

5L 3/11/0767/FP - Change of use from agricultural buildings to use classes B1 (Business), B2 (General Industrial) and B8 (wholesale warehouse) at Unit 4, Hadham Industrial Estate, Church End, little Hadham, SG11 2DY for Hadham Industrial Estates Ltd

Date of Receipt: 05.05.2001

Type: Full – Minor

Parish: LITTLE HADHAM

Ward: LITTLE HADHAM

RECOMMENDATION:

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

1. Three Year Time Limit (1T12)
2. No external lighting (2E26)
3. Refuse disposal facilities (2E24)
4. Approved plans (2E10) PS116/15, PS1116/16
5. There shall be no outside working or storage of goods, articles or materials in connection with the approved development.

Reason: In the interests of visual amenity of the area and neighbour amenity in accordance with policies GBC9 and ENV1 of the East Herts Local Plan April 2007.

6. No vehicle movements in connection with the change of use shall take place except between the hours of Monday to Friday 7:00AM to 8:00PM, Saturday 7AM to 7PM and at no time on Sunday or Bank Holidays.

Reason: In the interests of the amenities of the occupants of nearby residential properties in accordance with policies GBC9 and ENV1 of the East Herts Local Plan April 2007.

Directive:

1. Other legislation (010L)

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, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC3, GBC9, GBC10, EDE4, ENV1, TR7 and TR20. The balance of the considerations having regard to those policies and the central government advice contained in PPS7, is that permission should be granted.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It is located within a large complex of buildings which were previously all used as part of Church End Farm. The site is accessed via a no through road from the A120, the last 80 metres of which is an unmade track.
- 1.2 The site contains a number of buildings used for a range of different uses, including a farm business and a number of B1 and B8 uses. Currently there is approximately 6780 square metres of commercial floor space available at the site. In addition, an extant permission exists for the construction of a factory and warehouse building some 2600 square metres in size.
- 1.3 This application proposes the change of use of a former agricultural building for B1, B2 and B8 uses. No physical alterations are proposed. The building in question is single storey and some 207 square metres in size and was originally constructed in yellow stock brick and slate. Parts of the building have been clad in metal corrugated sheeting, and Council records indicate that these alterations took place before November 2007. More recently a large flue has been inserted in the roof without the benefit of planning permission.
- 1.4 The building is currently occupied by 'Mixed Case' a wine merchant, 'Masala Express', a hot and cold food preparation, delivery and takeaway company and the Estate's site office. None of these uses currently benefit from planning permission.
- 1.5 It is the view of Officers that the existing use, and specifically Masala Express, does not fall with the use classes (B1, B2 or B8) which are being applied for in this application. Officers are in discussions with the applicant regarding the existing unauthorised uses of the building and the alterations that have been undertaken to date. The outcome of these discussions will be reported to Members, if necessary, in due course.

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2.0 Site History:

- 2.1 There is no relevant planning history relating specifically to the building under consideration; however there are a number of other planning applications relating to the wider site which are considered relevant to the consideration of the application. These are listed below:

3/91/1755/FP

Change of use of redundant cattle shed to water bottling plant
Approved 25.03.92

3/97/0623/FP

Erection of water bottling stored
Approved 10.09.97

3/04/1755/FP

Change of use of redundant agricultural building to B1 and B8 use
Approved 12.10.04

3/04/2431/FP

Change of use of former stable building to B1 use
Approved 31.01.05

3/06/0531/FP

Change of use from redundant stables to mixed B1/B8 use
Approved 13.06.06

3/06/1994/FP

Extension to existing warehouse and factory (B1 and B8)
Approved 17.01.07

3/07/2560/FP

Change of use of 2 buildings from agricultural to B1 and B8
Approved 13.02.08

3.0 Consultation Responses:

- 3.1 Environmental Health raises no objections to the proposal.
- 3.2 County Highways comment that, in isolation, a highway objection would not be sustainable; traffic generation is not significant and ample parking and vehicle manoeuvring areas exists.
- 3.3 There are however concerns regarding the incremental increase in commercial uses on the site. Highway officers would prefer to see a

comprehensive plan for the whole establishment rather than piecemeal proposals which would enable access, parking and trip generation to be properly considered in context.

