

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**Date 28<sup>th</sup> September 2023**

<b>Application No:</b>	HPK/2023/0005	
<b>Location</b>	Buxton Press Ltd, Palace Road, Buxton	
<b>Proposal</b>	Variation of condition 2 and 3 relating to Ref: HPK/0003/7709	
<b>Applicant</b>	Mr Kirk Galloway, Buxton Press Ltd	
<b>Agent</b>	N/A	
<b>Parish/ward</b>	Corbar Ward	<b>Date registered</b> 14 <sup>th</sup> February 2023
<b>If you have a question about this report please contact:</b> James Stannard Tel. 01298 28400 extension 4298, james.stannard@highpeak.gov.uk		

**1. SUMMARY OF RECOMMENDATION**

<b>Approve Variation of Conditions</b>
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**1. REASON FOR COMMITTEE DETERMINATION**

1.1 This application has been brought before the Development Control Committee by Cllr Hall in order to fully consider impacts on local residents

**2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The application relates to the site of Buxton Press Ltd, a privately owned printing company that specialises in and produces colour magazines, brochures and catalogue printing. The use falls within the B2 Use Class – General Industry.

2.2 The site lies at the far end of Palace Road a short distance from Buxton Town Centre, opposite the main entrance to St Thomas Moore Catholic School, and adjacent to the Royal Mail Sorting Office site, within the built-up area boundary and not constrained by any sensitive statutory designation.

2.3 The site contains a large two storey building constructed in stone with tiled roof and associated hard standing which serves a off-street parking provision.

2.4 Permission was granted in January 1999 for an extension to the building under HPK/0003/7709. The Decision Notice that relates to this

application contained Conditions 2 and 3, which are set out in full below:

2. *Prior to the commencement of development a scheme indicating onsite parking, vehicle manoeuvring space and details of the access to Palace Road shall be submitted to and approved in writing by the Local Planning Authority*
3. *The approved parking spaces shall be made available prior to the occupation of the development and shall be maintained free of any obstruction to their designated use*

2.5 A site visit has confirmed that this permission has been implemented.

### **3. DESCRIPTION OF THE PROPOSAL**

3.1 A complaint was made to the Council's Enforcement Team regarding a potential breach of planning control relating to use of allocated parking spaces for storage, with delivery lorries loading and unloading in areas marked as "no parking", with other areas allocated for staff and visitor parking also being marked as "no parking".

3.2 Following an investigation of this complaint by the Council's Enforcement Team, it has been identified that there is indeed a breach of planning control, in so far as the parking layout agreed by virtue of Condition 2 in relation to the 1999 application is not being adhered to.

3.3 As such, an application has been submitted to vary Conditions 2 and 3 relating to HPK/0003/7709 which would see the total number of off-street parking spaces reduced from 40 to 25.

3.4 Whilst not technically forming part of the planning application, email correspondence from the applicant to the Enforcement Officer contains a useful context and the applicant's position, which is summarised as follows:

- *40 parking spaces are still available should these be required*
- *Impact of COVID-19 pandemic was devastating, forcing Buxton Press to reduce staffing levels from 154 total employees in 1998, to 97 employees post COVID.*
- *During lockdown, all aspects of the business were re-evaluated including the necessary number of designated parking spaces, finding that today's requirements is considerably less than in 1998.*
- *It was found that Buxton Press could 'de-classify' the 'loading bay' parking, easily returning it to 'car parking' as and when the business returns to pre-covid levels. The furthest two parking*

*bays in the 'loading bay' area are used at times for temporary storage but still allow for parking*

