

5g 3/13/1934/FP – Change of use of former chandlery and yard area to the operation of a street-sweeper hire business at Lee Valley Marina, South Street, Stanstead Abbots, SG12 8AL for Lesley Foreman

Date of Receipt: 04.11.2013

Type: Full – Minor

Parish: STANSTEAD ABBOTTS

Ward: STANSTEAD ABBOTTS

RECOMMENDATION:

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

1. Three Year Time Limit (1T121)
2. The use hereby permitted shall cease on or before 30th April 2015.

Reason: To enable the local planning authority to properly assess the impacts of the use on the surrounding area.

3. The premises shall be used solely for the storage and hire of street sweeping vehicles and associated ancillary activities in accordance with the details submitted within the application and any movement of street sweepers to and from the site shall be restricted to the hours of 07:00 to 17:00 Mondays to Fridays and at no other times.

Reason: In the interests of the amenities of the occupants of nearby properties and in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007.

4. The use shall be operated in compliance with a Traffic Management Plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of use of the site. The use shall thereafter operate in accordance with the approved Plan. The 'Traffic Management Plan' shall include details of access routes and parking provision within the site.

Reason: To promote sustainable transport measures in relation to the development, in accordance with policy TR4 of the East Herts Local Plan Second Review April 2007.

5. No external lighting (2E262)

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Directives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
2. You are advised that there is a 7.5 tonne weight limit for vehicles using Station Road and High Street in Stanstead Abbots.

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.

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1.0 Background:

- 1.1 The application site falls within the built-up area of Stanstead Abbots, and is identified on the attached OS extract. It is part of the Lea Valley Marina, falling within the Lea Valley Regional Park and is accessed from the south ends of South Street and Millers Lane, with vehicle access from both roads onto the site.
- 1.2 The site comprises 2 buildings, one measuring 5m x 17m and the other 6m x 17m and an accompanying hard standing area. It was used previously as a chandlery for boat related spares and an associated workshop. However, the applicant indicates that the site has not been in active chandlery use since 2010. The Lee Valley Regional Park Authority (who own and manage the Marina site) have operated a smaller chandler retail unit instead from a portable building on the western edge of the Marina site since 2011.
- 1.3 The applicant indicates, therefore, that the application site has remained largely unused since 2011. Marketing of the site has not

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attracted interest from a leisure or recreational commercial operator on a permanent basis, although the applicant's agent indicates that interest has been shown from various commercial storage companies.

- 1.4 The proposal is to use the site for the storage of street sweepers for long-term hire. Almost all the applicant's vehicles are under 3 tonnes in weight and are described as 'mini road sweepers'. They would be stored within the buildings except when awaiting delivery or for short periods of time when the building are full. They would normally be driven back to the site under their own power unless they are travelling for more than 60km when they would be transported by the company's own 7.5 tonne vehicle. Photographs of the types of vehicle used will be available at the committee meeting.
- 1.5 The development would make use of the existing buildings and facilities on site, with no new construction proposed.

2.0 Site History:

- 2.1 The relevant planning history for the site is as follows:
 - 3/120-74 – Use of building for boat sales and chandlery – Approved March 1974
 - 3/79/1343 – Covered boat display and storage – Approved December 1979

3.0 Consultation Responses:

- 3.1 The Environment Agency have advised that they have no concerns regarding flood risk at the site arising from the proposed development.
- 3.2 The County Council's Highways officers do not wish to restrict the grant of planning permission. Concerns are expressed however over the impact of the proposed use on the free flow of highway traffic on South Street and Millers Lane. Both roads are heavily parked which reduces the carriageway to single width for much of their length. Any significant increase in the number of larger vehicles using the roads would have an undesirable impact on the public highway.
- 3.3 However, given the existing lawful commercial use of the site, the Highway Authority considers that this proposal is unlikely to lead to a significant intensification of use of the site and on that basis, it would not be justified for the Highway Authority to object.

4.0 Parish Council Representations:

4.1 Stanstead Abbots Parish Council has objected to the proposal on the grounds of existing traffic problems in the High Street and parking problems in Millers Lane and South Street that would be exacerbated by the proposed use.

5.0 Other Representations:

5.1 The application has been advertised by neighbour notification.

5.2 31 letters of objection and a petition of 20 signatures have been received. The grounds of objection raised can be summarised as follows:

- Parking in Millers Lane and South Street is already a problem for existing residents; There are no parking restrictions, and residents have to compete with workers and commuters for parking spaces
- The site is located in a residential area, and is unsuitable for the proposed use
- The narrowness of the two roads results in restricted traffic flow, especially for larger vehicles such as bin lorries, emergency vehicles and lorries delivering to shops in the High Street
- The proposed operating hours of 7am to 7pm would result in disturbance at anti-social times
- The regular use of the roads by heavy vehicles could cause damage to the road surface and houses
- The additional traffic would cause increased road safety risks for pedestrians, especially young children
- Noise disturbance and air pollution levels would increase as a result of the development, including from vehicle movements and maintenance on-site
- Concerns regarding the storage of fuel at the site
- Concerns regarding the disposal of waste water
- The site is located in the Lea Valley Park, and is not an appropriate use in that location

5.3 In addition, residents have raised objections on the grounds of a loss of house values. However, this is not a material planning consideration in the determination of the application.

