

5g 3/11/1635/FP - Change of Use from garage units to furniture recycling scheme at Hoe Lane Garages, Hoe Lane, Ware, SG12 9LS for Riversmead Housing Association

Date of Receipt: 16.09.2011

Type: Full - Minor

Parish: WARE

Ward: WARE - CHADWELL

RECOMMENDATION:

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

1. This permission shall be for a temporary period of one year, expiring on 31st March 2013 and the use hereby permitted shall cease on or before that date, and any works carried out under the permission shall be removed and the building reinstated to the satisfaction of the Local Planning Authority

Reason: In order for the Local Planning Authority to accurately assess the impact of the use on the amenities of nearby residents and on traffic generation in the area in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

2. Approved plans (2E10): 10635-S001, 10635-P001-A
3. The use of the premises hereby permitted shall be restricted to the hours of 1:00hrs to 15:00hrs Monday to Friday, with visitors to the site arriving by prior appointment only and these arrangements shall be maintained as such to the satisfaction of the Local Planning Authority.

Reason: In the interest of the amenities of the occupants of nearby properties, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007 and to prevent any traffic congestion in the area at school arrival/ departure times.

4. Prior to the commencement of the use hereby permitted details of staff and visitor parking allocation within the lower level garaging area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved details.

Reason: In the interest of highway safety, and in accordance with policies TR2 and TR7 of the East Herts Local Plan Review April 2007.

3/11/1635/FP

Directive:

1. Other legislation (01OL)

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies ENV1, EDE3, TR2, TR7 and WA8 and PPG1: Delivering Sustainable Development. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (163511FP.SD)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It comprises a block of garages for domestic use, owned by Riversmead Housing Association on the eastern side of Hoe Lane. The building is constructed in brick on two levels, the elevated brick walls rising to 5.9m enclosing a ground floor and elevated floor of individual single garages located within a primarily residential area with some limited commercial premises nearby.
- 1.2 The upper level garages serve 16 properties and residents in Grange Gardens but at present only 3 garages are leaseholder occupied. The upper level will remain with no change to the existing parking facilities on this level or the ramped access from Hoe Lane.
- 1.3 The lower level provides 21 individual garages accessed via double metal gates from a private drive with turning head and two allocated parking spaces.
- 1.4 The lower area of the garage block has been sealed off for approximately three years due to vandalism, antisocial activities and lack of general safety for the residential users.
- 1.5 The proposal is for the change of use of the lower garage parking area to provide a furniture recycling scheme on behalf of East Herts and Broxbourne Councils as part of a Furniture Re-use Project Partnership. The proposed use would fall with a B8 (storage) use class with a limited retail provision considered as ancillary to the B8 use. The primary use will be the collection of furniture, capable of immediate sale, to be stored

3/11/1635/FP

on site and, when sold, delivered direct to the purchaser.

- 1.6 The eight garages to the front bay on the lower level will remain while the 13 inner garages will have the garage doors removed, providing storage areas with two spaces converted to provide an office area/ kitchen and disabled WC.
- 1.7 The vehicle entrance is retained with new pedestrian gate. A single post restricted parking space is provided adjacent to the entrance with hatched line-marked restricted parking area. There will otherwise be no change to the external appearance of the building.
- 1.8 The applicants have indicated that the furniture to be collected will be tested to comply with Health and Safety Standards and Fire Regulations and be suitable for immediate re-sale; this does not include damaged items or soft furnishings. The offices will be open to the public by appointment only, operating weekdays only from 11:00 hours to 15:00 hours. Van deliveries and collections will operate initially on only 2 days per week (Monday to Friday).
- 1.9 Parking for staff, volunteers and visitors will be provided in allocated parking bays within the existing lower level garages spaces. It is envisaged that 3 to 4 members of staff will be employed to run the scheme with additional volunteers. The collection van, when visiting the site will be parked within the allocated and post restricted parking space.

2.0 Site History:

- 2.1 The garage block was originally constructed as part of an adjacent housing development in the late 1970's. The only subsequent planning application was received in 2010 under ref: 3/10/2106/FP for the change of use from garage units to furniture recycling scheme which was withdrawn by the applicant/agent.

3.0 Consultation Responses:

- 3.1 County Highways comment that they do not wish to restrict the grant of permission subject to a condition to secure the details of access and parking arrangements. Whilst concerned to see the establishment of a conventional industrial use and general retail use on this site, it is necessary to be mindful of the particular circumstances of the project as outlined in the submission. Having met the applicant to discuss the highways concerns it is considered that the proposal, if implemented and run as proposed, will not lead to conditions detrimental to highway safety. Nevertheless given the potential issues that may arise should the actual

3/11/1635/FP

use not conform to the outlined submission, the Highway Authority recommend that consideration be given to a temporary permission, personal to the applicant.

- 3.2 The highway authority is advised that the scheme is operated by a charity that uses a small transit/Luton box type light goods vehicle to collect furniture from properties owned by the Housing Associations, there being no general retail undertaken from the premises and visitors can only attend the site by appointment outside of peak traffic hours. The scheme also makes provision for on-site parking and a dedicated LGV parking space, while seeking to end indiscriminate parking that occurs on the private road. In these particular circumstances the highway authority do not intend to raise an objection.

4.0 Town Council Representation:

- 4.1 Ware Town Council objects to the proposal on the grounds that, although a worthy scheme, this would be better in an industrial area. There are parking and traffic problems with 3 schools in the area and the site is near a hazardous junction.