- *Through various initiatives all employees have been encouraged to explore car sharing opportunities, cycling or walking, with 80% of the workforce living within a 3 mile radius of the factory. These initiatives have been adopted by a large proportion of employees which further reduces the need for the larger number of designated parking spaces*
- *It is acknowledged that signage has been placed in the 'loading bay', restricting parking in this area. This signage was erected in direct response to non-employees using this area to park, creating potential health and safety issues. It was also an area of the parking bays least used by employees.*
- *Following an internal survey, the majority of respondents have a preference to use the on site car parking, with a few choosing to park (legally) on Palace Road*
- *The difficulty in parking in and around Palace Road has not been caused by Buxton Press employees or the supposed lack of available parking but more so perhaps by the changes to the remit of the Royal Mail Depot, which has expanded its operations, becoming a central 'hub', creating not only an increase in Royal Mail vehicles in and out of the Depot and necessitating an increase in Royal Mail vehicles in and out of the Depot and necessitating the creation of additional parking for same, but at the same time severely reducing staff parking, which has naturally led to an increase in parking on surrounding roads, Royal Mail personnel being unable to park close to the Depot.*
- *Buxton Press has occupied this site for many years and recognise that as a factory in a residential area we have responsibilities to our neighbours and as such have worked very closely together with them over the years to try to ensure the least disruption to all parties. We strive to be mindful of our community and also the needs they too may have.*
- *We have not reduced the number of parking spaces available on-site; we have merely re-assessed the numbers required and temporarily in line with what we believe to be today's means of calculating parking spaces and the numbers actually being used.*

3.5 As submitted the Proposed Layout shows the areas of parking to be retained, indicated by a pink shaded block, and the areas of parking to be lost, comparable to the details approved under HPK/0003/07709.

- 3.6 The plan clearly shows the loss of 12 x spaces to the south-west of the building, and 5 x spaces to the north-east of the building.
- 3.7 2no. new spaces are shown indicated by a light blue shaded area.
- 3.8 The application is available to view on the Council's website using the following link  
<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=259152>

#### **4. RELEVANT PLANNING HISTORY**

4.1 The site has been subject to the following planning history:

HPK/0001/2624	Proposed Extension to Paper Store (Approved)
HPK/0003/3578	Internal Workshop Extension (Approved 30/06/94)
HPK/0003/6050	Rebuilding & Extension Of Paper Storage & Distribution Areas (Approved 19/03/97)
HPK/0003/6942	Fascia Sign to Rear of Building (Refused 17/03/98)
HPK/0003/7342	First Floor Extension to Offices & Re-roofing Production Area (Approved 15/09/98)
HPK/0003/7709	Extension To Paper Storage & New Roof Over Existing First Floor Office (Approved 15/01/99)
HPK/2002/0844	Change of Materials to Side (North) Elevation (Approved 25/11/02)

#### **5. LOCAL AND NATIONAL PLANNING POLICIES**

##### **High Peak Local Plan 2016**

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S4 Maintaining and Enhancing an Economic Base
- S7 Buxton Sub-area Strategy
- EQ6 Design and Place Making
- E1 New Economic Development
- CF6 Accessibility and Transport

##### **National Planning Policy Framework 2021**

Achieving Sustainable Development	Chapter 2
Building a Strong Competitive Economy	Chapter 6
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12

## 6. CONSULTATIONS CARRIED OUT

<b>Site notice</b>	Expiry date for comments: 3 <sup>rd</sup> April 2023
<b>Neighbour letters</b>	Expiry date for comments: 24 <sup>th</sup> March 2023
<b>Press Notice</b>	Expiry date for comments: N/A

6.1 The following comments have been received from relevant consultees:

<p><b>DCC Authority</b></p> <p><b>Highways</b></p>	<p><u>Comment 1</u></p> <p>The application seeks the variation of Conditions 2 and 3 appended to HPK/0003/7709. It is noted that the application form states that the site reduces parking spaces from 40 to 25 in total, due to a significant reduction in the workforce associated with the site.</p> <p>In order to determine if the reduction in off-street parking is in line with your authorities parking standards, the use class and floor area of the site requires clarification.</p> <p><u>Comment 2</u></p> <p>In accordance with your own Authorities parking standards for the sites B2 Use Class, 45no parking spaces should be provided to serve a site with a floor space of 2700m<sup>2</sup>. Therefore, the existing number of off-street parking spaces associated with the site is slightly below recommended levels, and the proposal results in a loss of 17 spaces.</p> <p>Whilst the reduction in on-site parking spaces is not ideal, the application site is located in a sustainable location in the centre of Buxton. Buxton Train station is in close proximity to the site on Station Road, along with availability of other public transport facilities and public car parks nearby the site, therefore, it is considered that alternate modes of travel can be used to commute to the site, without reliance on the use of private vehicles.</p> <p>Nonetheless, in order to promote sustainable travel it is recommended that sheltered, secure</p>
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and accessible bicycle parking facilities are provided within the site.