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6.0 Policy:

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

LRC8	Lee Valley Regional Park
SD2	Settlement Hierarchy
TR4	Travel Plans
TR7	Car Parking – Standards
ENV1	Design and Environmental Quality
EDE2	Loss of Employment Sites
EDE3	Employment Uses Outside Employment Areas
EDE4	Storage and Distribution Uses
ST5	Development within the Lea Valley Regional Park

6.2 The policies set out in the National Planning Policy Framework (NPPF) are also material to the consideration of the application.

7.0 Considerations:

7.1 The application site falls within the built-up area of Stanstead Abbots and, in accordance with policy SD2 of the Local Plan, there is no objection in principle to development in this location. The site also lies within the Lea Valley Regional Park and the proposals fall to be considered against the policies applicable to the Park as set out below.

7.2 The determining issues in this case are considered to be:

- The acceptability of the use within the Lea Valley Regional Park;
- Parking, access and traffic generation; and
- Impact on adjacent residential properties

Principle of the use within the Lea Valley Park

7.3 Policy LRC8 of the Local Plan seeks to support leisure related development in the Lea Valley in principle. Policy ST5 of the Local Plan refers more specifically to other forms of development within the Park and states that these should:

- Not adversely affect the amenities of neighbouring residents
- Provide satisfactory access
- Make appropriate provision for parking and servicing
- Make appropriate provision for landscaping

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- 7.4 The buildings on the application site currently have a lawful A1 (retail) use, with the larger building having been given permission in the mid 1970s (application ref: 3/74/0120). The smaller building was granted permission for use for the display and storage of boats as part of the retail use in 1979 (ref: 3/79/1343).
- 7.5 The remainder of the yard would generally be covered by the lawful marina use. A marina is a *sui generis* use, that is, it is a unique use that does not fall within an identifiable Use Class and cannot change to any other use without permission.
- 7.6 Although the site has been vacant for approximately two years it has been marketed for commercial use in that time and Officers are satisfied that there has been no lapse in the lawful use.
- 7.7 Given this lawful retail/storage use of the site, Officers do not consider that an objection to a new commercial use can, in principle, be sustained within the settlement boundaries. Indeed, policy EDE 2 of the Local Plan seeks, in principle, to retain employment uses on sites where there has previously been an employment use (albeit a limited one) and this reflects national policy set out in the NPPF.
- 7.8 The principle of the proposed development in the Regional Park is therefore supported, in principle, by policy. It is however necessary to consider the particular nature and extent of the proposal to determine whether it would be appropriate in terms of its impact on highway safety and amenity in the area.
- 7.9 Officers consider it necessary to make clear that the proposed use, for the operation of a street sweeper hire company, would not in their opinion, fall within Use Class B8 (storage). Although it would share some similarities, in that sweepers would be stored on the site and occasionally leave the site via transport lorry, this is not considered to amount to a storage and distribution use. The use is rather considered to be akin to a small vehicle depot, with the sweepers generally expected to leave the site under their own power, and when on site to be parked for maintenance or awaiting use. A vehicle depot is also a unique, *sui generis*, use. If permission were to be granted for the use, therefore, it would not permit any other change of use.

Parking, access and traffic generation

- 7.10 Parking at the site is stated to be available for a maximum of 35 vehicles present on site at any time, with 25 commercial vehicles and 10 cars. The sweepers would be stored within the buildings, or in the open

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at times, with cars parked in the open.

- 7.11 The applicant expects that there would never be more than approximately 10 vehicles on site at any time although Officers note that the site could provide parking for around 20 vehicles without materially restricting movement within the site.
- 7.12 The applicant indicates that sweepers are leased to users who typically keep them off-site for the duration of the contract. It would be unusual for large numbers of their vehicles to be on site at any time.
- 7.13 Given the limited scale of the use; the previous lawful use of the site and the Highway Authority's comments, Officers are satisfied that the development would make acceptable provision for parking on site and would not be likely to cause additional parking stress to the wider area. It is not considered therefore that a refusal on parking grounds could be sustained.
- 7.14 In terms of access, residents have expressed significant concerns about the potential for extra traffic on the two access roads as a result of the proposed use. Officers have considered this matter carefully and are aware that larger vehicles, such as refuse lorries, emergency vehicles, and delivery lorries can become stuck by the restricted width, or cause delays if they stop in either street. It is particularly larger vehicles that would be a concern and the Highway Authority have also noted this.
- 7.15 However, the current proposal would involve the use of only small 'mini sweepers' which are of limited size (comparable with a small commercial van) and, in Officers' view, would be unlikely to result in any significant congestion on the access roads.
- 7.16 Traffic generated is expected to be no more than 20 total commercial sweeper vehicle movements per day, from Monday to Friday, in accordance with negotiations with the applicant. Officers are not able to assess the traffic that was generated by the chandlery use of the site as this has ceased, but County Highways do not consider that the proposed use would result in a significant increase over a typical B8/A1 use of the size that previously existed on the site and could recur without permission. Officers consider, therefore, that 20 additional vehicle movements, of the size proposed, together with staff cars, could be accommodated within the local highway network without causing significant harm.
- 7.17 The number of additional movements would equate to an average of 1 per hour per street, as both Millers Lane and South Street can be

