

8 DCCE2004/1772/F - CHANGE OF USE FROM CLASS B8 (STORAGE OR DISTRIBUTION) TO B2 (MANUFACTURE OF WINDOWS/CONSERVATORIES). 35A, MORTIMER ROAD, HEREFORD, HEREFORDSHIRE, HR4 9SP

For: Window Wise, per Mr. J.W. Roger, 37 Broomy Hill, Hereford, HR4 OLJ

Date Received: 13th May, 2004

Ward: Three Elms

Grid Ref: 50763, 41211

Expiry Date: 8th July, 2004

Local Member: Councillor Mrs P.A. Andrews, Councillor Mrs S.P.A. Daniels, Councillor Ms A.M. Toon

1. Site Description and Proposal

- 1.1 The application site comprises a vacant warehouse and yard positioned to the rear of residential properties fronting the north-west side of Mortimer Road and with access between Nos. 35 and 37 Mortimer Road. The warehouse was last used for the storage and distribution of clothing, although previous to this was used as a joinery workshop and for motor vehicle body and mechanical repairs. The yard is shared with a small haulage company.
- 1.2 The proposal is to change the use from storage/warehouse to a B Use for the manufacture of windows and conservatories.

2. Policies

2.1 Hereford Local Plan:

E2	-	Established Employment Areas
E7	-	Criteria for Employment Development
H12	-	Established Residential Areas
H21	-	Compatibility of Non-Residential Use

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

S2	-	Development Requirements
DR9	-	Air Quality
DR13	-	Noise
H1	-	Established Residential Areas
E5	-	Safeguarding Employment, Land and Buildings

3. Planning History

- 3.1 CE2003/3505/F - Change of use from storage/warehousing to blacksmiths workshop to include erection of two chimneys. Approved with conditions 11th February, 2004.

- 3.2 HC/900075/SZ - Use as a motor vehicle body and mechanical repair shop. Planning permission not required 7th March, 1990.
- 3.3 HC/900436/PF - Use for storage and distribution of corporate clothing. Approved 23rd October, 1990.

4. Consultation Summary

Statutory Consultations

- 4.1 There are no statutory comments.

Internal Council Advice

- 4.2 Head of Engineering and Transportation, response from Transportation Manager: Requested further information.
- 4.3 Head of Environmental Health and Trading Standards: Whilst the building is of substantial brick/blockwork construction, the large sliding doors to the front are light weight metal clad and the roof is also of light weight construction. In view of this and the close proximity of occupied dwellings, concern expressed at the potential impact of the proposal on nearby residents by reason of noise and vibration. To this end, conditions are recommended requiring details of noise attenuating measures and limiting hours of power tools.

5. Representations

- 5.1 Hereford City Council: No objection provided condition imposed requiring adequate sound attenuation works to be included to the satisfaction of the Environmental Health Officer.
- 5.2 Two objection letters have been received from No. 33 and 39 Mortimer Road, summarised as follows:
- Inadequate parking facilities for staff and provision for deliveries of plastics, glass, materials etc residents often find it difficult to park on the street.
 - Possible pollution for sealants, bondings, etc.
 - Building appears unsuitable for machinery, saws, drills, etc in terms of sound levels. Concern about noise production.
 - Access to building is in the form of a shared access shared by another business.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues in this case are the impact of the proposed use on the character of the area and the amenities of nearby residential properties in Mortimer Road.
- 6.2 The warehouse building itself lies within an Established Employment Area, although the access drive and adjacent houses are within an Established Residential Area. Policy E2 of the Local Plan allows Class B1, B2 and B8 uses within the Established Employment Areas provided that they are in accordance with Policy E7. Policy E7

requires such development to be environmentally acceptable, in particular in terms of the relationship with neighbouring properties. Policy H12 relates specifically to the relationship with neighbouring properties. Policy H12 relates specifically to Established Residential Areas requiring their character and amenity to be protected or enhanced. Policy H21 requires non-residential development in or immediately adjoining Established Residential Areas to be compatible with adjacent residential uses.

- 6.3 The overall scale of the development and the expected levels of activity are considered appropriate for the residential setting. Specifically, it is not considered that five members of staff and perhaps two to three delivery vehicle movements per day should cause nuisance, particularly having regard to the previous uses of the site as a storage and distribution warehouse and for car repairs. Conditions are recommended limiting times for delivery and collection by commercial traffic.
- 6.4 The site has provision to the front of the building for five on site car parking spaces. At any one time there would normally be only one car and two small vans. The application currently owns four vans two of which are normally out 'on site' during the day. Having regard to the previous uses on the site and the proposed nature of the use it is considered that the parking can be contained within the site and would cause detriment to the nearby residents or adjacent commercial building.
- 6.5 The applicant maintains that there will be limited noise from the site although no objection is raised on environmental health grounds subject to an appropriate standard of noise attenuation being provided in the building. Conditions are recommended requiring details to be submitted prior to the use commencing and also requiring the front doors to be kept closed whilst machinery or noisy tools are in use. With these safeguards, it is not considered that any adverse harm would be caused to residential amenity

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 No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 7.30am to 6.00pm Monday to Friday and 8am to 1pm on Saturday nor at any time on Sundays, Bank or Public Holidays.

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

3 The premises shall be used for the manufacture of windows and conservatories only and for no other purpose (including any other purpose in Class B2 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wish to control the specific use of the land/premises, in the interests of local amenity.

- 4 The applicant shall submit for the prior written approval of the local planning authority a scheme of noise attenuating measures. The approved scheme shall be implemented before the first use of the development to which it relates commences and shall be retained for the duration of the use. The scheme shall be based on a noise and vibration report from a suitably qualified and experienced consultant who shall specifically refer to the impact of the development on nearby residential properties in terms of both noise and vibration and shall quantify the effects of any proposed mitigation measures.

Reason: To safeguard the amenity of the area.

- 5 The front doors of the building containing the manufacturing workshop shall be kept closed whenever machinery and/or tools are in use.

Reason: To safeguard the amenities of the area.

- 6 Prior to the commencement of the use of the building a plan showing the access parking and turning areas shall be submitted to and approved in writing by the local planning authority. The area shall be retained for the paring and turning of vehicles at all times.

Reason: To prevent indiscriminate parking on the highway safety.

- 7 The car parking spaces shown on the plan detailed by Condition 7 shall be clearly demarcated in a method to be submitted to and agreed in writing by the local planning authority.

Reason: To clarify the parking areas and prevent indiscriminate parking on the highway.

Informatives:

- 1 For the purposes of Condition Nos. 4 and 6, 'Artists' Blacksmith Workshop' is defined as a blacksmith's workshop where sculptures, fine art, ornate gates and railings and other ornate metal items are manufactured. The definition specifically excludes the manufacture of horseshoes and/or the shoeing of horses at the site and general engineering.

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.