

3/10/0122/FP - Change of use from Class B1 (light industry) to B2 (vehicle servicing) at Unit 3 Haslemere Industrial Estate, Bishops Stortford, CM23 3HG for SEGRO

Date of Receipt: 27.01.2010

Type: Full Permission – Minor

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD - SOUTH

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:-

1. Three year time limit (1T121)
2. No vehicle servicing or repairs nor the use of any power tools shall take place or be operated outside the building at any time and the use shall not operate outside the following hours: 08:00AM to 6:00PM on weekdays and 08:00AM to 2:00PM on Saturdays.

Reason: In the interests of the amenity of neighbouring properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

3. The premises shall be used for vehicle servicing and repairs including MOT testing and for no other purposes (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of the amenity of neighbouring properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

Directives

1. Other legislation (01OL1)

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 Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies EDE1, BIS9, ENV1, ENV24 and ENV25. The balance of the considerations having regard to those policies and the permission granted for a B2 (vehicle serving and repairs) at the adjoining site, unit 3

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Haslemere Industrial Estate within LPA reference 3/07/1214/FP is that permission should be granted.

_____ (012210FP.MP)

1.0 Background

- 1.1 Haslemere Industrial Estate is sited just off Pig Lane, with a residential development to the west known as 'Proctors Way' and the main railway line to the east. The site is shown on the attached OS map.
- 1.2 The site is one of a number of warehouse units of varying size and scale, with the larger units to the north. The general design is as one would expect within an industrial site, with grey corrugating roofing, light brown bricked plinths and large access doors. Some landscape screening is afforded between the site and Proctors Way creating an approximate 4 metre landscaped 'buffer zone'.
- 1.3 The application seeks planning permission for the change of use of the existing unit from a light industrial use (B1) to vehicle servicing and repairs (B2 use).
- 1.4 Members may recall that planning permission was refused by the Development Control Committee on 22 August 2007 for the change of use of the adjoining unit, 2 Haslemere Industrial Estate, from light industrial to vehicle servicing and repairs within LPA reference 3/07/1214/FP. Members resolved to refuse planning permission for reasons relating to the impact on neighbour amenity in terms of noise and general disturbance.
- 1.5 That application was however allowed at appeal, the Inspectors Decision Letter is attached as Appendix A with this report. The planning considerations relating to that Inspectors decision will be discussed in more detail within section 7.0 of this report, as it is material to the considerations of the application relating to this unit.
- 1.6 The application is being reported to committee at the request of Cllrs Burlton and Gilbert.

2.0 Site History

- 2.1 Planning Permission for the industrial units was originally granted within application 3/74/1017/FP. That permission included a number of conditions restricting the use. The use of unit 3 was restricted to occupation of H.A

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Clayman for the storage of garments and the provision for any other purpose within Class X of the Town and Country Planning (Use Classes) Order 1972.

- 2.2 Permission was granted later within LPA reference 3/1209-77 for the change of occupier from H.A Clayman to L.T Carriers (London) Co Ltd. From the details submitted with that application and the Officers report it is understood that that business was a general haulage service. It is further understood from the submissions within the application that the user also used the premises for servicing of company vehicles, although the predominant use was for storage purposes.
- 2.3 Within LPA reference 3/1405/-83FP planning permission was granted for the change of use from warehousing to light industrial use.
- 2.4 Permission reference 3/1351-84FO granted planning permission for the variation of condition 7 imposed within LPA reference 32/1019-74.

3.0 Consultation Responses

- 3.1 Environmental Health have commented that any grant of permission made by the Council should include conditions relating to soundproofing/vibration control, hours of working, no external working, rear fire doors to remain shut and no external lighting
- 3.2 County Highways comment that they do not wish to restrict the grant of permission. The Highways Officer comments that the change of use from B1 to B2 does not represent a significant difference from which to raise an objection in highway safety terms, particularly given that this is an industrial estate and, given the recent appeal decision which allows the grant of permission of the adjoining unit as a B2 use. In respect of parking provision the Highways Officer also comments that there is sufficient space within the forecourt and there is ample overspill parking within the estate.

4.0 Town Council Representations

- 4.1 At the time of writing this report no comments have been received from Bishop's Stortford Town Council.

5.0 Other Representations

- 5.1 The applications have been advertised by way of site notice and neighbour notification.

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- 5.2 4 letters of representation have been received which can be summarised as follows:-
- Impact on neighbour amenity – noise, smells and general disturbance;
 - Increase in traffic;
 - Insufficient parking.

6.0 Policy

- 6.1 The relevant Local Plan policies in this application include the following:-
- EDE 1 (Employment areas)
 - BIS9 (Employment areas)
 - ENV1 (Design and environmental quality)
 - ENV24 (Noise generating development)
 - ENV25 (Noise sensitive development)
 - TR7 (Car parking standards)

7.0 Considerations

- 7.1 The main planning considerations of this application relate to the following:-
- Principle of development;
 - Impact on neighbour amenity;
 - Parking provision.