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accessed from the application site. While there may be periods of greater activity over the course of a typical day, the nature of the applicants' business is such that the sweepers do not necessarily all move off site at the beginning of the day, or all return at the end of the day. Officers consider that, in principle, this level of traffic would not result in significant additional impact to the local highway network.

- 7.18 In order to limit the impact on the local highway network officers consider it appropriate that traffic entering and leaving the site be subject to a Traffic Management Plan. This would be agreed in detail by condition, but in general would seek to prevent most or all of the traffic from the site occurring along one road. For example, it may be that all traffic would leave by Millers Lane and return by South Street, or vice versa, or that any larger vehicles may be limited to using Millers Lane.
- 7.19 Street sweepers of the general size noted are typically capable of moving at around 20 miles per hour. Such a speed would be compatible with residential streets and vehicles moving at this speed would not, Officers' consider, be likely to result in a material increase in risk to other road users.

Impact on residential amenity

- 7.20 Residents have raised concerns about the potential for noise and other disturbance arising as a result of operations relating to the proposed use.
- 7.21 Following discussions with the applicant over neighbour concerns, they have stated that conditions limiting commercial traffic to and from the site to 20 total movements per day, with these only occurring on weekdays from 7am to 5pm, would be acceptable. This would be a reduction in predicted movements from a maximum of 210 per week to a maximum of 100 per week. The number of days that vehicle movements would occur would also no longer involve operations on weekends (as had previously been proposed).
- 7.22 This reduction would result in a significant lessening of any potential disturbance to neighbouring occupiers. The details of this level of use and traffic generation are contained within the application and Officers consider that condition 3 would enable sufficient control over the use to protect the amenities of neighbouring properties. A specific condition restricting the number of movements to 20 would be difficult to enforce, however, and is not recommended.

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- 7.23 Given the somewhat unusual nature of the proposal, its impact on nearby dwellings is difficult to assess with certainty until such time as the use is operational. Officers therefore also recommend that any permission granted be for an initial one year period (allowing time for the submission of a Traffic Management Plan) rather than three years as sought by the applicant. This will allow the impact of the use on the area to be properly assessed prior to any further permission being granted.
- 7.24 Residents have also expressed concerns about air pollution arising from the use. The sweepers would amount to a relatively small number of vehicles added to the local vehicular traffic and Officers do not consider that this would be likely to result in significant additional pollution. Again, however, the proposed trial period for one year would enable such impacts to be more fully assessed.

Miscellaneous

- 7.25 The Highway Authority has not raised concerns about the potential for damage to the road surface as a result of the development. The weight of the sweepers is given as around 3.5 tonnes, or equivalent to a commercial van, and therefore these would not exert undue weight on the road surface. Although the applicant does have larger vehicles, these are stated to be a small number of their overall fleet (around 20%). Officers consider that it is unlikely that the small number of movements that would occur from these larger vehicles would be likely to cause significant damage to the local road network.
- 7.26 In response to neighbour concerns, the applicant has stated that there would not be large volumes of fuel stored on site. In addition, the sweepers are emptied of waste before being returned to the applicant so there would be no commercial waste disposal occurring on site.

8.0 Conclusion:

- 8.1 At the reduced scale proposed, Officers consider that the proposed development would not result in material harm to the amenities of local residents or the flow of traffic on the local highway network. The proposal is for a temporary *sui generis* use, to replace the lawful retail/storage use on the site and it would not, in principle, conflict with the policies of the Local Plan. It is also considered that the use would be unlikely to have any greater impact on the surrounding area than the existing permitted use.
- 8.2 The proposal would retain an employment use on the site which is

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supported by both Local Plan policy and the economic development policies of the NPPF.

- 8.3 Officers are mindful of the close relationship of the site to local residents, however, and although it is anticipated that the proposed use is one that could be carried out without harm to the amenities of those residents, Officers consider that a temporary 'trial run' of 12 months or so would allow the precise impacts of the operation of the site to be assessed.
- 8.4 Officers consider, on balance, therefore that the proposed use would be acceptable in principle in this location having regard to the planning history of the site; the requirements of the NPPF and the Local Plan. It is also considered that the impact of the proposal on highway safety and amenity would be acceptable but that a temporary 'trial run' period is appropriate to enable this to be more accurately assessed. It is therefore recommended that planning permission be granted for the proposed development until the end of March 2015, to allow the applicant a reasonable period to provide the necessary information prior to commencement of the use on site, and subject to the other conditions outlined above.