5.0 Other Representations:

- 5.1 The application has been advertised by way of neighbour notification.
- 5.2 8 letters of objection have been received, a petition with 10 signatures and a letter of objection from Considerate Construction a commercial premises raising the following issues:
- There are parking issues on Hoe Lane which this scheme will exacerbate
 - The site will become a dumping ground for rubbish
 - A request for a pedestrian crossing has not been addressed
 - The scheme will result in traffic problems with 3 schools in the area, near an already hazardous junction.
 - The garages are needed for local residents
 - Visitors to the site will park in Hoe Lane, near the entrance where other vehicles will find it difficult to turn into the site safely
 - A previous scheme was closed at Gt Amwell due to anti social behaviour

3/11/1635/FP

- Furniture will be sprayed with chemicals to remove bacteria, germs etc
- The scheme although worthy should be on an industrial site, with better access, and parking facilities away from residential properties.
- There will be issues of noise nuisance

5.3 Councillor M Pope, Ward Councillor for the Ware Chadwell area, has requested that the application be determined by the Development Control Committee.

6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

| | |
|------|--|
| ENV1 | Design and Environmental Quality |
| EDE3 | Employment Uses outside Employment Areas |
| TR2 | Traffic in New Developments |
| TR7 | Car Parking Standards |
| WA8 | Employment Areas |

6.2 In addition, the following National policy guidance is relevant:-
Planning Policy Guidance 1, Delivering Sustainable Development,

7.0 Considerations:

Principle of development

7.1 The site lies within a primarily residential area, with some commercial premises in proximity. It is not defined as a designated employment area, although Policy EDE3 applies regarding a proposed employment use sited outside of the designated employment areas. Policy WA8 also applies as the site is not within the allocated employment areas in Ware. Those policies indicate that, within the six main settlements, proposals for employment use may be permitted where there is no loss of housing, and no significant adverse impact on the amenity of nearby occupiers; where the site is capable of accommodating the proposal along with necessary access, parking and servicing arrangements and where it is of an appropriate scale and is environmentally acceptable.

7.2 In this case, the lower level of the garage block has not been in use for approximately 3 years, and officers consider that in principle the proposed recycling scheme would generate some beneficial use within part of the building, providing limited employment and a beneficial facility

3/11/1635/FP

for the residents of Ware.

- 7.3 The existing access arrangement is acceptable, with the dedicated van parking space, parking restriction area, and internal parking within the building. As a result, any indiscriminate parking on the private road should cease. In terms of scale, the use will be a restricted one and the building externally will remain as existing, with no signage to avoid the issues of fly tipping/ dumping. It is identified that staff parking, which is limited would be restricted to provision within part of the lower level garage space.
- 7.4 The proposal has taken into account the concerns from residents as regards traffic and amenity issues. The scheme is of a limited capacity, operating visitor appointments only outside of the peak traffic congestion periods and provides dedicated parking for staff, visitors and the scheme's collection van.
- 7.5 It is acknowledged that recycling schemes are more normally sited in industrial areas, due to the scale of many schemes and traffic movements generated by the use. However, in this instance officers consider that the small scale nature of this scheme would deliver a benefit to the immediate community and the residents of Ware that would not unduly impact on neighbour amenity of the surrounding residential properties, provided that appropriate controls are put in place.

Impact on surrounding area/Neighbour amenity

- 7.6 Amenity issues have been raised by neighbouring residents as regards the proposed scheme and the possibility of fly tipping at the site; demand for additional parking along Hoe Lane; exacerbating the levels of traffic congestion and poor highway safety in the area, especially at the peak times for dropping off and collecting school children. The applicant's planning statement defines the hours of operation of the scheme specifically outside of the peak schools hours, at 11:00hrs to 15:00hrs to avoid such conflict. The additional parking requirement is identified as modest with 3 to 4 staff with volunteers, visiting members of the public limited via appointment Monday to Friday and accommodated on-site within the garage block.
- 7.7 The Highway Authority has, as mentioned earlier, commented that "*the proposal, if implemented and run as proposed, will not lead to conditions detrimental to highway safety*". However, it does suggest that: "*given the potential issues that may arise should the actual use not conform to the outlined submission I recommend that consideration be given to a temporary permission, personal to the applicant.*" Officers Consider that

3/11/1635/FP

an initial temporary permission of 1 year is a reasonable condition to apply, in this case, to ensure that the site operates as proposed and will not be detrimental to highway safety in Hoe Lane or the immediate locality. This period will, in effect, act as a 'trial run' ensuring that any impact from the proposed development can be accurately assessed during the 12 month period.

- 7.8 It is not however considered appropriate or necessary to require that the temporary permission is also made personal to the applicant, as it is the impact of the use itself which falls to be considered and, with other suitable conditions in place; Officers consider that there would be adequate control over the use.

8.0 Conclusion:

- 8.1 The proposed change of use to provide a furniture recycling scheme within the proposed restrictions, with a modest level of employment use, would generate positive benefits for the local community and residents of Ware and would not in Officers' opinion have a significant adverse impact on the amenities of the neighbouring residents or on highway safety.
- 8.2 It is, however considered reasonable and necessary to restrict the hours of use to ensure that any traffic generation at the site does not conflict with the peak traffic periods at the nearby schools. Furthermore, an appointment only system will ensure that any traffic to and from the site is managed so that it does not create additional kerbside parking in the areas or result in any disturbance to nearby residents
- 8.3 With these limitations in place, it is also reasonable to grant a temporary permission for 1 year so that any impact on the surrounding area can be properly assessed over that period.
- 8.4 It is therefore recommended that a one year temporary permission be granted for the proposed change of use, subject to the conditions outlined above.