4.0 Parish Council Representations:

4.1 Little Hadham Parish Council has the following concerns:

1. Whilst each application on the site appears to be reasonable by itself, an industrial estate has been created by stealth;
2. 2600 square metres of additional industrial floor space was granted in 2006 for Hadham Water shortly before it went out of business which can still be built and used for industrial purposes;
3. Increase in traffic using Church End, bringing with it noise, pollution and congestion to the hamlet;
4. The production of industrial debris which is detrimental to the appearance of the area;
5. The possible creation of a retail park in the future resulting from customers visiting the site to buy produce;
6. The expansion of the site must not go unchecked.

5.0 Other Representations:

5.1 The applications have been advertised by way of neighbour notification.

5.2 7 letters of representation have been received which raise the following concerns:

1. Increase in vehicular and pedestrian traffic on site and in local area;
2. The site has been developed piecemeal with over 35000 square feet of floor space currently being advertised for let which is in addition to the former Hadham Water bottling premises.
3. There has to date been inadequate control by East Herts Council over the site;
4. The nature of the site is changing from farming and ancillary agricultural uses to an industrial/ retail park.
5. Impact on the rural setting;
6. Noise and disturbance;
7. Hours of business;
8. Lack of appropriate consultation;
9. Increase in material, rubbish etc on an already untidy site;
10. The cumulative impact of the various proposals/ permissions on the area;
11. The diversification of the site has gone beyond what is both

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permitted or appropriate;

12. The proposal does not relate to the diversification of the farming business as required by Policy GBC10;
13. Not in keeping with the character and appearance of the building.

5.3 In addition the following concerns have been received regarding the existing unauthorised activities taking place in the premises:

1. Unsociable Hours of operation outside existing time restrictions on the site;
2. Unclear what 'food research' means;
3. Increase in vehicular and pedestrian traffic on site and in local area particularly outside normal working hours;
4. Masala Express is not in keeping with any of the existing uses;
5. The introduction of a large flue is out of keeping with the character of the building;
6. Potentially, unpleasant odours could be created although they are not a problem at the moment;
7. The inability to restrict hours of operation to normal working hours due to the nature of the business which impacts on the amenities of the local residents.

6.0 Policy:

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

GBC3 The Rural Area Beyond the Green Belt
GBC9 Adaption and Re-use of Rural Buildings
GBC10 Change of use of an Agricultural Building
EDE4 Storage and Distribution Uses
TR7 Car Parking- Standards
TR20 Development Generating Traffic on Rural Roads
ENV1 Design and Environmental Quality

7.0 Considerations:

7.1 The main issues for consideration are:

1. The appropriateness of the development in the Rural Area Beyond the Green Belt;
2. The appropriateness of reusing the building for B1, B2 and B8 purposes;
3. The highway, parking and access implications;
4. The impact of the proposed uses on the amenities of nearby

residential properties;

