



**TOWN AND COUNTRY  
PLANNING ACT 1990**

**Planning, Design and  
Access Statement**

**Retrospective change of use to  
plant hire (resubmission  
following refusal of  
6/2021/1380/FULL)**

**12 Southfield  
Welwyn Garden City  
Hertfordshire  
AL7 4ST**

**On behalf of  
The Complete Plant Hire Ltd**

**February 2022**

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**CHARTERED TOWN PLANNING CONSULTANTS**

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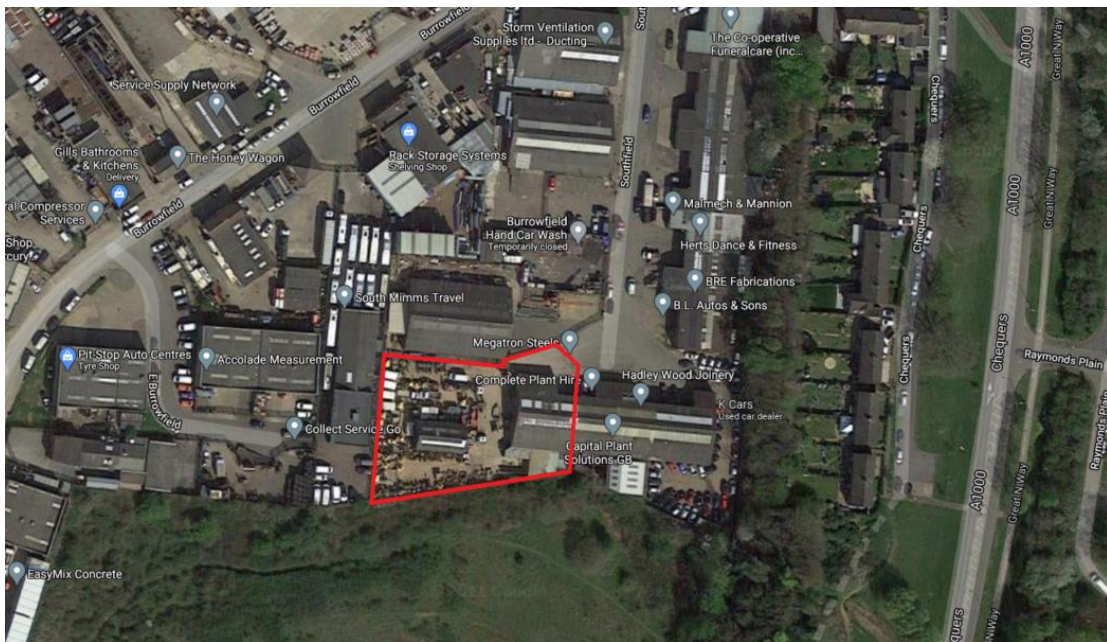
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## 1. INTRODUCTION

- 1.1 My name is Hayden Todd and I am an Associate Director with Aitchison Raffety, Chartered Town Planning Consultants. I have a Bachelor's Degree in Environmental and Resource Planning (Hons) and am a Member of the Royal Town Planning Institute.
- 1.2 This Planning Statement has been prepared in support of a planning application for the change of use to Plant Hire (Sui Generis) at 12 Southfield, Welwyn Garden City, Hertfordshire, AL7 4ST. It is noted that this is a retrospective application and that the use has been operating for more than 5 years. Prior to its use as a plant hire business (sui generis) the site was used for vehicle and bus repairs, paint spraying, leasing and sales (sui generis).
- 1.3 The proposed development is a resubmission of an application which was recently refused for insufficient levels of onsite parking. It is noted that the application site is a substantial industrial premises with a large rear service yard, which has ample space for on-site parking. This application includes a revised drawing illustrating the required parking spaces, addressing the only concern expressed with the proposed development.

## 2. SITE DESCRIPTION AND SURROUNDINGS

- 2.1 The site is a 0.23 hectare industrial premises located on the south eastern end of Southfield, which is a cul-de-sac. The site forms part of the designated Burrowfields employment area which is situated on the south side of Welwyn Garden City, approximately 1 mile from the town centre and railway station.



