

5c 3/13/1196/FP – Change of use from B8 use (Storage and Distribution) to B1 (Business/light industrial) and Class B8 use at Units 10 and 11 Haslemere Industrial Estate, Pig Lane, Bishop’s Stortford, CM23 3HG for Threadneedle Property Investments Ltd

Date of Receipt: 15.07.2013

Type: Full - Minor

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD – SOUTH

RECOMMENDATION:

That, subject to no additional material planning objections (in addition to those matters already contained in the representations summarised in paragraph 5.1 of the report) being received before 24 October 2013, planning permission be **GRANTED** subject to the following conditions:

1. Three year time limit (1T121)
2. No plant or machinery shall be operated in any of the buildings between the hours of 6PM and 7:30AM on Mondays to Saturdays or at any time on Sundays.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policy ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

3. The hours of operation of any use of the premises for Class B8 purposes, including loading and unloading of goods, shall be restricted to 07:30 to 19:00 Monday to Friday and 07:30 to 13:00 hours on Saturdays and at no time on Sundays and Bank Holidays.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policy ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

4. No external storage (5U07)
5. No external working (6N06)
6. Approved Plans (2E10)(insert:-Location Plan, HAS01-U010-100 and HAS01-U14-100)

Directive:

3/13/1196/FP

1. Other Legislation (01OL)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

_____ (119613FP.MP)

1.0 Background:

- 1.1 The site is located within the built up area of Bishop's Stortford as shown in the OS extract.
- 1.2 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 one of a number of warehouse units of some varying size and scale, with the larger units to the north. The general design is as one would expect within an industrial site, with corrugated roofing, light brown bricked plinths and large access doors. Some landscape screening is provided between the site and Proctors Way.
- 1.3 This application seeks permission to use units 10 and 11 for either Class B1 or B8 purposes, or a mixture of those uses. Unit 10 currently has a lawful B8 (storage and distribution) use and unit 11 has a lawful B1 (business/light industrial) use.
- 1.4 The application runs contemporaneously with a similar planning application for Unit 5 Haslemere Industrial Estate under LPA reference 3/13/1200/FP which also seeks a flexible B1/B8 use of that unit.
- 1.5 The supporting information submitted advises that the units have been vacant for a period of time and the applications proposed now seek to make the units more attractive to potential commercial users.

2.0 Site History:

- 2.1 Planning Permission for the industrial units was originally granted within

3/13/1196/FP

application 3/74/1019/FP. The following condition was attached with that permission:

“No machinery shall be operated in any of the buildings hereby permitted between the hours of 6PM and 7:30AM on weekdays or at any time on Sundays”

2.2 Planning permission was granted for units 11-14 for ‘change of use to B1(c) under LPA reference 3/99/0431/FP. The above condition was replicated in the permission.

2.3 Planning permission was granted for unit 10 for a B8 use under LPA reference 3/04/1676/FP. The above condition was attached with this permission together with the following condition:-

“The hours of operation of the use hereby permitted, including loading and unloading of goods from the site, shall be restricted to 07:30 hours to 18:00 hours Monday to Friday and 07:30 to 13:00 hours on Saturdays and no working whatsoever shall take place outside these times nor on Sundays and Bank Holidays.”

2.4 An application for unit 10 was submitted for ‘Change of use from Industrial (B1/B8) to Leisure (D2) for family entertainment centre to accommodate a children’s soft play venue’ under LPA reference 3/12/0265/FP. That application was refused planning permission by the Committee on 23 May 2012.

3.0 Consultation Responses:

3.1 Environmental Health comments that they do not wish to restrict the grant of planning permission. The Environmental Health Officer comments that there is no objection to the proposal which includes the extension to the hours of operation for a use which can be carried out in any residential area without detriment to amenity. The Environmental Health Officer comments that historically there have been a number of complaints regarding various nuisance issues and a concern remains that if not managed correctly the introduction of incoming tenants may give rise to additional complaints.

3.2 County Highways comment that they do not wish to restrict the grant of permission. They comment that the proposal is deep within the industrial estate over which the highway authority has no jurisdiction. The proposal has the potential to increase HGV movements but this would be limited to a single unit and would not have a significant impact. The Highway Authority comment that they would not wish to see

3/13/1196/FP

individual units that in aggregate for the whole industrial estate cumulatively increase HGV movements. The LPA are advised to ensure that control measures are in place and a balance is reached in the determination of this application.