Additionally, the public highway fronting the site, Palace Road, has extensive waiting / parking restrictions, excluding a short unrestricted area to the South of the site. Therefore, it is unlikely that the reduction in parking would result in any on-street parking issues on Palace Road, and any parking in restricted area's would be an offence which is enforceable by the police.

In view of the above, it is not considered that the proposed variation of conditions to reduce the level of off-street parking at the site, would result in any severe highway safety issues that would justify a reason for refusal that could be substantiated at appeal.

Therefore, the Highway Authority has no objections to the variation of conditions 2 and 3, however, it is recommended the following condition is included in the consent:

- Prior to the reduction in off-street parking associated with the site, sheltered, secure and accessible bicycle parking shall be provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

### Comment 3

Many thanks for the cycle storage details. The cycle storage is located within the site which is considered to be in a accessible and secure location, on the basis that the site doesn't currently benefit from any bicycle storage the provision of a store which can accommodate 6no bikes is sufficient.

Please see the below condition which has been reworded accordingly:

- Prior to the reduction in off-street parking associated with the site, sheltered, secure and accessible bicycle parking shall be provided in accordance with the submitted

details: Proposed Cycle Storage Plan 22-08-23 & Proposed Cycle Storage – 22-08-23. The storage area shall be maintained for this purpose thereafter.

Comment 4

Further to the previous highway authority comments to this application and also in response to your email below;

It was initially understood that the application proposed to vary conditions 2 and 3 of application reference HPK/0003/7709 to reduce the on site parking provision, a reduction of 15 spaces from the 40 required in the condition. There was no mention in the application or supporting information that there was intended to be any proposed alterations to the vehicle manoeuvring space or access off Palace Road; a reduction in the number of parking spaces, as shown on the information provided, would suggest that additional manoeuvring space within the site would be provided due to the loss of parked vehicles.

It is not clear what, if any, changes are proposed to the site access. It does not seem unreasonable to have initially assessed the loss of parking provision on its own as, according to the application, that was the only part of the conditions which was to be varied. However, you are now asking for the onsite manoeuvring space and site access, and the potential impact of any alterations to these, to be assessed.

In response to the objections, these will be commented on later in this correspondence as part of the overall response to the application.

The submitted information i.e., the 2 block plans showing existing and proposed parking allocation, indicate that 12 spaces are to be removed from the area within, what is assumed to be, the loading area of the premises, which is directly off Palace Road. 5 spaces are to be removed within the site and 2 new spaces are to be provided adjacent to 2 existing spaces within the site. Based on this, the access to the loading area off Palace Road, would seem to be more accessible as parked vehicles are to be removed.