*Approximate extent of the application site*

- 2.2 The site consists of two separate industrial buildings and a large service yard. The main building is attached and fronts the highway. It has a simple building form with a front projection and a pitched roof. The building has an open plan layout with an internal two storey office structure. It has a single storey rear projection. The building dates from the 1960s and is constructed in brickwork with a corrugated cement panel roof.

- 2.3 The second building is detached and is centrally positioned in the yard. It has a simple pitched roof form with a loading door that opens into a warehouse area. The building is constructed in concrete, overlaid with corrugated cement panel walls and roofs.



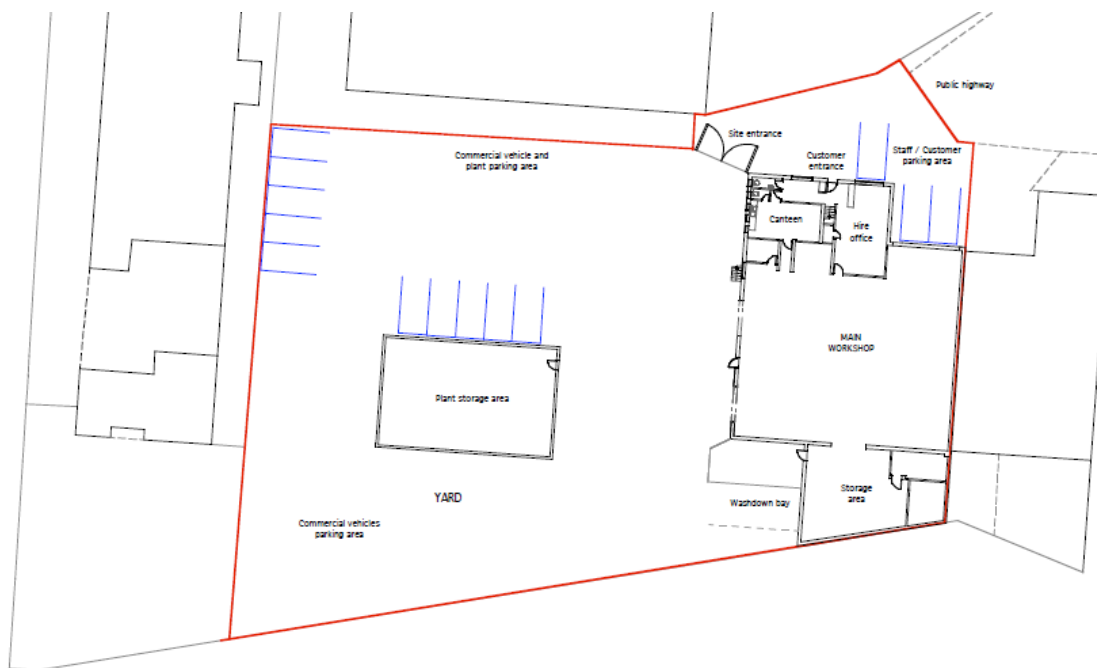
*Street view of the application site and surrounding development  
(None of the vehicles visible are associated with Complete Plant Hire or its customers)*

- 2.4 The site is owned and operated by Complete Plant Hire Ltd who have occupied the premises for over 5 years. The plant is stored and serviced within the buildings and yard. All plant is collected from the service yard.
- 2.5 A gated side entrance provides access to the yard, which is used for storage and parking. Staff and the majority of customers park on-site. Vehicles in the foreground of the above street view appear to relate to the adjoining uses. The rear yard is substantial in size and covered in hardstanding surfaces. There is ample space for vehicle parking and manoeuvring. The yard is enclosed with a metal security fence.
- 2.6 The surrounding area is characterised by industrial buildings that vary in size and style. Several of the surrounding premises have limited on-site parking provision which has caused some congestion issues in this designated employment area.
- 2.7 Ground levels are flat and the site is in Flood Zone 1 where it is at low risk of flooding.