4.0 Town Council Representations:

4.1 Bishop's Stortford Town Council object to the application on the grounds that it will affect the quality of life of residents; cause noise and environmental pollution and breach legal restrictions created in 1974.

5.0 Other Representations:

5.1 The application has been advertised by way of press notice, site notice and neighbour notification. Ten letters of representation have been received which contain the following points of objection:

- Impact on neighbour amenity in terms of noise, fumes/smells and general disturbance;
- Unacceptable increase in hours of use
- Increased vehicular traffic
- Potential safety issues from processes/storage on site
- Precedent
- The development will involve changes to the original permission in terms of conditions including hours of operations.

5.2 It has been necessary to re-advertise the planning application as a 'Major' application and the expiry date for any additional representations to be received by the Council as a result is 24 October 2013. It is therefore recommended, as set out at the head of this report, that planning permission is not granted until after that date and provided that no new material planning objections are raised that have not already been considered within this report or at the committee meeting.

6.0 Policy:

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

- EDE 1 (Employment areas)
- BIS9 (Employment areas)
- ENV1 (Design and environmental quality)
- TR7 (Car parking standards)
- ENV24 (Noise Generating Development)

3/13/1196/FP

6.2 In addition the National Planning Policy Framework is of relevance to the consideration of the application.

7.0 Considerations:

7.1 The planning considerations relating to this application are as follows:

- The principle of development;
- The impact on highway safety;
- Parking provision;
- Neighbour amenity considerations.

The principle of development

7.2 The application site is identified as an employment area, and policy EDE1 of the Local Plan states that these areas are reserved for industry, comprising Use Classes B1 (Business), B2 (General Industrial) and, where well related to the transport network, Class B8 (Storage or Distribution).

7.3 The industrial units within Haslemere Estate are a mixture of B1 and B8 uses. From the history of the site it would seem that unit 10 has a lawful B8 use and unit 11 has a lawful B1 use. Having regard to that history and, in considering the designation of the site in policy EDE1 of the Local Plan there is not considered to be any objection in principle to the proposed use of the buildings for either B1 or B8 purposes.

7.4 Officers consider that the application has the potential to make the units more attractive to future commercial users and will assist in economic generation and job creation.

7.5 The site is within the envelope of the town and is therefore in a sustainable location with good access to the main road network. The proposed development will therefore encourage sustainable economic growth which is a key priority of the NPPF and significant weight should be attached to that consideration.

Highway safety/parking

7.6 The Highways Officer has commented that no objections are raised with the application and that increased traffic movements which may be associated would not be significant. The Highway Officer also comments that a consideration needs to be given to the aggregate for the whole estate and whether HGV movements would be intensified.

3/13/1196/FP

7.7 As noted above, one of the existing units benefits from a B1 use and the other a B8 use – this application seeks consent for a B1/B8 use of both units to make them more flexible and attractive for future occupiers. Whilst a B8 use may result in an increase in traffic movements when compared to a B1 use, this is very much dependent on the individual occupier and the nature of their business. It is considered however that the proposal would result in a very limited intensification of activity at the site when compared to the existing lawful uses and there would therefore not be any significant increase in HGV movements. The application site is an industrial estate as identified in policy EDE1 of the Local Plan, which raises no objection in policy terms to B1, B2 or B8 uses. The site links to a main road and traffic movements associated with the proposed uses are therefore not expected to be to such a level that would be unacceptable on an established employment site. No objections are therefore raised in terms of traffic movements associated with the proposed development.

7.8 With regards to parking matters there is parking to the front of the units and further to the east within a communal parking area. The application form shows there to be 24 parking spaces for these units but Officers are aware of additional communal parking within the site as a whole. In this regard and, having regard to the existing uses and sustainable location of the site in transport terms, the level of parking is considered to be acceptable, in this case.