	<p>The 5 spaces removed from within the site would also seem to allow more accessibility within the site e.g. turning space. However, the provision of 2 new spaces could potentially reduce turning space provision.</p> <p>It is not clear what you consider to be the site access. Is this the main access off Palace Road adjacent to the Post Office premises, the access to the loading area or both? The submitted plans do not make any alterations to the access adjacent to the Post Offices premises; the status quo remains.</p> <p>The access to the loading area would seem to be better due to no vehicles being parked in this area. The provision of 2 new spaces could, as previously mentioned, have some impact on the onsite manoeuvring space; however, it seems reasonable that this would be offset by the removal of the nearby 5 spaces. Further information could be requested from the applicant on size and type of vehicles which utilise this area of the site and the turning space required i.e., swept path analysis. However, it is doubtful how this information could be verified.</p> <p>You have mentioned the lack of space for larger delivery vehicles to use space within the site and the potential impact on users of Palace Road, the nearby school, Royal mail depot and residents. I will make reference to the objections made to this application.</p> <p>One of the objections refers to there being one loading bay which results in numerous lorries being parked on Palace Road. It is assumed that this is the area where 12 spaces are proposed to be removed. This loading area has never been of a sufficient size to allow large delivery vehicles to turn.</p> <p>If this area is being used for the storage of material, as suggested by another objector, this may be an issue which you as the planning authority would wish to investigate and take appropriate action.</p> <p>Practically speaking, if this area was previously used for parking (12 spaces), and this area is now</p>
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	<p>used for storage, as long as the storage is not covering a larger area than the parking spaces, then it is not clear how this impedes the access.</p> <p>Is there any evidence that the operation being carried out has increased contrary to the original permission and that the increase attracts more delivery or other vehicle movements? If the operation now attracts larger delivery vehicles than was originally intended, the highway authority has no control of this. The size of delivery vehicles accessing the site is also not part of this application.</p> <p>It should be noted that when visiting the site, last week on Thursday, 24<sup>th</sup> August, the loading area didn't appear to contain any storage of materials, and an HGV was observed within the loading area, with no HGV's present on Palace Road at the time of the site visit.</p> <p>An objector refers to an additional building being constructed in the area where it is proposed to remove 5 parking spaces and that this has received no planning consent. You have mentioned that this is application is a 'breach of planning control' application; I would ask how the highway authority was to be aware of this?</p> <p>Until the receipt of your recent email was this mentioned. I would ask if your planning enforcement team has, or is serving notice on the applicant about a breach of planning consent? And are you asking for the highway authority to comment on that action?</p> <p>If additional buildings/workshops/storage have been constructed within the site without permission, it is not clear how this would detrimentally impact the operation of the Royal Mail premises, the school or local residents especially to an unacceptable standard.</p> <p>Palace Road and the adjoining roads have extensive waiting restrictions and there is a school keep clear marking outside the school. It is noted that some of these have faded, and a request will be made to internal colleagues for these to be repainted. It is for the legitimate body to enforce waiting restrictions and a request will also made</p>
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	<p>for action to be taken on Palace Road.</p> <p>The objectors may also wish to contact Derbyshire County Council's Civil Parking Enforcement team about enforcement of waiting restrictions. Also, as previously mentioned, Palace Road is considered to be located within a town centre environment with access to alternative travel options with access available on foot or cycle to and from the town centre. Derbyshire County Council does welcome sustainable travel options and, in general, reduced motorised travel would accord with both policies and aspirations to reduce car borne travel journeys to reduce carbon emissions.</p> <p>There may be some inconvenience caused by the proposal to reduce the parking provision within the application site; however, based on the comments made by the objectors, it would seem that this same inconvenience has been ongoing for some time, if not for all of the time which the applicant has operated from this site, and it is not considered that the perceived inconveniences currently caused by the site would be exacerbated to such a degree which would result in an unacceptable impact on highway users to which the highway authority could sustain an objection.</p>
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6.2 1 x neutral comment has been received in connection with the application which asks the following questions/makes the following points:

- What are the original conditions with regards to parking and operation of plant and machinery?
- Some spaces already been removed as is being used as storage
- Permanent structures present on one area (Area C)
- Should retrospective permission not be sought for permanent structures?
- Unauthorised use has caused damage to public highway
- Undersupply of parking provision results in staff parking on Palace Road
- Causes congestion due to proximity of school
- Residents have seen an erosion of their right to enjoy quiet enjoyment of their properties with the expansion of Buxton Press
- Will Council spend money on damage to road caused by vehicles (pot holes etc.)?
- Perhaps it is time for Buxton Press to seek alternative premises

6.3 1 x representation objecting to the application have been receive asks the authority to consider the following:

- Removal of one parking space in Palace Road to allow delivery vehicles to exit the loading bay without mounting the pavement
- Create a no loading/no waiting zone outside Nos 1 and 3 Palace Road in the interests of preserving residential amenity
- Work with Buxton Press to reduce number of large vehicles using Palace Road as a waiting area, which often obscures sight lines and create hazards, particularly during school drop off times
- Require Buxton Press to stop using Zone 'A' as shown as a storage area
- Change single yellow lines to double yellow lines at some points on Palace Road and add 'no waiting/loading' signs
- Increase number of traffic wardens visiting Palace Road
- Buxton Press to advise drivers to move on from Palace Road after deliveries are concluded, as more often than not they then park for a break – on double yellow lines and pavements
- Work with DCC to repaint existing lines and other signage
- Consider longer term regeneration of the site to include railway land to the rear, telephone exchange building, and sorting office building

2 x further representations objecting to the application have raised the following concerns:

- Residents of Lascelles Road have not been consulted even though they are directly affected by lorries parking there before and after delivery to Buxton Press
- The School should be consulted due to being impacted
- Buxton Press business has expanded beyond the site capability and the business is trying to squeeze more into a limited space
- Only one loading bay and results in numerous lorries parked on Palace Road
- Removal of parking spaces can only make the current poor situation worse
- Best outcome would be for Buxton Press to relocate to larger premises

## **7. OFFICER ASSESSMENT**

### **Principle of Development**

7.1 The site lies within the built-up area boundary of Buxton, one of the larger Market Towns that sits at the top of the settlement hierarchy under Local Plan (LP) Policy S2. Such settlements are the focus for housing and economic growth.

