

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	29 October 2014
Application Number	14/04909/FUL
Site Address	Erin Trade Centre Bumpers Way Bumpers Farm Chippenham SN14 6NQ
Proposal	Change Of Use To A Mix Of B1 Business, B2 General Industrial & B8 Storage or Distribution Uses (Part Retrospective)
Applicant	Erin Properties (Swindon) Ltd
Town/Parish Council	CHIPPENHAM
Division	CHIPPENHAM CEPEN PARK AND REDLANDS (Cllr Phillips)
Grid Ref	390205 174074
Type of application	Full Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

The application has been called in by Cllr Phillips, in order to consider the scale of the development and its impact on residential amenities of local residents.

1. Purpose of Report

To GRANT planning permission subject to planning conditions.

2. Report Summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact on the character and appearance of the area
- Impact on the amenities of local residents

3. Site Description

The site forms part of Bumpers Farm Industrial Estate which is in use for wide range of B class uses including offices, light industry, general industrial, and storage and distribution. The majority of Bumpers Farm consists of large B2/B8 units, some of which have trade counters. The Industrial Estate is well contained, meaning that there is very limited scope for expansion.

In terms of the site specifically, businesses on site include car services, tyre sales and hire car companies. There are also general industrial units. The site is situated in the east of

Bumpers Farm Industrial Estate, and is bound by Bumpers Way to the west, existing industrial units to the north and south, and residential development to the east. The site is accessed from Bumpers Way; the access road serves all of the units. Each business has a parking area in front of the unit.

4. Planning History

No relevant planning history. The site currently benefits from planning permission for B1 and B8 purposes.

5. The Proposal

Change of use to a mix of B1 Business, B2 General industrial & B8 Storage and distribution.

6. Planning Policy

The adopted policies relevant to the application remain those saved under the North Wiltshire District Plan (NWLP) 2011. The relevant policies are as follows:

North Wiltshire Local Plan 2011

C1: Sustainability
C3: Development Control Core Policy
C4: Business Development
NE17: Contaminated Land
T3: Parking
T4: Cycling, Walking & Public Transport
BD1: Employment Land

Wiltshire Pre Submission Core Strategy (WCS)

Core Policy 1: Settlement strategy
Core Policy 2: Delivery strategy
Core Policy 09: Spatial Strategy: Chippenham Community Area
Core Policy 51: Landscape
Core Policy 43: Providing affordable homes
Core Policy 57: Ensuring high quality design and place shaping
Core Policy 62: Development impacts on the transport network
Appendix D
Appendix E
Appendix G

National Planning Policy Framework

Section 1- Building a strong, competitive economy
Section 7- Requiring good design

7. Consultations

Public Protection: I have been in discussions with the Acoustician responsible for resolving the council's noise concerns with regards to this proposal.

I believe we are now in a position where we can grant the permission for the site subject to attaching three conditions. These conditions should provide a significant amount of protection to the nearest noise sensitive properties. The conditions are as follows:

1. The rear doors and windows in the easterly facades of units 5 to 13 shall remain closed at all times whilst the units are open for business;
2. During daytime hours of operation (0700-2300) the Rating Level due to activities and/or machinery operated in, on or around each unit shall not exceed 44 dB

3. when measured at a point 3.5m from any dwelling; and
During night-time hours of operation (2300-0700) the Rating Level due to activities and/or machinery operated in, on or around each unit shall not exceed 35 dB when measured at a point 3.5m from any dwelling

Cllr Phillips: The application should be called in to allow the consideration of the impact on the residential amenities of local residents.

Chippenham Town Council: No objection

8. Publicity

The application was advertised by neighbour letter and site notice.

Local Residents: Thirteen letters of objection have been received. The letters are summarised below.

- Houses were built twenty years prior to the units
- B2 would allow an unacceptable mix with additional noise, smell or other unsociable acts.
- A developer saying that they would not let the use conflict with residents, is not sufficient.
- The units have been used unlawfully in the past for various B2 uses.
- Site is too close to residential units
- The site is already nosey, even without these uses
- The sound report because of its small sample set during a non-typical time should not be seen as very helpful or conclusive in its assessment as seen by an ordinary reasonable person.
- Residents have lived in Longstone Road long before any of the industrial estate was built
- Individual occupants of the locality are in their 70s 80s and 90s, some of the other occupants are normally at home during the day. The amenity of their gardens is an important aspect to their life in these houses.
- because we accept some discomfort occasionally shouldn't mean we have to bear it all the time
- No consideration has been made for the Ground transmitted noise and smell
- An acoustic barrier is erected and dense evergreen foliage planted behind the units
- All fans and others external noise generating units and exhaust systems should be placed at the front of the units
- All windows and fires doors should be shut
- Only part of the site should be granted permission