Neighbour amenity

7.9 Officers note the concerns raised by neighbouring properties in regard to the impact on the amenity of properties to the rear of the industrial estate within Proctors Way in terms of noise and general disturbance. Properties on the eastern side of Proctors Way back onto the industrial estate and are around 20 metres from the rear of the industrial buildings with intervening garden space and a fairly significant landscape belt of trees and mature landscape features.

7.10 The Environmental Health Officer raises no objection to the application and makes particular reference to the B1 element of the application which is a use which, by definition, can take place within a residential area without harm to the amenity of neighbours.

7.11 This definition is set out in the Use Class Order and there can therefore be no objection in principle with this use in terms of the impact on neighbour amenity. Furthermore, unit 11 currently has a lawful B1 use.

7.12 However, having regard to the original permission for the site

3/13/1196/FP

(3/74/1019/FP) and the permission for the use of unit 10 for B8 purposes (3/04/1676/FP) these permissions restrict the hours of use of machinery and it is therefore considered to be necessary and reasonable to attach a similar condition to this permission.

- 7.13 Having regard to the above mentioned permissions there is no restriction on the hours of use of unit 11 but the use of unit 10 (which has a lawful B8 use) is restricted to 07:30-1800 Mondays – Fridays, 07:30-13:00 on Saturdays and at no time on Sundays or Bank Holidays. Having regard to the existing lawful uses it is not considered to be reasonable to attach a planning condition restricting the hours of use of the units for a B1 use. Furthermore, a B1 use by definition should be able to take place in a residential area without any harm to the amenity of neighbouring properties.
- 7.14 The only other consideration therefore relates to the B8 use. A B8 use is storage and distribution and Officers may therefore expect there to be traffic movements associated with this use in terms of deliveries and vehicles, such as forklift trucks manoeuvring goods into and within the units. There are a range of lawful uses within the Industrial Estate – albeit predominantly B1/B8 uses and Officers are aware of a B2 use which was granted at unit 2 which specifically relates to a motor vehicle repairs and servicing. Whilst unit 10 currently has a B8 use, the Council must consider whether the provision of a B8 use at both units 10 and 11 is acceptable in neighbour amenity terms
- 7.15 The provision of an additional unit for B8 purposes has the potential to create noise and disturbance – however, the original permission for the site granted consent for factories and warehousing and there has therefore been a long standing historical use throughout the industrial estate. In this regard, having regard to the advice from Environmental Health who raise no objection to the application and, subject to a restriction on the hours of use of machinery and hours of use of the units (which would reflect the condition attached to unit 10 under LPA reference 3/04/1676/FP), Officers consider that there would not be a significant impact on neighbour amenity that would warrant the refusal of the application.
- 7.16 The current planning condition relating to the B8 use of unit 10 (3/04/1676/FP) restricts the use of the building to 7:30 to 18:00 hours Monday to Friday and 07:30 to 13:00 hours on Saturdays and no working on Sundays and Bank Holidays. The applicant proposes to use both units from 7:30 hours to 19:30 hours Monday to Friday and 07:30 to 17:30 hours on Saturdays and no working on Sundays and Bank Holidays. Additional hours of use are therefore requested in relation to

the evening and Saturday working.

- 7.17 The applicant has commented that an increase in the hours of use above that which currently exists for B8 uses would make the units more attractive to future businesses. As such, and using the current conditions restricting hours of operation as a benchmark, Officers consider that some modest increase in evening working would be acceptable during the week for a B8 user. In this regard Officers consider that use of the unit until 19:00PM would be appropriate Monday – Friday. However, Officers consider that a restriction on use for Saturday working should remain and that the unit should not be used on a Sunday or Bank Holiday, in the interests of amenity.

8.0 Conclusion:

- 8.1 Having regard to the above considerations, Officers opinion is that the use of the units for B1/B8 use is acceptable. The use of the buildings has the potential to encourage reuse of the units by commercial users and encourages a sustainable form of economic development within the town which is supported by national planning policy in the NPPF.
- 8.2 Officers consider that the proposed development will not result in significant harm to highway access or safety and that a restriction on the hours of use of the units for B8 purposes will ensure that no significant harm is caused to neighbour amenity, in accordance with policy ENV1 of the Local Plan.
- 8.3 For the reasons set out above Officers therefore recommend that planning permission is granted as set out at the head of this report, subject to conditions.