Principle of development

- 7.2 The site is located within the built up area of Bishop's Stortford where, in principle, there is no objection to development. The site is also located within a designated employment area wherein under the requirements of policy EDE1 and BIS9, the provision of a B2 use would be in accordance with those policies.
- 7.3 As is highlighted in paragraph 1.5 above, there has been an Inspectors Decision in relation to the use of the adjoining premises for a B2 use. That decision is a material consideration to which weight must be attached within the considerations of this application.

Parking provision / highway safety

- 7.4 The Highways Officer considers that the level of parking provision is acceptable and that there will not be a significant impact on highway safety. Policy TR7 requires the provision of 1 space per 50 square metres. The application form indicates that the floor area is some 292 square metres and that there are 8 parking spaces and 1 disabled parking space. The proposal therefore accords with the maximum parking standards also.

- 7.5 Having regard to those considerations, and the previous application for unit 2 Haslemere Industrial Estate in which no objections to these matters were raised by the Inspector, Officers consider that the level of parking provision is acceptable and that there will not be a significant impact on highway safety.

Neighbour amenity

- 7.6 As is highlighted above, the previous application for the adjoining site – unit 2 Haslemere Industrial Estate was initially refused planning permission by the Council for reasons relating to neighbour amenity. At appeal this issue was therefore the focus of the Inspectors considerations and it is the main area of contention from letters of representation. In relation to neighbour amenity issues, it is pertinent to note the following comments from the Inspector:-

“On my site inspection, I requested that tools were dropped inside the appeal building (with doors open) to assess impact noise emissions, from Proctors Way. Against fairly constant background noise levels, it was not possible to distinguish any additional noise as a result of that exercise, I also saw that there was considerable activity from other units in the Industrial Estate in particular the use of fork lift trucks loading and unloading outside the buildings, I am satisfied that this could be heard from the rear gardens of nearby dwellings and could result in some loss of amenity.

Although there could be noise and disturbance from the movement of vehicles and testing of engines at Unit 2, I am satisfied that so long as the normal repair and servicing facilities take place inside the building and that working takes place during usual business hours there should be no undue loss of amenity to nearby residents, These restrictions on business activity can be made subject to reasonable conditions as suggested by the Council and the appellant. Having regard to the construction of the building and its siting in relation to the nearest dwellings, I do not consider it necessary to impose a condition requiring insulation of the building as suggested by the Council. Subject to the conditions referred to above, the appeal on ground (a) can succeed. I shall grant planning permission on the deemed application and allow the section 78 appeal.”

- 7.7 Members will note within this application that the Environmental Health Department do not object to this planning application but recommend a number of conditions. Officers recognise that letters of representation have been received from neighbouring properties which, although significantly less in numbers to that received in respect of the planning application for unit 2 Haslemere Industrial Estate, generally raise similar concerns in respect of the impact on neighbour amenity issues. The Council do not

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however have any further information or evidence to substantiate that there will be or that there is at present a significant impact on neighbour amenity.

- 7.8 It is however recognised that neighbouring properties consider there to be some level of impact on neighbour amenity and that a further B2 user may, by its nature, create more noise and general disturbance than the current users and situation on site.
- 7.9 It is also acknowledged that there has been a history of light industrial and storage users of this particular unit. However, the Inspector also considered at paragraph 10, in respect of unit 2, that that unit benefited from a general industrial use when first used for the manufacture of joinery and furniture products within the first permission relating to the site. Historically, there has been a mixed use of the site for both general industrial, light industrial and storage uses.
- 7.10 Having regard therefore to the above considerations and, the Inspectors comments in relation to unit 2, which are a material consideration of some weight, and taking into account the comments from the Environmental Health Department, Officers consider that the degree of impact on neighbour amenity will not be significantly detrimental to neighbour amenity, subject to the conditions restricting the use of the premises inside the building during normal working hours.
- 7.11 Members will note that the Inspectors considerations related to the degree of impact on neighbour amenity of car vehicle servicing and repairs and a condition was attached restricting the use specifically to such a user. In the case of this application, Officers consider that this particular B2 use (vehicular servicing and MOT testing) is acceptable in neighbour amenity terms but that other uses falling within Use Class B2 might have a greater degree of impact on the adjacent residential development by reason of noise and disturbance. Officers therefore consider it appropriate to restrict the use to vehicle servicing/repairs and MOT testing only, in the same way that the Inspector has for the adjoining unit. Such a condition is considered to be both necessary and reasonable in the circumstances of the case

Other matters

- 7.12 It is noted that the Environmental Health Officer recommends a number of additional conditions to those attached by the Inspector to the use of unit 2 Haslemere Industrial Estate. However, having regard to the conditions attached by the Inspector, and the similarities of the development proposed within this application, the additional conditions recommended by Environmental Health are not, in Officers view, necessary.

8.0 Conclusion

- 8.1 The principle of development for a B2, vehicle servicing and repairs use is in accordance with employment area policies and has been recently been established through an Inspectors Decision for the adjoining site, for which weight must be attached. Having regard to that Inspectors Decision, the proposed development is considered to be acceptable, in terms of neighbour amenity and parking provision. For the reasons outlined above, Officers therefore recommend the approval of this application.