### **3. PROPOSED DEVELOPMENT**

- 3.1 The proposal seeks retrospective permission for the change of use to a plant hire business (*sui generis*).
- 3.2 The plant hire business has been operating for over five years and offers a full range of plant and tools for hire. The plant is predominantly delivered to local builders but can also be collected directly from the service yard. It is noted that the front loading doors are inactive and all plant and tools are collected from the service yard and rear of the building.

- 3.3 The plant and tools are stored within the buildings and in the concealed and secure yard. Plant and associated equipment are serviced on-site. Complete Plant Hire operates 2-3 small delivery/service vehicles along with 2 x 26 ton Rigid LGV'S.
- 3.4 The business employs approximately 14 staff members, 3 of which work off-site. There are no more than 10 staff members onsite at any one time. The staff members that drive to work park on-site. The business opening hours are from 7.30 to 5.30pm Monday to Friday.
- 3.5 There is some limited space for parking on the frontage. However, the majority of staff and customers park in the service yard. Parking is informally arranged. However, if required it would be possible to provide marked bays.



*Proposed layout*

- 3.5 The proposal is a resubmission of a recently refused application for a similar form of development. The previous application was refused on the basis that there was insufficient on-site parking to support the proposed plant hire business. As confirmed above, staff and visitors generally park in the substantial rear service yard. There is additional parking on the frontage.

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

##### **Application site**

- 4.1 Planning permission for change of use to plant hire (6/2021/1380) was refused on 03 February 2022 due to an under provision of on-site parking. This substantial industrial premises has ample on-site parking, which has been demonstrated in the proposed layout drawing. As such, this revised application has successfully addressed the Council's only concern with the proposed development.

- 4.2 Planning permission for three industrial (Use Class B2 - General Industrial) factories, with associated car parking and access in the yard of 12 Southfield (N6/1989/0713/FP) was approved 01 February 1995. Whilst this permission does not appear to have been implemented, it would have resulted in a significantly more intensive use of the site than the proposed development.
- 4.3 Planning permission for a single storey rear extension (N6/1983/0241) was approved 09 May 1983.
- 4.4 Planning permission for the building to be used as vehicle paint spray booth (N6/1983/0388) was approved 04 August 1983.
- 4.5 Planning permission for a workshop (N6/1975/0221) was approved 16 June 1975.

#### Other relevant applications

##### 14 Southfield (N6/2013/1179)

- 4.6 Planning permission for change of use of land to car washing, valeting (sui generis) and canopy was approved 14 August 2013. The application is considered relevant as it introduced a sui-generis use into this employment site and was approved under the existing Development Plan.

##### 14 Burrowfield (N6/2010/0846)

- 4.7 Planning permission for change of use and retention of site for car sales and display, including ancillary vehicle preparation and maintenance (sui generis) was approved 06 July 2010. The application is considered relevant as it was for the expansion of a sui-generis use.

##### 14 Burrowfield (N6/2005/1413)

- 4.8 Planning permission for change of use from B2 to car sales and associated motor vehicle storage and repair (sui generis) was approved 06 January 2006. The application is considered relevant as it allowed the conversion of a Class B use to sui-generis within this designated employment site under the existing Development Plan.

##### 23 Burrowfield (N6/2011/2742)

- 4.9 Planning permission for change of use of land from B1 to Sui Generis was approved 16 March 2011. The application is considered relevant as it resulted in the loss of a Class B use and approved a sui-generis use in this employment area under the current Development Plan.

##### 29 Burrowfield (N6/2014/1503)

- 4.10 Planning permission for retention of existing sui generis use as a coach depot with additional provision for MOT testing bay was approved 14 August 2013. The application is considered relevant as it was for the expansion of a sui-generis use.

##### 29 Burrowfield (N6/2007/0126)

- 4.11 Planning permission for change of use to coach depot, to include part demolition of existing building (sui generis) was approved 24 April 2007. The application is considered relevant as it



resulted in the loss of a Class B use and approved a sui-generis use in employment site under the current Development Plan.

