

22/00394/FUL

Applicant Mr Phil Oliver

Location Unit 1 Machins Industrial Estate Nottingham Road Gotham
Nottingham

Proposal Change of use from car sales to industrial (Resubmission of
21/02815/FUL)

Ward Gotham

Full details of the proposal can be found [here](#).

THE SITE AND SURROUNDINGS

1. The site forms part of an Industrial Estate which is located off Nottingham Road, Gotham. The access is between two residential properties and is quite narrow (one car width). There are some containers located at the entrance to the car park and the Industrial buildings themselves are in a linear form extending east-west. The application site forms the end unit. The unit itself is accessed via a roller shutter door on the western elevation (which is wide enough for cars to enter/exit)
2. Parking is along the northern boundary of the site, which backs onto the gardens of residential properties. The application does not include parking areas within the red line although supporting information submitted indicates that access to the shared parking area is included on the lease of the unit, with no restriction on which or how many spaces can be shared. Two parking spaces are identified on the planning application form as existing and proposed.
3. There is a detached garage to the side which does not form part of the application.

DETAILS OF THE PROPOSAL

4. The current application seeks to change the use of the building from car sales to industrial.

SITE HISTORY

5. The site history extends back to the 1970s when the factory appears to have been converted to individual industrial units.
6. Planning permission was granted under reference 20/02035/FUL for Change of use from class B1(c) industrial processes to class Sui Generis mixed use car sales and repair.
7. Planning permission was subsequently granted under reference 21/02815/FUL for Change of use from car sales to industrial. This has a

condition limiting opening hours to 8am-6pm Monday to Friday and 11am-3pm Saturdays with no working on Bank Holidays and Sundays.

REPRESENTATIONS

Consultee comments can be found [here](#)

Ward Councillor(s)

8. The Ward Member Cllr Walker has noted concerns with the application as it is difficult to assess the hours of operation without knowing the end user. He notes that recent tenants have caused significant detriment to local amenity and that noise is a particular issue.

Town/Parish Council

9. The Gotham Parish Council has no objections but has concerns over whether the external flue will be suitable for the future tenants.

The Borough Council comments

10. The Borough Council' Environmental Health Officer has no objection subject to conditions regarding fume extraction equipment and ensuring all operations take place inside the building.

Nottinghamshire County Council comments

11. The Nottinghamshire County Council as Highways Authority has commented that the application can be dealt with under Standing Advice.

Local Residents and the General Public

Details of the comments can be found [here](#).

12. Four local residents have commented expressing concern regarding privacy and noise and noting that it is difficult to assess the full impact as the exact nature of the industry is not known.

PLANNING POLICY

13. The development plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy and the Local Plan Part 2: Land and Planning Policies. Other material considerations include the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), and Gotham Neighbourhood Plan. Any decision should be taken in accordance with the adopted development plan documents.

Relevant National Planning Policies and Guidance

14. The National Planning Policy Framework 2019 (NPPF) includes a presumption in favour of sustainable development. There are three overarching objectives to sustainable development: economic, social and environmental.

Chapter 2 Achieving sustainable development

Chapter 6 Building a strong, competitive economy

Full details of the NPPF can be found [here](#).

Relevant Local Planning Policies and Guidance

15. LPP1 Core Strategy Policies:
Policy 1 - Presumption in favour of sustainable development
16. Policy 5 - Employment Provision and Economic Development.

Full text of the above Policies can be found [here](#).

17. LPP2 Land and Planning Policies:
Policy 15 - Employment Development

Full text of the above Policies can be found [here](#).

18. Gotham Neighbourhood Plan was adopted in January 2020. Chapter 7 - Employment, makes reference in the supporting text to the Machins Industrial Estate and the need to ensure appropriate alternative provision for local employment in the event the site is redeveloped. However there are no specific policies regarding this site.

Full text of the Gotham Neighbourhood Plan can be found [here](#).

