

5d 3/13/1200/FP – Change of use from B1(Business/light industrial) to B1 and B8 (Storage and Distribution) at Unit 5 Haslemere Industrial Estate, Pig Lane, Bishop’s Stortford, CM23 3HG for Threadneedle Property Investments Ltd

Date of Receipt: 12.07.2013

Type: Full - 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 plant or machinery shall be operated in the building 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 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 no working 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-U05-100)

Directive:

1. Other Legislation (01OL)

Summary of Reasons for Decision

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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.

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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 varying sizes 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 unit 5 for B1 or B8 purposes, or a mixture of those uses. The unit currently has a lawful B1 use.
- 1.4 The application runs contemporaneously with a planning application for Unit 10 and 11 Haslemere Industrial Estate under LPA reference 3/13/1196/FP which also seeks a B1/B8 use of those units.
- 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 application 3/74/1019/FP. Planning conditions were attached with that original permission including the following:-

"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"

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- 2.2 Planning permission was granted within LPA reference 3/78/0534/FP for a change of occupier of the unit (PSD store fitters).
- 2.3 Planning permission was granted within LPA reference 3/83/1596/FP for a change of use from Class 10 Warehouse to Class 3 light industrial. Planning conditions were attached with that permission including the following:-

“The building shall be used for manufacture of equipment for cable and for no other purposes including any other purpose in Class III of the Schedule to the Town and Country Planning (Use Classes) Order 1972.”

“No machinery shall be operated within the building between the hours of 6PM and 07AM on weekdays or any time on Sundays”

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 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 site notice and neighbour notification. One letter of representation has been received which raises concern in respect of the impact on neighbour amenity in terms of noise and general disturbance.

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)

6.2 In addition the National Planning Policy Framework (NPPF) 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 unit is within Haslemere Estate where there is a mixture of B1 and B8 uses. From the history of the site it would seem that unit 5 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 building for B1 and B8 purposes.

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- 7.4 Officers consider that the application has the potential to make the unit 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.
- 7.7 As noted above, the existing unit benefits from B1 use – this application seeks consent for a B1/B8 use of the unit to make it more 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 use and would therefore not result in a 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 class 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 6 parking spaces for the 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 a neighbouring occupier in regard

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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 25-30metres 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, the building currently has a B1 use.
- 7.12 However, having regard to the original permission for the site (3/74/1019/FP) and the latest permission for the unit which granted a B1 use(3/83/1596/FP), both these permissions restricted the hours of use of machinery. It is therefore considered to be necessary and reasonable to attach such a condition to this permission.
- 7.13 Having regard to the above mentioned permissions there is no restriction on the hours of use of the unit for B1 purposes – only the use of machinery is restricted. As such, it is not considered to be reasonable to attach a planning condition restricting the hours of use of the unit for a B1 use as, by definition, such a use should be able to take place within a residential area without any harm to 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. The Council must consider whether the provision of a B8 use at unit 5 is also 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

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restriction on the hours of use of machinery and hours of use of the unit (which would reflect conditions attached to other B8 uses within the Industrial Estate), Officers consider that there would not be a significant impact on neighbour amenity that would warrant the refusal of the application.

- 7.16 With regards to hours of operation of the B8 use whilst Officers note that the original permission did not restrict the hours of operation of the unit, Officers note that other permissions for B8 uses at the Industrial Estate (including LPA reference 3/04/1676/FP for unit 10 have restricted such a use to the hours of 7:30 hours to 18:00 hours Monday to Friday and 07:30 to 13:00 hours on Saturdays and no working on Sundays and Bank Holidays.
- 7.17 The applicant proposes to use the unit 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.
- 7.18 Whilst there are no historical conditions restricting the hours of use of unit 5, other units within the Industrial Estate which have a B8 permission have a restriction on the hours of use, including unit 10. In this regard and, given the above comments in relation to expected changes in activity, it is considered that a restriction on the hours of use of unit 5 for B8 purposes is necessary and reasonable, in this case.
- 7.19 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. 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 and, given the restriction on other units within the Estate which benefit from B8 use.

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.

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- 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 unit for B8 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, subject to conditions.