## 5. PLANNING POLICY FRAMEWORK

### Local Planning Policy

- 5.1 The starting point for assessing development proposals is always the Development Plan. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

*“if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”*

- 5.2 The Development Plan relevant to the assessment of this application consists of the Saved Policies from the Welwyn Hatfield District Plan (2005). The Council is in the process of preparing a new Local Plan which will replace the saved policies when/if adopted. The National Planning Policy Framework (NPPF) is also an important planning consideration.

### Welwyn Hatfield District Plan (2005)

- 5.3 Welwyn Hatfield District Plan contains the local planning framework, policies and proposals, that were intended to guide development and use of land in the district up until 2011. Several of the policies have been saved and continue to form part of the Development Plan. The policies most relevant to the assessment of this application are set out below:-

Policy SD1	Sustainable Development
Policy GBSP2	Towns and Specified Settlements
Policy R1	Maximising the Use of Previously Developed Land
Policy R19	Noise and Vibration Pollution
Policy M1	Integrating Transport and Land Use
Policy M14	Parking Standards for New Development
Policy D1	Quality of Design
Policy D2	Character and Context Policy
Policy EMP1	Employment Areas
Policy EMP2	Acceptable Uses in Employment Areas
Policy EMP13	Design Criteria for Employment Development

### Draft Local Plan Proposed Submission 2016 (emerging Local Plan)

- 5.4 The Council is in the process of preparing a new Local Plan which is still subject to change and can only be given limited weight in the assessment of this application. The relevant policies are set out below:-

Policy SP 1	Delivering Sustainable Development
Policy SP 2	Targets for Growth
Policy SP 3	Settlement Strategy and Green Belt boundaries
Policy SP 4	Transport and Travel
Policy SADM 2	Highway Network and Safety
Policy SP 8	The Local Economy
Policy SADM 10	Employment development

Policy SP 9	Place Making and High Quality Design
Policy SADM 11	Amenity and Layout
Policy SADM 12	Parking, Servicing and Refuse

### National Planning Policy Framework (2022)

- 5.5 Central Government advice relevant to this application is contained within the National Planning Policy Framework. The most relevant aspects of the Framework are summarised below.
- 5.6 The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 5.7 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. Paragraph 8 identifies the three dimensions to sustainable development, which are economic, social and environmental.
- 5.8 Section 4 requires Local Planning Authorities to approach decisions on proposed development in a positive and creative way. Paragraph 38 states that decision-makers should seek to approve applications for sustainable development where possible.
- 5.9 Section 6 ‘Building a strong, competitive economy’ notes that planning should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.
- 5.10 Section 9 ‘Promoting sustainable transport’ at paragraph 111 confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.11 Section 12 ‘Achieving well-designed places’, at paragraph 126 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It notes that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

## 6. PLANNING APPRAISAL

- 6.1 This proposal follows a recently refused scheme for a similar form of development. The Council supported the principle of the proposed change of use and no concerns were raised with the impact on the character of the area or amenity of neighbouring occupiers. The only concern expressed in the refused application related to onsite parking provision. As such, the only issue to consider in the assessment of this application is whether there is sufficient on-site parking to support the proposed use. However, in the interests of completeness, the following appraisal will address all the key planning considerations.