APPRAISAL

Principle of Development

19. In principle there is no objection to the proposed use, it would convert the existing car sales back to a general industrial use in line with its previous historical use and the use of the remainder of the site.
20. The use would be compatible with Policy 15 of the LPP2 Land and Planning Policies.
21. In relation to parking standards the Standing advice advises one space per 65m² in rural towns, and out of town one space per 55m². The unit is 185m² and, as stated before, shares the existing parking area with the other units at the site. As this situation is unchanged from the previous approvals it is considered to be an acceptable arrangement.
22. In considering amenity issues of noise, odour and number of customers visiting the site officers are mindful that the site has housed a factory for many years co-existing with local residents. Residents concerns relate to the user of Unit 2 of the same site, who it was originally understood would move to Unit 1. The agent for the current application has confirmed that this is no longer intended to be the case. Currently Unit 1 is occupied by a Christmas Decoration Company and the fume extraction previously installed has been removed and the hole boarded up.

23. Nonetheless, the grant of planning permission cannot determine the eventual end user, however it can seek to impose controls by way of a condition requiring details of any fume extraction system to be submitted and its associated impacts in terms of noise and odour. Accordingly a condition is proposed to ensure this.
24. The proposed hours of operation are 7am-7pm Monday to Saturday with 10am-3pm proposed on Sundays and Bank Holidays.
25. In terms of use classes the application form refers to a use falling within Class B1 (c) which is commonly defined as any industrial process which can be carried out in any residential area without causing detriment to the amenity of the area.
26. From August 2021 this was incorporated into the new flexible 'E' use class and part (g) of this is defined as
 - i) office
 - ii) the research and development of products or processes or
 - iii) any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area).
27. This 'new' use class is referred to in the supporting statement submitted with the planning application. On this basis – given the above description of the use class it is considered that the proposed hours of operation would be reasonable. The current site is unregulated in terms of hours of operation and has co-existed with the neighbouring residential properties for many years.
28. Given the site location and constraints it is considered prudent to add a condition that would restrict the use to this specific part of class E, rather than a flexible use within that category.
29. In conclusion, the proposed use is, in principle, acceptable and there is an extant permission which appears to have been implemented. The additional operating hours would be longer than those already approved and careful consideration has been given to impacts on amenity of neighbouring properties but it is considered these would not be unreasonable nor cause undue impacts on amenity due to the nature of the activities taking place.
30. The application was not subject to pre-application advice but was nonetheless considered acceptable in terms of policies and non-material amendments. It has therefore been recommended for approval.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted must be carried out strictly in accordance with the following approved plan(s)/drawings/documents: Site location plan and floorplan received 26th February 2022.

[For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

3. The hours of operation shall be limited to Monday to Saturday - 7.00am to 7.00pm and Sundays and Bank Holidays- 10.00am to 3.00pm .

To limit disturbance to neighbouring residential properties and in accordance with Policy 1 - Development Requirements of the Rushcliffe Local Plan Part 2: Land and Planning Policies

4. Within 1 month of the unit being brought into use the external venting area for the previously installed fume extraction shall be made good.

[To ensure the satisfactory appearance of the building and to protect nearby residential properties from unacceptable fumes, odours or noise having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

5. Prior to any fume extraction equipment being installed, full details of any externally mounted plant or equipment, together with any internally mounted equipment which vents externally, shall be submitted to and approved by the Local Planning Authority. If this information is inconclusive or not complete, then the applicant will be required to undertake a full noise assessment in accordance with BS 4142:2014+A1:2019: Methods for rating and assessing industrial and commercial sound, and where applicable an odour and/or dust assessment. The information submitted will need to make it clear that the plant/equipment is capable of operating without causing a noise, odour and/or dust impact on neighbouring properties.

[To protect nearby residential properties from unacceptable fumes, odours or noise having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

6. The use hereby permitted shall be restricted to Industrial uses as specified in part E'g'(iii) of The Town and Country Planning (Use Classes) Order 1987 (as amended), and not for any other purposes without the prior approval of the local planning authority.

[To protect the amenities of neighbouring residential properties and in accordance with Policy 1 - Development Requirements of the Rushcliffe Local Plan Part 2: Land and Planning Policies]