planning Law and Practice advises that for Section 73 applications local planning authorities are required to consider only the question of the conditions subject to which planning permission should be granted, but that this does not prevent them from looking at the wider consideration affecting the grant of permission. Case law dictates that the authority may be unrestricted in its consideration of the full planning merits of the application, and the result of a successful application under Section 73 is a wholly new permission. As such, there



is a need to revise the planning conditions which were imposed previously to reflect any changes in circumstance. The wish of the Committee was to secure improvement works to the A1 and with an amended timescale the above condition will secure this.

Further to this allowing the applicant an unrestricted permission with respect to constructing the warehouses on the site and a period of 12 months grace to complete the required improvements to the access off the A1 the local planning authority is recognising the aspirations of the National Planning Policy Framework (2012).

For the above reasons the principle of removing condition 4 is not considered acceptable. However, in accordance with the determination of a Section 73 application the variation of the condition is considered acceptable in principle and is recommended to Committee.

## **2. Impact upon the visual amenity of the surrounding area**

Neither the removal nor variation of condition 4 attached to planning application reference CB/12/01201/FULL will have any impact upon the visual appearance of the two warehouse buildings approved by that extant permission.

The buildings will have a combined footprint of 1322 square metres and will extend over the area where previously large greenhouse buildings stood which combined had a total footprint of 3040 square metres. A net reduction in the built footprint across the application site of approximately 1718 square metres.

The application site is a former Market Garden nursery which has become redundant and is now being redeveloped in line with Policy DM12 of the Adopted Core Strategy which seeks to re-use former agricultural and horticultural sites in the district. Planning permission has been granted for the use of the site as a commercial timber yard, CB/11/01546/FULL (and CB/11/03441/VOC).

The buildings would have quite an industrial appearance, reflecting the character and appearance of the use of the site as a timber yard, and the historical use of the site which was characterised by large footprint buildings. For this reason, the proposed buildings are not considered to be harmful to the existing context or surrounding landscape. Since the approval of these building under planning application reference CB12/01201/FULL there have been no change in circumstance within the immediate context of the application site which would preclude their accordance with policy DM3 with respect to visual amenity.

Both warehouses would be clad in timber weatherboarding painted chestnut brown with a profiled metal sheet roof in a dark grey colour. It is recommended that as before a condition be imposed (condition 2) for the materials used in the construction of the warehouses to be as set out on the application form submitted with CB/12/01201/FULL. Subject to this the proposal to erect two warehouse buildings in this location remains acceptable.

By reason of the siting of the buildings and their distance away from main public views, the proposal is considered to preserve the visual amenity of the surrounding area and is therefore in accordance with Policy DM3 of the Core Strategy Development Management Policies (2009) the National Planning Policy Framework (2012) in particular, paragraph 56 relating to good design, and in accordance with technical guidance Design in Central Bedfordshire, a Guide for Development, 2010. The removal of the condition proposed by this Section 73 application or recommendation to Committee by officers to vary the condition does not have any impact upon the character and appearance of the proposed warehouses or visual amenity of the surrounding area. There have been no material changes surrounding the site nor any change to the policy and guidance background against which the proposal needs to be assessed.

### **3. Impact of the proposal on surrounding residential amenity**

Neither the removal nor variation of condition 4 will have any materially greater impact upon the residential amenity of neighbouring occupiers different from that approved by the original application for the erection of two warehouse buildings.

Concerns have been raised by the petition received with respect to the impact of increased traffic movement, the size of vehicles accessing the site and the inadequacy of the road to access the site. However, the condition was imposed for reasons of highway safety and not residential amenity issues. The impact of the use was considered under approved planning application reference CB/11/01546/FULL (and CB/11/03441/VOC) and considered acceptable.

With respect to the impact of the buildings upon nearby residential amenity, a good degree of separation between the proposed buildings and the nearest property to the north (No. 62 High Road), which is approximately 60 metres, remains and there have been no changes in circumstances or site context which have altered this. As such, the proposal will not impact on the level of privacy, or light afforded to this property, or those properties further to the north along Orchard Road.

Neither the removal nor variation of condition 4 will jeopardise the residential amenity of neighbouring occupiers. It is acknowledged that during the construction phase of the development and for the first 12 months that the site is in use, vehicles using the rear access and Orchard Road in conjunction with the development will create a level of noise and disturbance to nearby residential occupiers. However, as concluded by the Inspector whose decision to approve planning application reference CB/11/03441/VOC considered vehicular movements to and from the site, this road exists as a through route and is open to all traffic at all times, further to this the eastern end of this road is already affected by the persistent noise of heavy traffic travelling along the A1. The Inspector also noted that while traffic movement would generate some noise and it is unlikely to be greater than could have occurred under the previous unrestricted use. He also remarked that the noise of a goods vehicle moving slowly is not a sudden or intrusive noise.

There have been no material changes surrounding the site nor any change to the policy and guidance background against which the proposal needs to be assessed. The proposal therefore remains in accordance with Policy DM3 of the Core Strategy Development Management Policies (2009), the National Planning Policy Framework (2012), and with technical guidance Design in Central Bedfordshire, a Guide for Development (2010).

#### **4. Highway Safety**

Access into the site for deliveries is directly from the A1. This was agreed with the Highways Agency as acceptable subject to improvements to the junction arrangement and site access. Egress from the site is via The Green and Orchard Road, however it was accepted that other traffic non-delivery traffic such as staff working at the site may use the Orchard Road access to both enter and leave the site. This approved access arrangement is also secured by a similar condition (condition 6) of permission CB/11/01546/FULL with respect to the use of the site (and was also imposed by the Inspector to CB/11/03441/VOC).