7.2 LP Policy E1 refers to New Economic Development and seeks to protect non-designated employment premises to ensure that development would not result in the loss of land or buildings from

employment use, and supports business development outside of allocated employment sites within the built-up area boundaries where it would not create any undue harm to the character appearance or amenity of the area.

- 7.3 Chapter 6 of the NPPF contains relevant policies that support and encourage economic growth, that allow businesses to invest, expand and adapt. Paragraph 81 states that significant weight should be placed on the need to support economic growth taking into account local business needs.
- 7.4 The application seeks to vary planning conditions relating to an established Printing Press (General Industry – B2 Use Class) to operate in a manner that is more akin to their size and scale following the Covid-19 Pandemic and to regularise an accepted breach of planning control relating to previous approved details to accommodate on-site parking, manoeuvring of vehicles, and access to Palace Road.
- 7.5 Having regard to the above policy context, the principle of development can be supported where it is judged that the proposed variation would comply with all relevant local and national planning policies, having regard to all relevant planning considerations.

#### **Parking Provision and Highway Safety**

- 7.6 LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network and provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.
- 7.7 Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.
- 7.8 Paragraph 111 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.9 The primary objections from local residents and members of the public regarding highway safety can be succinctly summarised as follows – the existing congestion and informal parking by HGV vehicles on Palace Road will be exacerbated as a result of the loss of off-street parking, with the site not big enough to accommodate the delivery vehicles associated with the premises.
- 7.10 The Conditions that the applicant seeks to vary are set out in full below:

2. *Prior to the commencement of development a scheme indicating onsite parking, vehicle manoeuvring space and details of the access to Palace Road shall be submitted to and approved in writing by the Local Planning Authority*
  3. *The approved parking spaces shall be made available prior to the occupation of the development and shall be maintained free of any obstruction to their designated use*
- 7.11 It is therefore not just the impacts on the loss of staff and visitor car parking that requires consideration, but the wider consequences of the lack of space for larger vehicles (loading and unloading for example) to utilise space within the site, and resultant impacts to users of Palace Road if such vehicles continue to load and unload and park on Palace Road, directly opposite an entrance to a busy School and very close to a Royal Mail Sorting Depot, and nearby residential properties.
- 7.11 Officers were minded to seek clarification from the Highways Authority, in light of the initial responses not addressing the three individual components set out in Condition 2: (i) onsite parking (ii) vehicle manoeuvring and (iii) access to Palace Road.
- 7.12 With regards to the first component (off-street parking provision) the Printing and Publishing business falls within the B2 Use Class. As per the parking guidelines under Appendix 1 of the Local Plan, this town centre location requires minimum parking provision of 1 space per 25m<sup>2</sup> up to 2500m<sup>2</sup>, and 1 space per 60m<sup>2</sup> above 2500m<sup>2</sup>.
- 7.13 The overall footprint of the building totals circa 2,700m<sup>2</sup> which by today's adopted parking guidelines contained at Appendix 1 of the Local Plan, would require a minimum of 45no. off-street car parking spaces to be provided.
- 7.14 The Existing Plan shows provision of 40no. spaces, with the Proposed Plan showing the overall parking provision reduced to 25no. spaces (loss of 17 and creation of 2).
- 7.15 Given the above, it is clear that the loss of parking spaces proposed would be in conflict with the Council's parking guidelines, and therefore has the potential to result in an increase in on-street parking, which would be contrary to LP Policy CF6.
- 7.16 However, the site is located within a highly sustainable location within the built-up area boundary of Buxton and within short walking distance from a number of public car parks, and excellent public transport connections, most notably the railway station, and adjacent bus stop.
- 7.17 When considering the sustainable location of the site, and considering the comments provided by the Highways Authority, it is concluded that any conflict with LP Policy CF6 would not form a sustainable reason

for refusal that would stand up to scrutiny at appeal, and thus the loss of car parking provision on site is, on balance, considering the specific context of the site, acceptable in highway safety terms.