The appropriateness of the development in the Rural Area beyond the Green Belt

- 7.2 The site lies within the Rural Area Beyond the Green Belt where under policies GBC3 and GBC9 the adaption and re-use of rural buildings for various purposes, including for commercial purposes, may be appropriate subject to a number of requirements being met.
- 7.3 In line with the criteria set out in Policy GBC9 it is considered that:
1. the existing building is of a form, bulk, general design and materials of construction that are in keeping with its surroundings which consists of a mixture of modern and traditional farm buildings which have been converted for commercial purposes.
 2. The building appears to be of sound construction not requiring complete or substantial reconstruction;
 3. The proposed use is sympathetic to the rural character and appearance of the building and no alterations are proposed. It is noted that a flue has been inserted without the benefit of planning permission, however this does not form part of this application and I am satisfied that B1, B2 and B8 uses could occupy the building without the requirement for such a feature.
 4. The conversion for B1, B2 and B8 purposes would not lead to the dispersal of activity on such a scale as to prejudice town and village vitality
 5. The nature of the proposed uses will not result in the creation of any further visually intrusive hard standings or the need for outdoor working or storage. It is suggested that this be restricted via condition.
- 7.4 I therefore consider that the proposal complies with Policy GBC9.
- 7.5 Policy GBC10 (Change of Use of an Agricultural Building) is also relevant to the consideration of this application. In line with the requirements of this policy I am satisfied that the building was originally erected to serve a genuine agricultural need. Turning to the second requirement of the policy, no information has been submitted to demonstrate how the new use relates to the diversification of the agricultural business of which it forms a part. However, in this case the building is located within a group of former agricultural buildings which have all been converted to commercial premises and which do not form part of the working part of Church End Farm. Indeed at no time has the Council considered it necessary to tie the use of any of the converted

buildings to the farm business. I therefore do not consider it reasonable to refuse the application on these grounds

The appropriateness of reusing the building for B1, B2 and B8 purposes.

- 7.6 Turning to the appropriateness of reusing the building for B1, B2 and B8 purposes; Policy GBC9 and PPS7: Sustainable Development in Rural Area support the provision of a wide range of economic activities in rural areas.
- 7.7 Policy EDE4, however states that Storage and Distribution uses (B8) will only be permitted on sites that are already in storage and distribution uses and which are well related to the transport network. Buildings on the wider site are already partly in use for storage and the site is well connected to the transport network, being located off the A120. I am therefore satisfied that a B8 use is acceptable in this case.
- 7.8 Turning to the B2 element of the proposal it is acknowledged that, unlike a B1 use which, by definition, can be carried out in any residential area without detriment to the amenity of that area a B2: General Industrial use could unduly impact upon the amenities of any nearby residents by reason of noise, fumes or similar. Currently none of the buildings on the wider site have permission to be used for B2 purposes and therefore it needs to be considered whether the introduction of this use type would be appropriate. Taking into account the limited size of the building, its location some 70 metres from the nearest residential property and that a larger commercial building is located between Unit 4 and that residential property, I am satisfied that, in this case, a B2 use would be acceptable.
- 7.9 In summary I consider that, for the above reasons, the use of the building for B1, B2 and B8 purposes is acceptable.

The highway, parking and access implications

- 7.10 I have noted the reservations raised by County Highways and the concerns raised by local residents regarding the incremental way the wider site has expanded and the preference for a comprehensive plan to be developed for the site which would enable the highway implications for the whole site to be properly assessed. However, it is not possible to require this as part of this current application.
- 7.11 In line with County Highways advice I consider that in isolation the traffic generation from the proposal would not be significant and ample

parking and vehicle manoeuvring areas exist on the site. The proposed development is therefore acceptable in highway terms.

The impact of the proposed uses on the amenities of nearby residential properties

- 7.12 Turning to neighbour amenity, Officers consider that, for the reasons set out above and given the level of existing traffic generation; noise created from the site and neighbouring farming business, the proposed development would not have an adverse impact upon the amenities of residential properties from noise nuisance or similar.
- 7.13 I do however consider it appropriate to ensure that the amenities of occupants along Church End are not unduly impacted upon by excessive vehicular movements. I consider it appropriate therefore to restrict vehicle movements in connection with the proposed change of use to between the hours of Monday to Friday 7:00AM to 8:00PM and Saturday 7:00AM to 7:00PM in line with restrictions placed on other commercial units on the site.

8.0 Conclusion:

- 8.1 Having considered the above matters, it is my opinion that the proposed conversion complies with the relevant policies of the Local Plan. The proposal would not result in an unacceptable level of traffic generation or create an unacceptable impact to neighbours amenities. It is therefore recommended that planning permission be granted subject to the conditions outlined at the start of this report.