The Highway Agency, who confirm that they are engaged with the applicant in delivering the highway improvements to the A1 as required by condition 6 of CB/11/01546/FULL (and CB/11/03441/VOC) raise no objection to this application to remove condition 4 attached to CB/12/1201/FULL which seeks to secure a similar arrangement. However, this is on the basis that the improved access from the A1 is provided. To reflect this requirement a new approval which imposes a varied condition, as opposed to the removal sought by the applicant, will require the new access being in place within 12 months from the approval of this application in order to safeguard the wish of Members to protect the residential amenity of nearby residential occupiers in Beeston and the safety of road users.

The Council's Highways team have not raised an objection to this application. Should the recommendation to approve the variation of condition 4 be accepted it is suggested the condition requesting details of on-site parking provision imposed to the original permission also be attached to the grant of this variation of condition application (recommended as condition 3). Subject to this the construction of the two warehouse units is considered acceptable and will not pose any significant implications for highway safety.

#### **5. Archaeology**

As previously recommended a condition should be imposed (recommended as condition 4) to require a Written Scheme of Investigation to record and advance the significance of any heritage assets with archaeological interest that may be lost (wholly or in part) as a consequence of the development. Subject to this the proposal is not considered to have any significant adverse impact upon any potential heritage assets with archaeological interest.

#### **6. Water contamination**

In considering the original application the potential for water contamination was raised as a concern. The Council's Public Protection team did not raise any objection to the proposal on these grounds and there have been no material changes in circumstance which would be cause for concern with respect to water contamination and drainage. In this regard the proposal is considered acceptable.

## **7. Third Party Representations**

The concerns raised by local residents in the petition have been addressed above within the main body of the report and were matters also considered in the determination of the original permission.

## **8. Other issues**

Depending on the outcome of the other applications for this site the conditions cited at the end of the report may need to be revised to reflect the approvals.

## **9. Conclusion**

Removal of condition 4 of CB/12/01201/FULL as applied for by this Section 73 application is not considered acceptable. Instead it is recommended that the condition be varied to allow the construction and use of the warehouse buildings for an initial 12 month period, from the date of this permission, should the application be approved. This will allow the applicants a period of grace in which to fully complete the required improvements to the access off the A1.

This recommendation is subject to the imposition of all other conditions attached to the original extant permission.

With respect to the construction of the warehouse units, review of the recently adopted Central Government guidance and this Council's guidance do not introduce any significantly different planning considerations and do not alter the policy background against which the proposal has been assessed. Further to this there have been no material changes in circumstance. As such, the proposed development remains acceptable.

## **Recommendation**

That removal of the condition be granted subject to the following conditions:

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with 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 approved shall be carried out in materials as set out in the application form, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.

- 3 **Before the development hereby permitted is commenced; details of a scheme showing the provision of 19 car parking spaces and 7 HGV parking spaces to serve the new warehouses shall be submitted to and approved by the Local Planning Authority. The details to be approved shall include the proposed materials for construction and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.**

**Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.**

- 4 Within 12 months from the date of this approval the access improvements from the A1 as detailed on drawing numbers 101 P1; 100 B; and the Stage 2 Road Safety Audit reference 11119-JJF- S2RSA-B (February 2012) and approved by the local planning authority on 06.06.2012 in connection with planning application reference CB/11/01546/FULL shall be fully completed. Thereafter the new access shall be used as the sole access for all deliveries to the application site.

Reason: To ensure that the A1 will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980; for the safety of traffic on that road; and to safeguard the residential amenity of nearby occupiers.

- 5 **No development shall take place until the applicant or developer has secured the implementation of a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in accordance with the scheme thereby approved.**

**Reason: To record and advance understanding of the significance of the heritage assets with archaeological in accordance with Policy 141 of the National Planning Policy Framework (2012).**

- 6 The use of the warehouse buildings hereby approved shall be solely in conjunction with the use of the site as a commercial timber yard as approved

by CB/11/01546/FULL or CB/11/03341/VOC whichever permission is implemented or subsequently supersedes these permissions thereafter.

Reason: For the avoidance of doubt and to preserve the residential amenity of neighbouring properties in accordance with Policy DM3 of the Adopted Core Strategy and Development Management Policies (2009)

- 7 There shall be no machinery used at the site, outside the hours of 0730 hours to 1800 hours Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays, and there shall be no goods moved within the site or deliveries received or dispatched outside the hours of 0600 hours to 1800 hours Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays.

Reason: To preserve the residential amenity of neighbouring properties in accordance with Policy DM3 of the Adopted Core Strategy and Development Management Policies (2009).

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [BE1316; PL01 E; PL04 B; PL05 C; 100 B].

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The proposed 2no. warehouse buildings will provide a means of acceptable covered storage in conjunction with the extant permission for use of the site as a commercial timber yard. The development will not have any significant adverse impact upon the character of the surrounding area, the residential amenity currently enjoyed by nearby occupiers, highway safety or archaeological heritage assets.

The variation condition 4 of planning application reference CB/12/01201/FULL is considered acceptable. Requiring the completion of the improvements to the access off the A1 within 12 months from the date of approval of this application will allow the construction and use of the 2no. warehouse buildings to commence in accordance with Central Government advice contained within the National Planning Policy Framework (2012) (Section 1, paragraph 19). Its variation will not have any significant adverse impact upon the character of the surrounding area, the residential amenity currently enjoyed by nearby occupiers or highway safety.

For the above reasons the variation of condition 4 of planning application reference CB/12/01201/FULL is acceptable and the development remains compliant with policies CS14; DM3; DM4 and DM12 of the Core Strategy and Management Policies (2009) and Central Government guidance contained within the National Planning Policy Framework (2012) in particular paragraph 19 with respect to supporting economic growth and paragraph 56 with respect to good design.

**Notes to Applicant**

**DECISION**

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