

DELEGATED APPLICATION REPORT

SITE ADDRESS: Rabbits Vehicle Hire

APPLICATION NUMBER: 191639/FUL

PROPOSAL: Demolition of existing buildings to be replaced with one temporary building and Palisade fencing. Retrospective consent sought.

Due Date: 16/3/2020 **Extended:** 14/11/2022

RELEVANT POLICIES AND SUPPLEMENTARY PLANNING GUIDANCE

Legal and Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12). In this regard, the NPPF states that due weight should be given to the adopted policies of the Reading Borough Local Plan. The Council's adopted Supplementary Planning Guidance and Supplementary Planning Documents are also material planning considerations.

Accordingly, the National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

Reading Borough Local Plan (2019)

CC7 (Design and the Public Realm)

CC8 (Safeguarding Amenity)

EM4 (Maintaining a Variety of Premises)

RESPONSE TO PUBLICITY (REPRESENTATIONS RECEIVED)

Letters sent to 21 adjacent properties and site notice displayed.

The only comments received were from Thameside Primary School and it was noted:

The key change to the original planning application in 2017 that potentially affects Thameside Primary School is the relocation of the washing bay to be next to our playground (previously approved showed it Wolsey Road side). We would like Rabbit Vehicle hire to respect that directly behind their washing area is the school's playground and would like assurance that spray containing any chemicals will not pass over into the playground where children are playing. If there is any risk of this, we would request that the washing bay has an enclosure to contain any such cleaning chemicals.

Officer comment - this request was passed on to the applicant via their planning agent.

CONSULTATION RESPONSES

RBC Transport Strategy: commented on the original plans noting the new fencing and sought confirmation that visibility splays were maintained.

RBC Environmental Protection: no objections.

PLANNING HISTORY

99/00353/VARIAT Removal of Condition 1 from permission 98/0592 to allow continued use of premises for vehicle hire, garaging and ancillary offices PERMISSION 21/7/99 [this removed the temporary condition]

12/00815/FUL (121368) The demolition of existing building and the erection of new workshop and clean bay and external ancillaries. PERMISSION 25/7/12

12/01292/APPCON (121703) discharging condition of above SPLIT DECISION 19/11/12

12/01902/APPCON (120761) discharging of Condition 2 of above. NOT DISCHARGED 1/3/13.

161571 for the demolition of existing buildings to be replaced with two porta cabins. Approved on 20 January 2017

SUMMARY OF DISCUSSIONS WITH APPLICANT/AGENT

The application was delayed to allow for enforcement checks, the covid pandemic disrupting work and then the original case officer leaving Reading Borough Council. The Agent has been kept informed and it would seem, as the application is retrospective, that the applicant is not chasing for an outcome. However, it is accepted that a temporary permission should be granted (5 years) given no objections to the continued occupation of the building or the fencing over the intervening time.

APPRAISAL

Site is a mainly walled compound, formerly part of a larger warehouse site. Otherwise, area is residential, with rear of the site abutting the play area of Thameside Primary. The application site is in Flood Zone 2 (medium probability of flooding). The site is an active vehicle hire business and has been operating from the site for over 15 years.

Planning permission was granted in January 2017 for the demolition of existing buildings to be replaced with two porta cabins (app reference: 161571). The decision to grant planning permission was based on the details submitted and conditions imposed to ensure that the development would not negatively impact on adjoining residential amenity. As such, the development was required to be developed generally in accordance with the approved plans.

However, the operators failed to complete the development as shown on the approved plans. Specifically, the location of the buildings and wash down areas are not in their approved locations. The temporary structure office has been set forward of the prevailing building line within the adjacent industrial premises. Although this location was not considered specifically harmful, the impact of the building being set forward of the prevailing building line within Wolsey Road is different to the character and appearance of the area.

In addition, part of the original brick wall has been removed and replaced with 3m high painted palisade fencing. None of this was shown on the approved plans.

Officers concede that demolition of the wall is considered to be permitted development. However, the replacement of the wall with 3m high palisade fencing high adjoining the highway is not permitted development.

It was concluded that while there had been deviation from the approved plans the owner was advised to apply for retrospective permission to have the new structures retrospectively considered and approved.



The main issues are:

1. Design/streetscene

There are two aspects to the design, the location and appearance of the modular office building and the use of high painted palisade fencing in place of the high boundary wall. See image above.

In visual terms, the building is a very functional buildings in cream/white coloured render but not unattractive in appearance and not out of keeping with the industrial nature of the rest of the site. The siting does not harm the adjacent feature tree and there have been no complaints received about the building in this location (the original enforcement enquiry was regarding the use of the site - not this structure).

The boundary wall is not of any architectural merit and as noted, its demolition is permitted development in any event. The new palisade fencing is a contrast to the previous appearance and the remaining wall but not unattractive and allows views into the site.

The conclusion is that the modular building and fence comply with Policy CC7.

The applicant has been able to justify why the location of the building here and the new fence works for their use as it keeps customers away from where vehicles are stored and being moved around so is safer for all. It is also more pleasant for waiting customers.

Other matters

For clarity, as this application sits along side the 2017 permission, it is considered relevant to reimpose the same conditions to ensure that the use continues to protect local residents and pupils at the school from disturbance in accordance with Policy CC8.

Equalities Act

In determining this application, the Council is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. There is no indication or evidence (including from consultation on the application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to the particular planning application. In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

RECOMMENDATION

GRANT temporary planning permission subject to conditions from previous approvals updated and re-applied, where relevant.