- 7.18 Turning to the manoeuvring space for vehicles within the site, the latest comments from the Highways Authority make clear that the site was never big enough to accommodate sufficient space for HGV's to turn within the site.
- 7.19 As noted within the latest Highways response, the loss of car parking spaces does indirectly improve the manoeuvrability of vehicles by virtue of more space being accessible. As such the revised layout is considered to be acceptable with regards to this component of highway safety.
- 7.20 Lastly with regards to access, the frontage to Palace Road and points of access to the side and rear of the building is unchanged from the current (approved) layout, with off-street parking still spanning the width of the frontage.
- 7.21 As such, Officers are satisfied that the variation of both Conditions 2 and 3 to refer to the plans submitted with this application would not compromise highway safety to the degree that it would warrant a credible reason for refusal, having regard to LP Policy CF6 and paragraph 110 of the NPPF.

## **Other Matters**

### Amenity

- 7.22 Objections have referred to general disruption surrounding the parking and manoeuvring of vehicles and the associated disturbance to the amenity of surrounding properties.
- 7.23 It is considered that given the lawful use of the site, and its location within the built-up area boundary of a large Market Town adjacent to a School and Royal Mail Depot, there is inevitably going to be some degree of noise at various times of the day, most notably the start and end of the school day and rush hour.
- 7.24 However, the proposed change to the parking and turning layout is not considered to result in any degree of additional harm to residential or public amenity that warrants a sustainable reason for refusal that could be defended with any credibility at appeal.

### Nutrient Neutrality

- 7.25 The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of

phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC.

- 7.26 A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.
- 7.27 The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will not increase overnight stays or surface water run-off from the site. Therefore it will not risk having a significant negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

#### Road Marking and Signage

- 7.28 Objections have included suggestions which includes the need for better and increase signage restricting waiting times and the areas where loading/unloading can take place. Such matters are understood to be the responsibility of the County Council and not within the control within the Local Planning Authority. As such, in the absence of any specific recommendation from the Highways Authority there are no powers to include conditions relating to additional or enhanced signage.

#### Unauthorised Development

- 7.29 Objections refer to a building that has been erected to the northern side of the building without the necessary planning permission.
- 7.30 A site visit has confirmed that the only structures within the confines of the site other than the main building are 2no. modest substation buildings that the applicant submits have been in situ for at least 30 years. Evidence held by the Council shows that these structures have been in situ since 2011 and would thus be lawful.

#### Consultation Process

- 7.31 The representations received from local residents and members of the public refer to a lack of consultation and certain properties and premises not being notified. Officers can confirm that the LPA have complied in full with the Town and Country Planning (General Management Procedure) Order 2015 as amended (GMPO) with regards to neighbour and public consultation.

## **Planning Balance and Conclusion**

- 7.32 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF). It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.
- 7.33 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 7.34 Following a complaint and subsequent enforcement investigation, the application seeks to vary Conditions 2 and 3 relating to HPK/0003/7709 which would effectively see the total number of off-street parking spaces reduced from 40 to 25.
- 7.35 The principle of development (i.e. supporting an established light industrial business) is supported subject to a detailed assessment of all relevant planning considerations, which in this case, amount to matters of highway safety.
- 7.36 After seeking more detailed comments from the Highways Authority, Officers have concluded that the loss of off-street parking would not lead to a degree of harm to highway safety that would warrant a credible reason for refusal that could realistically be defended at appeal. Moreover, there would be no material harm to the manoeuvrability and access within or into the site.
- 7.37 The variations to Condition 2 and 3 that refer to the plans submitted with this application and read as compliance conditions, is therefore considered on balance to be acceptable.
- 7.38 As such, the application is considered to constitute a sustainable form of development, and in line with LP Policy S1a and paragraph 11 of the NPPF. The application is therefore recommended for approval as per the varied wording to conditions below.

## **8. RECOMMENDATIONS**



**A. Approve Variation of Conditions 2 and 3 to HPK/0003/7709 as follows:**

2. The development hereby approved shall provide onsite parking, vehicle manoeuvring space, cycle parking and access to Palace Road in accordance with 'Proposed Parking Layout' and 'Proposed Cycle Storage Shelter' Details and shall be retained for the lifetime of development.
3. The parking spaces identified on the approved 'Proposed Parking Layout' drawing shall be maintained free of obstruction to their designated use for the lifetime of the development.

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informative/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 187 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

**Site plan**

