

3/08/2052/FP – Retrospective application for change of use of Buildings B and C to storage (B8) ancillary to workshop (B1) and storage use of Building D, and with improved access at Little Samuels Farm, Widford Road, Hunsdon, SG12 8NN, for A.T. Bone and Sons.

Date of Receipt: 05.12.2008

Type: Full

Parish: HUNSDON

Ward: HUNSDON

RECOMMENDATION

That planning permission be **APPROVED** with the following conditions:-

1. Within three months of the grant of this permission, a scheme for hardstanding surface treatment of the access road, which shall be designed and implemented in such a way as to reduce the impact on neighbour amenity in terms of noise and disturbance shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007

2. No industrial process, nor the use of any power tools, shall take place anywhere on the site, other than within the building(s).

Reason: To safeguard the amenities of nearby residents, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

3. No power tools, equipment, machinery or plant shall be operated outside the following times 0730-1900 hours Monday – Friday and 0730-1600 hours at any other time.

Reason: To safeguard the amenities of nearby residents, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007

4. All plant, machinery and equipment installed or operated in connection with the permission shall be enclosed with sound insulating materials and installed using appropriate anti-vibration mountings in a way that minimizes the transmission of structure borne sound and vibration in accordance with a scheme to be approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

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5. No commercial vehicles shall be loaded/unloaded from the site outside the following times 0730-1900 hours Monday – Friday and 0730-1600 hours at any other time.

Reason: To safeguard the amenities of nearby residents, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

6. No deliveries shall be taken at or dispatched from the site outside the following times 0730-1900 hours Monday – Friday and 0730-1600 hours at any other time.

Reason: To safeguard the amenities of nearby residents, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

7. No commercial vehicles shall be started up and maneuvered within the site outside the following times 0600-2100 hours Monday – Friday and 0630 – 2000 hours at any other time.

Reason: To safeguard the amenities of nearby residents, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

8. The number of movements of articulated HGV lorries entering into or out of the site shall not exceed 6 per calendar month and the number of movements of heavy goods vehicles (over 7.5 tonnes) shall not exceed 20 per calendar month, unless otherwise agreed in writing by the Local Planning Authority. A diary shall be kept of all heavy goods vehicles movements and shall be made available to the District Council upon request.

Reason: To safeguard the amenities of nearby residents, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

9. Within three months of the grant of this permission a scheme shall be submitted to the LPA setting out the details of boundary treatment and landscaping to be applied to the boundary of the site and access adjacent to 49 Widford Road. Such a scheme shall be designed to reduce the impact of the proposed uses on neighbour amenity in terms of noise, activity and disturbance. Once agreed in writing by the LPA, the scheme, amended as necessary, shall thereafter be implemented within a further agreed timescale and thereafter retained. The timescales set out in this condition can be amended with the agreement of the LPA.

Reason: To safeguard the amenities of nearby residents, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

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10. Within three months of the grant of this permission, the revised access arrangement as detailed within plan number B01/10/01A shall be fully implemented to the satisfaction of the Local Planning Authority.

Reason: To provide adequate visibility for drivers of vehicles entering and leaving the site.

Directives

1. Highways works (05FC2)
2. The applicant is advised to consider the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Adopted Local Plan Second Review April 2007 and in particular policies GBC3, GBC9, TR2, TR20, ENV24 and ENV1. The balance of the considerations having regard to these policies in this case is that planning permission should be granted.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract. The application is for the use of buildings at the site for B1 and B8 uses. The site is located adjoining the northernmost boundary of Hunsdon Category 1 Village, and is therefore located within the Rural Area beyond the Green Belt where restrictive countryside policies apply. The site comprises five buildings (termed A to E for the purposes of clarity and shown on the second OS extract attached) that were previously utilised as part of the Little Samuels Farm agricultural enterprise. Only buildings B, C and D are the subject of this application however.
- 1.2 The buildings are utilitarian in their appearance, being constructed of corrugated metal sheeting and around two storey's in height. Although not the subject of this application, building A has an extant permission, 3/05/1134/FP, which permitted the conversion of 610sqm of its first and ground floor to B1 (light industrial) use. The building is 6.5 metres to the ridge height. Building B measures 4.5 metres at ridge height, and covers some 201sqm. Building C is a total of 4 metres in height, with 198sqm in

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floor area. Building D is around 581sqm in floor area, with a ridge height of 8 metres though this slopes down to 2 metres at its southern elevation. The whole site covers some 2255sqm.