## Acceptable in Principle

- 6.2 The National Planning Policy Framework (NPPF) has at its heart the achievement of sustainable development, which has economic, social and environmental dimensions, to be sought simultaneously. The key economic objective expressed in the NPPF, is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity. Paragraph 81 of NPPF requires councils to create the conditions in which businesses can invest, expand and adapt. It advises that significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.
- 6.3 Policy EMP1 of the District Plan seeks to concentrate economic growth in existing employment areas, such as Burrowfields. Policy EMP2 of the District Plan confirms that within the designated employment areas, Use Class B1, B2 and B8 will be permitted subject to various criteria relating to the scale of the use, highway safety, residential amenity and appropriate parking provision. The preamble to this policy at paragraph 12.22 identifies the importance of retaining some flexibility when implementing this policy to meet the needs of other appropriate employment uses, which it lists and includes '*plant hire*'.
- 6.4 Policy SADM 10 of the Draft District Plan reiterates the need to focus new employment development in the designated areas and to protect them from inappropriate changes of use. This policy confirms that certain other types of commercial uses that do not fall within the normal use classes (*sui-generis*) will only be permitted in the designated employment areas.
- 6.5 The application site lies within the Burrowfields designated employment area. The proposal seeks retrospective permission for the change of use to a plant hire business that has been operating for over 5 years. The proposed plant hire business would not fall within the normal Class E, B2 or B8 uses and would be considered *sui-generis*. However, the proposal is for an appropriate employment generating use that would only likely be considered acceptable within a designated employment area. As noted above, the preamble to Policy EMP2 of the District Plan recognises the importance of maintaining some flexibility and specifically lists the need to accommodate other types of uses, such as '*plant hire*', within the designated employment areas.
- 6.6 The plant hire business is now established and currently employs 14 staff members, which would be comparable to other Class B2 and B8 uses on similar sized premises. It is noted that the existing plant hire business largely delivers and collects the plant from construction sites and therefore this key component of the business operates like a Class B8 use. The proposal also involves the servicing of machinery like a Class B2 garage/workshop use. The proposed business therefore operates in a similar way as a mixture of Class B2 and B8 uses, which are deemed the most appropriate uses within this designated employment area.
- 6.7 The Council has approved numerous similar *sui-generis* uses in this employment area due to need, the fact they would not be permitted outside an employment area and given the flexibility offered in the Development Plan policies. With reference to this, the Council approved a change of use application from Class B1 to *Sui Generis* at 23 Burrowfield (N6/2011/2742) and concluded the following:

*"However given the proposed use, which is a contractor's yard for the storage of scaffolding which does not fit readily into Class B it is considered that this would be more suitable to be*

*sited in such a location on an employment site where there are other similar uses. Therefore, in line with this policy it is considered that whilst the Council seeks to retain designated employment areas for uses within Class B, it is recognised that there is a need for some flexibility to meet the needs of other uses. In this instance therefore, given the proposed used, no objections are raised with regard to Policy EMP2.”*

- 6.8 The Council came to a similar conclusion in justifying an application for a sui generis use at 29 Burrowfield (N6/2007/0126), which was considered under the existing Development Plan, stating:

*“It is however recognised that there is a need for some flexibility to meet the needs of uses which are composite uses but which do not readily fit within Use Class B and it is difficult to find suitable locations for these uses outside of the designated Employment Areas. Taxi vehicle depots are listed as a suitable use within this area compared against which this proposed use as a coach depot is not dissimilar although the composite use being predominantly storage does not have a retail element attached to it.”*

- 6.9 There are numerous other examples of comparable changes of use within this designated employment area, a selection of which are identified in Section 4 of this Statement. Whilst every application must be considered on its own merits, these approvals and the comments above are directly applicable to this application and demonstrate the need for flexibility and the acceptability of this type of use within the Burrowfields employment area.

- 6.10 The proposal provides a vital service that supports the local construction industry. With reference to this, most of Complete Plant Hire customers are small independent local builders that require access to specialist construction equipment to maintain and operate their businesses. Without this type of service many self-build construction projects would not be possible or viable, which is a key part of the house building industry. As noted above, this type of use can only likely be accommodated within this type of employment area where it is located near similar uses. Refusal of this application on the basis that it does not neatly fit within the normal use Class B2 and B8 categories would result in the loss of an established local business, loss of existing jobs and removal of an important service that supports the local construction industry.

- 6.11 The site was previously used as a large vehicle (cars and buses) repair garage that included spraying painting and the leasing of vehicles. Given the mixture of uses, with particular reference to vehicle leasing, it is likely that this business would have also been considered a sui-generis use. The proposed development is comparable to the scale, intensity and operation of this former use and would not result in any additional adverse impacts on this designated Employment Site or to the wider area. The proposal would not therefore result in the loss of a Class B use and would simply be changing from one comparable sui-generis use to another.

- 6.12 Furthermore, the Council confirmed in the recently submitted application for a similar form of development that the proposed change of use was acceptable in principle and complied with the Development Plan.