Green Square: I am concerned that the change of use will result in a potential increase in noise levels which will impact significantly on the enjoyment of the neighbouring homes. Many of these homes are occupied by GreenSquare residents and we have serious concerns about their welfare. Currently there seems to be an informal and workable arrangement whereby users of the units and local residents work collaboratively to ensure noise levels are managed. If there was no restriction in place the residents have little protection. We are also concerned that the noise report that has been commissioned in respect of the noise issue is limited in nature and the scope of the report needs to be closely considered by the planning team to ensure it is robust.

9. Planning Considerations

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act states that “*determination must be made in accordance with the plan unless material considerations indicate otherwise*”. This is the starting point from a policy point of view. The North Wiltshire Local Plan forms the local component of the current development plan.

The site is located within the Chippenham framework boundary, wherein development is acceptable in principle. Furthermore, the site is allocated within the North Wilts Local Plan for employment generating development (Policy DB1).

The Council's Core Strategy is at an advanced stage and retains this land for employment use. The Council's Local Plan and Core strategy are consistent with national planning policies in that it seek to encourage business development and direct this type of development to established industrial estates. However, policies are clear that any new development or use must comply with Policy C3 iii) and ix).

Policy BD2 encourages the retention of existing business unless the use of the site raises unacceptable environmental problems. In this case it is accepted that an element of disturbance will be caused by the proposed use, however, there are existing B1 & B8 uses taking place within the site and numerous B2 uses within this employment area.

Noise & Amenity

At the request of the Council's Public Protection Team the application was accompanied by a noise survey, this concludes that the proximity of industrial units to the residential properties shown on the plans is acceptable and will not result in poor living conditions for future occupants.

The Public Protection officer has agreed the content of the noise report and is satisfied that the proposed development will not have an unacceptable impact on the residential amenities of local residents. However, three conditions have been suggested and these have been added to the conditions list below.

It has been concluded that the proposed development does avoid creating a development with unacceptable low levels amenities and that sufficient safeguards are in place to ensure that there is no significant adverse impact on the amenities of local residents.

The proposal does not involve any extensions or additions. It is therefore concluded that the proposed development will have no adverse impact on local residents in terms of loss of sunlight, daylight or privacy.

Parking and Access

No built development is proposed. As a result the parking and access arrangement arrangements will remain the same. Allowing B2 uses within the site would not alter the parking requirements for the site. For the reasons given above a reason for refusal based on highway safety or parking requirements would be difficult to substantiate at appeal.

10. Conclusion

The proposed change to B2 is considered acceptable. Taking into consideration the existing use, and the proximity of existing residential units it is considered that allowing the change in use class will be acceptable. It is considered that the proposed development will have no significant impact on the amenity of local residents in terms of noise disturbance, smell, loss

of sunlight & daylight. It is also considered that the proposed use will not have an adverse impact on the highway network when considered against the fall back position.

Recommendation:

To GRANT planning permission subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The rear doors and windows in the easterly facades of units 5 to 13 shall, as shown on the submitted plans, shall remain closed at all times whilst the units are open for business;

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 3 During daytime hours of operation (0700-2300) the Rating Level due to activities and/or machinery operated in, on or around each unit shall not exceed 44 dB when measured at a point 3.5m from any dwelling; and

During night-time hours of operation (2300-0700) the Rating Level due to activities and/or machinery operated in, on or around each unit shall not exceed 35 dB when measured at a point 3.5m from any dwelling.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 4 The B2 use hereby permitted shall only take place between the hours of 08:30 and 18:00 Monday to Friday and between 08:30 and 17:00 on Saturdays and 10:00 and 16:00 on Sundays. The use shall not take place at any time on Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 5 No panel beating, panel spraying or mechanical car washing operations shall be carried out within units 5-13 as identified on the approved plans or externally.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes within Class(es) B1, B2 & B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without

modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

7 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan

Existing Floor Plan

Noise Assessment

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE TO APPLICANT:

The applicant is advised that this permission authorises a change of use only and does not authorise any works or alterations that may require planning permission/ internal or external alterations, additions, or works, which may require a separate grant of Listed Building Consent [DELETE as appropriate].

INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