- 1.3 Members may recall that permission was refused within LPA reference 3/072674/FP for a scheme which in use terms, is the same as that now proposed within this application. The reason for refusal stated:-

The proposed uses, in addition to the uses already taking place on Little Samuels Farm, will have the impact of creating significant additional traffic movements to and from the site. These vehicle movements, which include evening, weekend and public holiday traffic generation, will have a significant and detrimental impact on the amenity of residents of adjoining properties, by virtue of activity, noise and disturbance. The proposal is therefore contrary to policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

- 1.4 The different circumstances which now apply are in relation to the extent of land within the control of the applicant. The immediately adjacent property to the south (49 Widford Road) has been acquired by the applicant which enables additional works to be implemented mitigating the impact of the proposed use on occupiers of that property. A copy of the Officers Report for the previous application is attached at the end of this report as appendix A. Members are advised that that decision is currently being appealed by the applicant through a public inquiry which is scheduled for the 31 March 2009.
- 1.5 This application seeks to address the above reason for refusal. The only additional information from the previous refusal is the submission of a Noise Report from Cass Allen Associates. The details of which, and the considerations revolving around noise and transport movements are discussed in more detail within section 7 of this report.

2.0 Site History

- 2.1 Until the mid 1980's the buildings were used to house livestock, though the owners have since sought to diversify their farming activity by utilising the buildings for various 'B' classification uses. The remainder of the agricultural holding continues to be cultivated and is part of a large farming operation run from Crossoaks Farm at Well End near Borehamwood.
- 2.2 3/0382-89FP – Storage of building materials in rear section of Building A; conditional permission granted in May 1989 personal to Grange Builders.

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- 2.3 3/2166-89FP – Use of front part of Building A for B1 workshop purposes. A conditional permission granted January 1990, though not implemented, this had hours of use and time limit conditions attached.
- 2.4 3/89/2167/FP – Use of Buildings B, C, D and E for storage of new unregistered cars prior to sale and of caravans. Temporary permission granted 31st January 1990. Conditions were attached regarding the hours of use and the size of vehicles permitted to be used in association with the operation.
- 2.5 3/92/0131/FN – Renewal of 3/89/2167/FP.
- 2.6 3/0358-93/FP – Change of use of Building A to a service depot for Countryside Management Services. Front part used for office with 1st floor storage and rear section as a workshop/store. Temporary permission until 31st May 1996.
- 2.7 3/95/0099/FN – Renewal of 3/02/0131/FN (storage of cars and caravans).
- 2.8 3/97/0859/FR – Renewal of 3/0358-93/FP (CMS depot).
- 2.9 3/00/0156/FN – Renewal of 3/95/0099/FN (storage of cars and caravans).
- 2.10 3/05/1134/FP – Change of use of Building A to workshop (B1) with stores and ancillary offices – Granted August 2005, again with hours of use conditions.
- 2.11 3/06/2235/FP – Subdivision of Building A into 6 units and change of use of building for B2 purposes. This application was refused on the 5th January 2007 due to lack of information concerning traffic movements and potential noise disturbance impacts.
- 2.12 An application (3/07/0753/FP) for the change of use of Building B to Class B2 purposes and use of Buildings C and D for B8 purposes was submitted in April 2007 but was withdrawn prior to being heard before the Development Control Committee. Officers were of the opinion that permission for the unspecified uses should be refused on highway safety and neighbour amenity grounds.
- 2.13 Application 3/07/1759/FP, was for a change of use of buildings B and C to B8 use ancillary to the B1 use of building D. These proposals were also withdrawn. Officer opinion was that the proposed use would result in additional traffic movements to the detriment of neighbouring properties in terms of amenity.

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2.14 As set out above, application 3/07/2674 was for the same form of development and was refused.

3.0 Consultation Responses

3.1 The Council's Environmental Health Officer has considered the application and recommends the following conditions:-

- Noise insulation: A scheme is recommended to provide insulation for the buildings against the transmission of noise and vibrations from the building. This is to ensure that adequate precautions are made to avoid noise pollution.
- No external working: In the interests of amenity of neighbouring properties, a condition is recommended not to allow industrial processes or the use of power tools in external areas.
- Hours of working: a condition is recommended restricting the use of power tools, equipment, machinery or plant between 0730 – 1900 Monday – Friday and 0730 – 1600 Saturdays nor at any time Sundays, Bank Holidays and Public Holidays
- Hours of delivery: a condition restricting the hours for deliveries between 0730 – 1900 Monday – Friday and 0730 – 1600 Saturdays, nor any time Sunday and Public Holidays is recommended
- Loading and unloading of vehicles: a condition is recommended to restrict the loading and unloading of vehicles between 0730 – 1900 Monday – Friday and 0730 – 1600 Saturdays nor any time Sundays or Bank Holidays.

