
Delegated report Officer: Richard McMichael

Application ref. DMPN/2021/1563

Certificate of Proposed Lawfulness for the prefabrication of reinforced steel products and their subsequent storage and distribution for use in the construction and transport industry Land at former Montracon Site, Sun Street, Woodville, DE11 7DN

Valid date: 12/10/2021

Consults expired: 17/11/2021

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/775/521 – The use of land formerly the sites of Nos. 12-38 Albion Street, Woodville, for the storage of trailers and containers, and for car parking. Approved, Feb 1977.

Responses to consultations and publicity

Planning Policy Officer – With the exception of continuing the current lawful use a proposal to use the site for any purpose other than that for which it is allocated would be a departure from policy.

Relevant policy, guidance and/or legislation

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

The relevant legislation is:

- Section 192 of the Town and Country Planning Act 1990
- Use Classes Order 1987 (as amended)

Planning considerations

This application falls to be considered under Section 192 of the 1990 Act. This states that:

*“If any person wishes to ascertain whether—
(a) any proposed use of buildings or other land; or
(b) any operations proposed to be carried out in, on, over or under land,
would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.”*

The submitted evidence, plans and statements shall be assessed in the following section of this report.

Planning assessment

The PPG states that “in the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.”

The applicant has submitted evidence of the site's planning history to establish its current use as B2 'General Industrial'. They have also outlined the processes involved with the proposed use of the site to supply prefabricated reinforced cages.

The submitted evidence within the application has been assessed and it is concluded that the applicant has proved that both the established use of the site, and the proposed use for the supply of prefabricated reinforced cages fall within Use Class B2.

It is considered that the evidence supplied by the applicant is sufficient to demonstrate that the proposed use is lawful development that does not require planning permission.

Recommendation

Approve

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	09/12/2021
Report agreed:	15/12/2021
Authorised officer:	Steffan Saunders