- 6.13 In summary, the proposed development is for an appropriate employment generating use that supports the local construction industry. As such, the principle of the proposed change of use is acceptable in this employment area and complies with saved Policies EMP1 and EMP2 of the District Plan, emerging Policy SADM 10 of the Draft District Plan and the NPPF.

### Car parking and highway safety

- 6.14 The NPPF seeks to provide safe and suitable access for all users. It sets out the Government's approach to promoting sustainable transport and encourages solutions which reduce congestion and facilitate the use of sustainable modes of transport. It specifies that local parking standards should take into account the accessibility of a proposed development, the type, mix and use of the development, the availability of, and opportunities for, public transport, local car ownership levels, and an overall need to reduce the use of high emission vehicles. This is underpinned by a core principle of the Framework to make the fullest possible use of public transport, walking and cycling. The NPPF clarifies that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.15 Policy M14 of the District Plan 2005 requires developments to be assessed in accordance with the maximum standards contained in the Parking Standards Supplementary Planning Guidance (SPG). The Council has confirmed that it no longer uses 'maximum' standards and states the parking standards in the SPG should now be interpreted as a guide for all new development. The local parking policies and SPG have a low degree of conformity with the NPPF and the standards can therefore only be given very limited weight in the assessment of planning applications.
- 6.16 The Council refused the application on the basis that there was insufficient on-site parking for the proposed development. The Council confirmed that the proposed development would generate a need for 9 to 13 parking spaces. The application site has a substantial rear service yard that can accommodate a significant number of vehicles, far exceeding local standards or what is required for the operation of the plant hire business. The revised proposal includes an updated parking plan which illustrates 13 parking spaces in accordance with the Council's calculated parking requirements. This application has therefore successfully addressed the Council's only concern with the proposed development.
- 6.17 The Case Officer raised concerns in the previous application with the parking spaces located adjacent to the front 'access door'. The Council noted that this arrangement would be impractical as it appears *'to be the only suitable access for larger plant and equipment'*. This is not the case and as set out in the Planning Statement, this door is not in use. All plant is collected from the rear service yard.
- 6.18 The application site, in contrast to many of the surrounding premises, has its own vehicle access and a large open yard that is used for parking and the delivery/collection of plant. The applicant has confirmed that all staff and the majority of customers park on-site where they do not have any implications on the flow of traffic or add to the demand for on-street parking. This large and secure site also allows for cycle storage reducing the need for staff to travel by private vehicle.
- 6.19 The plant is largely stored in the yard and delivered directly to customers. Some customers collect and/or return plant but this only accounts for a minor proportion of trade. All plant whether collected, delivered or returned by staff or customers is taken directly from the yard where it would not compromise highway safety. There is sufficient space within the yard to ensure vehicles can enter and exit in a forward gear. In addition, the site is located at the end of the cul-de-sac where any impact on the highway network would be minor and not harm safety.

- 6.20 As demonstrated in the Transport Technical Note prepared by TPA, the proposed use would generate less vehicle movements than the former use. Furthermore, it is noted that Hertfordshire Highways raised no concerns with highway safety in the assessment of the previous application. There have been no changes to the on-site situation that would affect that conclusion.
- 6.21 The proposal has addressed the previous reason for refusal and would not therefore harm highway safety.

### Character and Appearance

- 6.22 The NPPF seeks a high quality of design and that new development is sympathetic to local character, while not preventing appropriate innovation or change.
- 6.23 Policies D1 and D2 of the District Plan requires a high quality design and that development respects the character and local context, preserving and where possible enhancing the character of the existing area. Policy EMP13 of the District Plan relates specially to employment development and requires a high standard of design and site layout.
- 6.24 Emerging Policy SP 9 in the Draft District Plan requires a high quality design that fosters a positive sense of place by responding to the listed principles in an integrated and coherent way.
- 6.25 Burrowfields employment area consists of various industrial buildings and a diversity of commercial uses. Buildings vary in size, style and form, but are all generally utilitarian in appearance. The buildings are informally arranged and set on plot sizes that range from small to substantial. The diverse industrial character of the area provides a flexible environment for further changes.
- 6.26 The application site comprises two industrial buildings and a large rear yard. The buildings date from the mid to late 20<sup>th</sup> century and conform to the industrial character of the area. The proposed development is for the change of use from a vehicle repair workshop that included spray painting and vehicle leasing to a plant hire business. The premises lent itself well to the new use and did not require any extensions or alterations to the buildings. The yard, which was previously used for vehicle storage and display is now used for parking and the storage of various plant, which would not have any additional implications on visual amenity, particularly when taking into consideration the concealed location of the yard and industrial character of the area.
- 6.27 The proposed plant hire business shares many similarities with the previous use and is completely appropriate and compatible with this designated employment site. The application site has a large yard, in contrast to many of the surrounding premises, which reduces the need for vehicles to park on the highway and clutter the frontage, adding to the acceptability of the proposed development. It is noted that large commercial premises with a yard would only attract this type of use.





