

DCCW2007/3940/F - PROPOSED DEVELOPMENT OF TWO BUILDINGS (4 UNITS) FOR SMALL BUSINESS B1 AND B8 USE - LIGHT INDUSTRIAL AT MARSHALL BUSINESS CENTRE, WESTFIELDS TRADING ESTATE, HEREFORD, HR4 9NS

**For: Marshall Business Centre per Mr. S. Potter,
Pomona Office, Pomona Drive, Kings Acre Road,
Hereford, HR4 OSN**

Date Received: 24th December 2007 Ward: Three Elms Grid Ref: 50346, 41121

Expiry Date: 18th February 2008

Local Members: Councillors Mrs. P.A. Andrews, Mrs. S.P.A. Daniels and Ms. A.M. Toon

Introduction

This application was considered by the Central Area Planning Sub-Committee at its meeting on the 19th March 2008 when Members resolved to grant permission for Unit 1 as per the recommendation but refuse permission for Unit 2 contrary to the recommendation in the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

In the debate Members of the Area Sub-Committee gave weight to the objections from local residents, and were concerned with noise impacts and the visual impact on the nearest residential properties.

It was resolved to grant permission for unit one but refuse permission for unit two on the grounds of adverse impact on the amenities of the nearest house. The Committee's intentions could only be achieved through a grant of permission subject to a condition to exclude unit 2 from the permission.

The application raises the following issues;

1. The site is allocated for employment use and the economic benefits of the development therefore carry significant weight.
2. There is no support from the Environmental Health Manager for a refusal based on noise generation or other environmental effects. Conditions are also recommended to further minimise any environmental impacts.
3. The differences between the circumstances of the two buildings are so similar that it is inconsistent to grant planning permission for one and withhold it for the other.
4. The difference between the two buildings is dependent solely on the circumstances of one dwelling within 15 metres of the boundary of the site with unit 2. The principal impact on residential amenity would be limited to the fact that the new building would be clearly visible from the house – unit two being sited at the bottom of the garden. However, this is a property that adjoins a well established allocated employment site

and the scale, design and orientation of the building is such that there will be no harmful impact on the amenity of the occupants of nearby properties.

5. A condition to effect the split decision required by Committee could itself be challenged as unreasonable given its effect would be to withhold permission from half of the total scheme.

In light of the above it can be seen that the proposal complies with the development plan, consequently concerns raised by Members in determining to refuse planning permission for unit 2 would be difficult to defend in the event of an appeal. For these reasons the application is referred to this meeting for further consideration

The report to the Central Area Planning Sub-Committee on the 19th March follows.

1. Site Description and Proposal

- 1.1 The application site comprises approximately 0.5 hectares of allocated employment land forming part of Westfield Trading Estate, accessed off Faraday Road
- 1.2 The application seeks permission for the erection of two single storey B1/B8 industrial buildings, with an aggregate floor area of 465m². Each building will be sub-divided into 2 self-contained units.
- 1.3 The central part of the application site is occupied by a large two storey building known as Marshall Business Centre, the remaining area being laid to hard standing serving as a parking and circulation area. Building 1 will be sited adjacent to the northwest corner of the site, whilst building 2 will be sited in the southeast corner.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S4	-	Employment
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR14	-	Lighting
Policy E6	-	Expansion of Existing Businesses
Policy E8	-	Design Standards for Employment Sites
Policy T11	-	Parking Provision

3. Planning History

- 3.1 None relevant.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water – No objection but suggest the use of standard drainage conditions.

Internal Council Advice

4.2 Environmental Health & Trading Standards Manager:

Comments on Original Submission

No objection. The Residents Group have contacted the Environmental Health Department regarding this application and have raised concerns regarding the likelihood of noise from the proposed development. There are two Residents Groups active in this area who liaise with the Council primarily regarding noise from Gelpack Printers and both noise and odour from Sun Valley. The complaints regarding noise in this area are primarily from those two sources, however there is a history of complaints regarding various businesses who operate from this area, obviously any intensification will increase the likelihood of further complaints being received. However, as far as I am aware there are no current ongoing investigations regarding noise from this area. Therefore I would recommend conditions to control hours of use, noise attenuation and no external use of plant or machinery. A condition controlling the hours of work during construction is also recommended. The delivery door on unit number 3 does not face into the business centre but north towards residential accommodation. This is likely to increase the likelihood of noise being heard by nearby residents as the building is not acting as a noise barrier. Ideally this door should be moved to face west to reduce the likelihood of complaints. The Council has also received complaints regarding the number of seagulls who nest in this area and the noise the birds generate, particularly during the breeding season. The control of seagulls is difficult and the prevention of nesting is considered to be the most successful approach in tackling the problem. Sun Valley take steps to reduce the number of birds by netting the roofs of their buildings and removing any nests. This action is likely only to displace any birds in the area and it is important that other potential nesting sites are designed to not attract birds and where possible netted or spiked to stop the birds landing. I would therefore advise the applicant to consider this problem when designing and proofing the buildings.

Comments on Revised Scheme

I have reviewed the amended plans for the proposed business centre, and I have no additional comments to make regarding the changes. Although the relocation of the door will reduce the likelihood of complaints being received, I still believe that there is the potential for nuisance to be caused due to noise, so the previously recommended conditions are still considered necessary.

4.3 Traffic Manager: No objection, but recommend conditions to secure the provision of details of parking and manoeuvring area, cycle storage and a travel plan.