3.2 The Historic Environment Unit comment that the proposal is unlikely to have an impact on significant archaeological remains and as such no comments are made.

3.3 County Highways comment that, as this application is identical to the previous application (LPA ref: 3/07/2674/FP) the previous comments from the Highways Authority therefore remain. Those previous comments can be summarised as follows:-

In assessing the implications of the specific application the Highways Department have used the TRICS database as a reference point for establishing traffic generation for each use class associated with the proposal.

B1 – 8.057 vehicles per day per 100m² (4 in, 4 out) B8 – 3.351 vpd/100m².

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From an assessment of the supporting information it is the understanding of the Highway Authority that the current application relates to a total floor area of 1040sqm of which 286sqm is for B1 (Light Industrial) and 754sqm for B8 (Storage) purposes. Within those figures the only change from that established by extant permissions and previous uses is a proposal to change 226sqm of building D from B8 to B1c with the remaining floorspace of buildings A, B, C and the balance of D unchanged. An assessment of the change in floorspace using TRICS suggests that 226sqm of B8 generates 8 (4 in, 4 out) movements per day whereas 226sqm of B1 can generate 18 (9/9) daily.

In overall terms this application for 1040sqm will generate in the region of **48** (24/24) vehicle movements per day. Of those movements just 10 (5/5), from the new B1 detailed in the above paragraph, would be additional movements over and above that expected with the previous use/permissions. Importantly, of those additional vehicles, given the B1 use I would not expect an increase in HGV movements.

The Officer is aware that the committee report prepared for the previous withdrawn application suggests that over 100m(50/50) movements could/do occur. This may well be the case given that the entire floorspace of Building A has an approval for B1. The traffic generation from the remainder of Building A (excluding the 60sqm allocated to this current application already counted in the 48 movement calculation) could generate 70 (35/35) movements per day giving a total of 118 comparable with the number quoted in the report.

In concluding, the Highways Officer considers that, in respect of traffic generation issues, this specific application does not represent a significant increase to justify an objection on highway safety grounds.

Access arrangements

The officer's comments acknowledge that access for the largest of vehicles is extremely difficult onto the site. However, having to consider the application on its merits, the assessment of TRICS determines that, against the existing/previous uses the increase in HGV movement is minimal. With the removal of the existing frontage hedge to improve visibility and reconstruction and repair of the access I believe that access for such vehicles will be eased to a small degree. The Officer remains content that the access is capable of accommodating two way movements by all but the largest of vehicles at the junction and, certainly for a small/medium sized vehicle there is sufficient room to wait clear of the highway should another vehicle be within the narrow driveway and unable to reverse back into the yard. It is accepted that access for large articulated vehicles is far from

ideal but the frequency of such movements is likely to be no more than could have been generated from the previous B8 storage permissions and historic use of the site.

Widford Road, the B180 is defined as a Secondary Distributor Road within the County whose role is to connect important rural settlements to each other and to the main distributor network. It is a main access road to the rural area quite able to accommodate the traffic associated with the proposal without significant noticeable impact. Since consideration of the previous application the Officer has undertaken a further investigation into the 5 year accident records which reveals that there have been no reported accidents in the vicinity of the site.

The Highways Officer acknowledges and appreciates the concerns of the nearby residents however, it is considered that there are insufficient grounds upon which to justify and sustain a highway safety objection. The traffic generation does not significantly increase movements over and above that associated with existing/previous occupiers of the site and surrounding buildings and the improvements to visibility are significant.

The only addition to those comments is a recommendation from the Highways Department to hard surface the entire length of the access road, as apposed to the 10metres previously recommended within the previous consultation.

4.0 Parish Council Representations

- 4.1 The Parish Council objects to the proposal, and endorse the previous decisions of the LPA.

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 A letter in support of the application has been submitted with the design and access statement. That letter is from Little Samuels Farmhouse (the property immediately to the right of the access road, when viewed from Widford Road). In summary that letter sets out that there are times when the use of the access is busy (morning and evening arrivals and departures) but through the day any noise is insignificant when compared with that generated by traffic on the Widford Road. It comments that the occupiers have endeavoured to keep inconvenience to a minimum.

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5.3 Emails in support of the application have been received from the occupiers of 47 and 45 Widford Road. These set out that the current proposals are seen as a good solution to the use of the site and ask the LPA to look upon it favourably.