*Google earth image showing the layout of the former use (28/03/2012)*



*Google earth image demonstrating no material change in layout or appearance (04/10/2020)*

6.28 It is noted that the Council did not express any concerns with the impact of the proposed development on character and appearance and stated the following:

*“Given the context of the site within an established industrial estate, the proposed development would continue to be in keeping with the character and appearance of the commercial estate and surrounding buildings.”*

- 6.29 The proposed plant hire use is therefore compatible with the character and appearance of this designated employment area, in accordance with saved Policies D1, D2 and EMP13 of the District Plan, emerging Policy SP 9 in the Draft District Plan and the NPPF.

### Amenity

- 6.30 A core planning principle, as set out in the NPPF, is to always seek to secure high quality design and a good standard of amenity for all existing and future users. This principle is reflected in Policies R19, D1 and EMP2 of the District Plan which seek to ensure that new development does not adversely affect the existing area in terms of built form or the operation of any uses from noise and vibration pollution. These approaches are reiterated in emerging Policy SAD 11 of the draft District Plan which requires new development to safeguard the amenity of surrounding properties.
- 6.31 The proposed use relates to a plant hire business and the main impact would be the coming and going of vehicles. Servicing the plant may result in some additional occasional noises. The impact relating from operation of this type of use in an industrial area would be minor and not result in any additional harm to the amenity of any nearby users or any residents.
- 6.32 The application site is in an existing industrial area and located approximately 100m from the nearest dwelling. The plant hire business only opens on weekdays from 7.30am to 5.30pm when background noise levels are fairly high and the potential for causing any adverse disturbance low. The operation of this use would not result in any harm to the amenity of the surrounding properties within the context of this large employment site, which is designated for these types of industrial uses.
- 6.33 Furthermore, the proposal replaced a vehicle repair workshop that also sprayed and leased vehicles including buses. The proposal would not have a greater impact on visual or residential amenity than the former industrial use. This point was confirmed by the Council in the assessment of the previous application who raised no concerns with the impact on amenity. There have been no changes in the onsite circumstances or to the policy framework that would affect the decision.
- 6.34 The proposed development would not therefore harm the amenity or living conditions of the surrounding users or occupiers, particularly when compared to the former use and when taking into consideration the local context, in compliance with the provisions of saved Policies R19, D1 and EMP2 of the District Plan, emerging Policy SAD 11 of the draft District Plan and the NPPF.

## 7. CONCLUSION

- 7.1 The proposal is for the change of use to a plant hire business which is entirely appropriate within this industrial area. The proposal provides employment and a valuable service to the local construction industry. There would be no other options outside an employment area for this type of use, which is specifically recognised in the District Plan. The principle of the proposed change of use is therefore acceptable and was supported by the Council in the recently submitted application.



- 7.2 The previous application was refused on the basis that there was insufficient space for on-site vehicle parking. The application site has a substantial service yard that can accommodate numerous vehicles. This application includes a layout drawing which illustrates the required number of parking spaces, successfully addressing the only concern with the proposed development.
- 7.3 The proposed change of use would not have any implications on the character or appearance of the surrounding area.
- 7.4 The proposal would not harm the amenity of the surrounding users or occupiers.
- 7.5 For the reasons outlined in this Statement, we consider that the proposals for the development of this site are acceptable in planning terms.