5. Representations

5.1 Hereford City Council: No objections.

5.2 Letters of objection have been received from 23 properties in Grandstand Road and 6 properties in Armadale Close, summarised as:

- Application site is not large enough for the proposed development.
- The buildings are too large.
- The buildings are too close to the boundary with adjoining residential properties.

- The design and external materials do not match the surrounding buildings.
- Application is too vague, no details about the occupants, or hours of use.
- Storage use will be a fire risk.
- The application is speculative development.
- The development will give rise to additional noise and traffic.
- The existing car parking area is an important barrier to noise and other environmental nuisance and should be retained rather than built on.

Comments on Revised Scheme

5.3 Hereford City Council – No objection

5.4 In response to consultation on the revised plans 5 letters of objection have been received, which raise additional comments summarised as:

- The location of the proposed buildings has not changed
- The buildings are still too high.
- The application still does not give details of the proposed use.
- The relocated door will make no difference.
- Birds will still land on the roof
- The proposed development will devalue the adjoining residential properties

5.5 In addition a petition signed by 28 people has been received, stating that the revisions will be of no advantage to residents of Grandstand Road or Armdale Close

The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 Having regard for the relevant policies, the primary issues in determining this application are considered to be:

- The Principle of Development
- Design and Layout
- Residential Amenity
- Access and Highways Issues

Principle of Development

6.2 The application site lies within a designated area safeguarded for B1, B2 and B8 employment purposes within the Herefordshire Unitary Development Plan 2007. Therefore the proposed development is acceptable in principle, subject to other material considerations being satisfactorily resolved.

Design and Layout of the Development

- 6.3 As originally submitted the application sought permission for buildings with a ridge height of 5.76 metres with an eaves height of 4.67 metres. However in response to the concerns raised in the letters of objection the applicants agent has revised the design of the buildings resulting in a reduction in ridge height to 5.47 metres, and through introduction of an asymmetric roofline the eaves height on the boundaries with the adjoining residential properties has been lowered to 4 metres. Furthermore in response to the comments of the Environmental Health & Trading Standards Manager, the doorway on unit 3 was relocated, and the applicant has agreed to incorporate bird-proofing measures to discourage birds from using the new buildings.
- 6.4 Although it is noted that a number of letters of objection refer to the inappropriate external appearance of the buildings, the utilitarian appearance of the buildings is representative of modern commercial buildings, and is not untypical of a number of commercial buildings in the wider locality.
- 6.5 Therefore having consideration for the character and appearance of both the existing site and that of the wider locality, the siting, scale, massing and general design of the proposed buildings are considered to be acceptable.

Residential Amenity

- 6.6 The average distance between the rear of the adjoining dwellings and the proposed buildings ranges between 27 and 30 metres, the one exception to this being a property known as 17 Grandstand Road where the distance falls to 15 metres.
- 6.7 Whilst it is acknowledged that the proposed development will inevitably alter the setting and outlook of the neighbouring properties, particularly those whose curtilages will abut the area behind the proposed buildings, having consideration for the existing relationship that the neighbouring properties have with the designated employment area, the siting of the proposed buildings close to the boundary is not considered to give rise to sustainable grounds for refusal in this instance.
- 6.8 With regard to the concerns raised in the letters of objection about noise, it is considered that the potential for disturbance can be satisfactorily mitigated. In this respect the comments of the Environmental Health & Trading Standards Manager are noted and appropriate conditions are recommended together with conditions to control external lighting.

Access and Highways

- 6.9 Whilst the concerns raised about the a potential increase in traffic are noted, it is not considered that the modest increase in vehicular movements which may be generated will materially alter these pre-existing highway conditions. The comments of the Traffic Manager are noted and appropriate conditions are recommended to secure the prior approval of parking areas, secure cycle storage and a travel plan.

Conclusion

- 6.10 Overall the proposal complies with the relevant policies in the Development Plan, and as such, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

3. **E05 (Restriction on hours of use (industrial)).**

Reason: In order to protect the amenity of occupiers of nearby properties.

4. **Notwithstanding the provisions of paragraph 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A or B of Part 8 and of Schedule 2, shall be carried out.**

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining properties and to comply with Policies DR1 and E8 of the Herefordshire Unitary Development Plan 2007.

5. **The development hereby permitted shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the local planning authority and such areas shall thereafter be retained and kept available for those uses at all times.**

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

6. **H29 (Secure covered cycle parking provision).**

Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

7. **H30 (Travel plans).**

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

8. **F01 (Scheme of noise attenuating measures).**

Reason: To safeguard the amenity of the area.

9. F04 (No open air operation of plant/machinery/equipment).

Reason: To protect the amenities of nearby properties.

10. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

11. F32 (Details of floodlighting/external lighting).

Reason: To safeguard local amenities.

12. No external flues or extractor equipment shall be installed at the premises without the prior written approval of the local planning authority.

Reason: In the interests of the amenity of the area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

13. F22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

14. F28 (No discharge of foul/contaminated drainage).

Reason: To prevent pollution of the water environment.

Informatives:

1. N03 - Adjoining property rights.

2. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Consultants on Tel: 01443 331155.

3. N19 - Avoidance of doubt.

4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/3940/F

SCALE : 1 : 1250

SITE ADDRESS : Marshall Business Centre, Westfields Trading Estate, Hereford, HR4 9NS

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