6.0 Policy

6.1 Policies relevant to this application include:

- GBC3 (Appropriate development in the Rural Area beyond the Green Belt),
- GBC9 (Adaptation and Re-Use of Rural Buildings),
- TR2 (Access to New Developments),
- TR20 (Development Generating Traffic on Rural Roads),
- ENV24 (Noise Generating Development)
- ENV1 (Design and Environmental Quality)

The Council has also prepared a guidance note in relation to the re use of rural buildings and farm diversification. Whilst these are relevant to the proposals these are not formally adopted documents in terms of the Councils Local Development Framework and therefore only limited weight can be attached to their content. In addition, they were formulated prior to the adoption of the Second Review of the Local Plan.

7.0 Considerations

7.1 Given that the previous application was refused for reasons relating to the impact of transport movements on neighbour amenity, the focus of this application revolves around this issue. This Report will therefore consider solely those issues. Members are advised that details of other planning considerations relating to the principle of development, use of the buildings and access arrangements can be found within the previous Committee Report, attached at the end of this report as appendix A.

7.2 As mentioned in section 1.5 of this report, a noise assessment has been included with the application. That report focuses on 49 Widford Road as this 'represents the worst case property with respect to noise emissions from the site'. The noise reports methodology relies on noise recordings from within number 49 Widford road and its rear garden. An assessment of the data collected with regards to the relevant British Standard is made, and conclusions drawn with respect to the impact of noise related activities on site. As mentioned above, the focus of this report revolves around the impact of vehicular traffic noise and neighbour amenity, which is discussed in more detail below:-

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- 7.3 The Report acknowledges that there are no directly applicable noise criteria to isolated instances of transport noise (i.e. a vehicle entering or leaving the site). However, the report considers that guidance can be drawn from British Standard (BS8233:1999), which states that a good design standard for living rooms and bedrooms is 30dB LAeq and a 'reasonable' design standard is 40dBLAeq and 35dBLAeq for living rooms and bedrooms respectively. In terms of external space (such as gardens), BS8233:1999 suggests that noise levels do not exceed 50LAeqTdB with an upper limit of 55LAeqTdB.
- 7.4 The Noise Report does however note, that those figures are long terms averages, rather than short term noise events.
- 7.5 To assess noise levels within number 49 Widford Road and its garden, a series of vehicles entering and leaving the site was measured within various rooms within the property and garden space. The vehicles assessed as outlined within the Noise Report where:
- 44 tonne Articulated HGV with a 13.6m unladen trailer
 - 7.5 tonne rigid HGV
 - Transit van
- 7.6 Within the previous planning application, members may recall that there was a series of traffic movements measured: The applicant relied on CCTV footage to provide data of the amount of and nature of vehicle movements, whilst neighbours relied on their 'ad-hoc' recordings of traffic movements. Both those data sets conflicted, as is explained within paragraph 7.21-7.28 of the previous committee Report (Appendix A). However, as the application was for a nominal B1/B8 use, Officers considered that the most appropriate data to consider is the TRICS database. The same consideration follows with this application, the relevant traffic data to therefore consider is the TRICS database.
- 7.7 The Noise Report has considered the TRICS database, in terms of the noise levels and averages, in this respect.
- 7.8 The Noise Report considers the total theoretical daily traffic generation to be 93 traffic movements per day (a figure which Hertfordshire Highways Officers consider to be appropriate). Of those 93 movements, the noise report splits the figure between the following types of vehicles:-
- HGV artic: 5 movements per day
 - 7.5 tonne rigid: 15 movements per day
 - Vans and private vehicles: 72 movements per day

That split is in recognition that the TRICS database does not differentiate between the nature of different vehicles. Nevertheless, the methodology in the Noise Report would, in Officers opinion appear to be reasonable and justified.

7.9 Based on the above methodology, the noise report outlines the following:-

With respect to the front bedroom, the ambient noise levels inside the bedroom were dominated by noise due to traffic on Widford Road. The noise from the 44 tonne artic was virtually inaudible inside the bedroom and this is reflected in the measured data where the LAeq is virtually unchanged as the artic entered the site and the LAFMax caused by the slow moving artic on the access road was actually lower than the ambient maximum noise levels due to fast moving traffic on Widford Road. It can be seen that all of the recommendations of BS8233 are complied with.

It was noted that the garage to 49 Widford Road extends the full length of the house and acts as an acoustic buffer between the access road and the house. This probably explains why noise levels measured inside the house were so low. Indeed, noise from the artic was inaudible in the first rear bedroom tried and so additional measurements were made in a second rear bedroom which had a direct view of the access road (ie it was not as well acoustically screened from the access road as the first rear bedroom).

With respect to measured noise levels inside the rear bedroom, again the 'good' LAeq and LAFMax standards recommended by BS8233 were achieved even during HGV movements on the access road. It should be noted that the above methodology with respect to LAeq data is actually an overestimation of the noise impact. The BS8233 recommendations are long term values, whereas the measured artic data are short-term measurements (typically lasting around 20 seconds). Due to the small number of vehicle movements on to the site, the long-term average LAeq of the vehicle movements will be significantly lower than those stated above. Furthermore, the LAFMax criteria only apply during the night - ie 2300-0700hrs. I am advised that artic HVG movements on and off the site during these hours very rarely occur (as these generally only occur during normal working hours – 0730- 1730hrs – ie when Aiver Contracts are able to accept delivery).

7.10 In other words, it can be seen that noise levels predicted to be generated by the TRICS data complies with the recommendations of BS8233. As stated previously, this does not mean that the vehicle noise is inaudible to residents of No.49 and, indeed, residents in the garden of No.49 will certainly be aware of use of the access road, and therefore may be irritated

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by this. However, the BS8233 assessment helps to put the situation into the context of what is deemed acceptable for new developments elsewhere.

In other words, it can be seen that noise levels predicted to be generated by the TRICS data complies with the recommendations of BS8233.

- 7.11 The noise report would indicate that, in terms of the noise impact within the dwellinghouse (No 49 Widford Road), that this is within the recommended British Standards. Taking into account those details and the neighbour consultation, Officers are of the opinion that the traffic movements into and out of the site will not impact detrimentally on the internal living conditions of adjoining residential development, in terms of noise, activity and general disturbance. The proposal has therefore met the requirements of Policy ENV1 and ENV24 of the Local Plan, in my opinion.
- 7.12 There is however a degree of impact from within the garden space, as the Noise Report highlights..."this does not mean that the vehicle noise is inaudible to residents of No.49 and, indeed, residents in the garden of No.49 will certainly be aware of use of the access road, and therefore may be irritated by this"
- 7.13 Officers consider that whilst the principal consideration should be with regards to the inside of the dwellinghouse, weight should be afforded to the noise impact within the rear garden space.
- 7.14 The Noise Report does however indicate that the combined noise level of traffic movements outside the dwellinghouse, (i.e. the average of traffic movements), is lower than the British Standard. What the Report highlights is that at certain times, i.e. when a HGV moves past the boundary to number 49 Widford Road, this on its own may be *irritable* to neighbours.
- 7.15 Officers therefore consider the issue to be whether the HGV movements into the site will have a significantly detrimental impact on the residential garden amenity space of the dwelling, and whether suitably worded conditions could make the degree of any such impact more acceptable in planning terms.
- 7.16 It should be noted that, within the design and access statement the applicant is willing to restrict via condition the traffic movements and associated noise impact of HGVs and heavy goods vehicles. Such restriction includes limiting the hours of delivery and number off and movements of heavy goods vehicles within the site.

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- 7.17 in my opinion suitably worded conditions restricting the number of heavy goods vehicles and the hours of movement of those vehicles will ensure that the level of impact is controlled. Such conditions coupled with recommended conditions relating to a revised hard standing material for the access road and additional landscaping to the boundary of number 49 Widford Road and the access road (which is now possible because of the wider ownership of the applicant) will reduce the degree of impact further, in my opinion.
- 7.18 Therefore, taking into account the recommended conditions and with regard to the noise assessment which considers that on an average basis, the noise levels in the rear garden space is of an acceptable level, and with regard to the consultation responses from neighbouring properties, I am of the opinion that the proposal will not result in a significantly detrimental impact on the level of garden amenity of neighbouring properties, that would warrant the refusal of the application.

8.0 Conclusion

- 8.1 As per the detailed considerations outlined within the previous committee Report appended to this report, I am of the opinion that the detailed access and visibility arrangements are acceptable and could be adequately controlled by condition.
- 8.2 In respect of traffic movements produced by the business, from the data and evidence available, as outlined within the Noise Assessment, I am now of the opinion that traffic movements generated by a B1 and B8 use does not result in a significantly detrimental impact on the internal residential amenity space. It is considered that the recommended conditions can adequately control the degree of impact on garden amenity space to an acceptable degree.
- 8.3 For the reasons outlined above, I therefore recommend that planning permission is granted.