

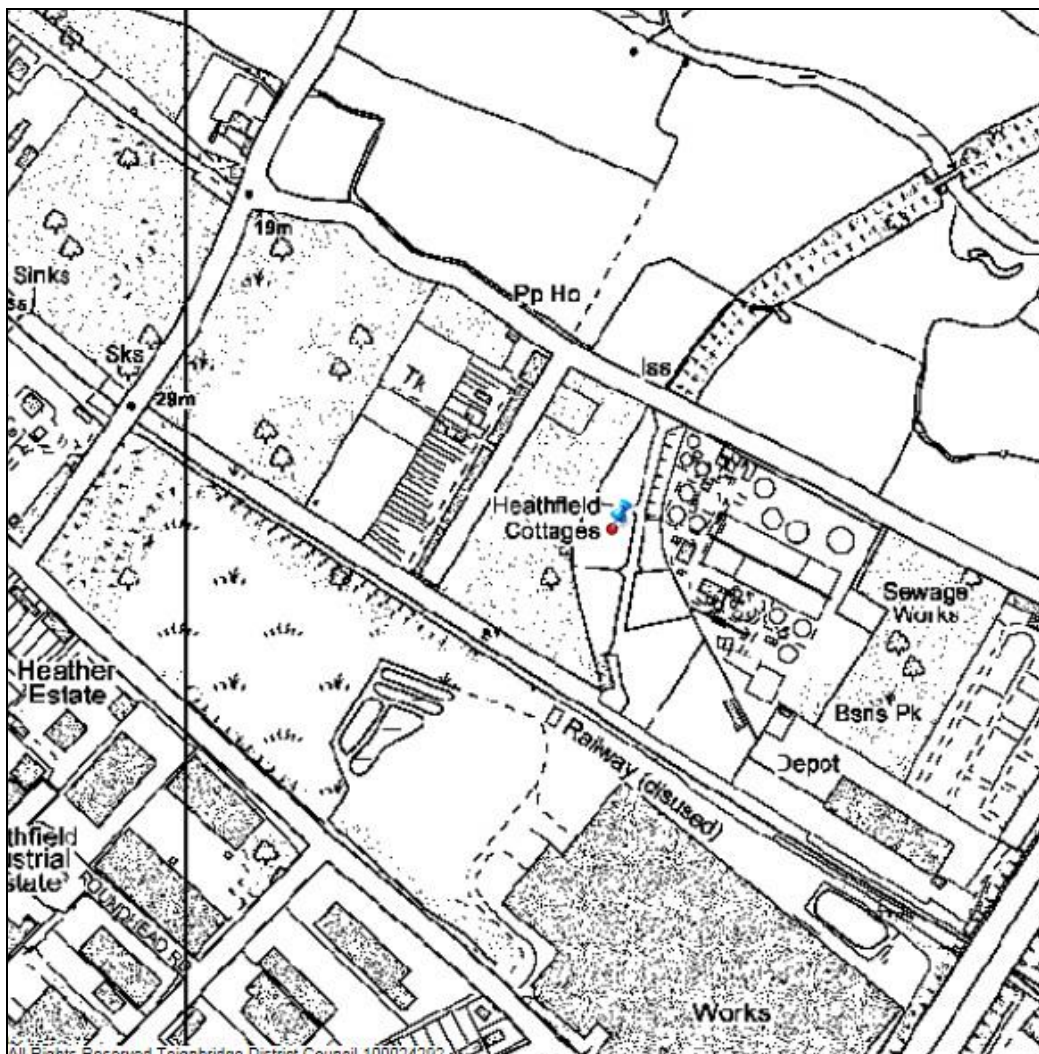
PLANNING COMMITTEE REPORT

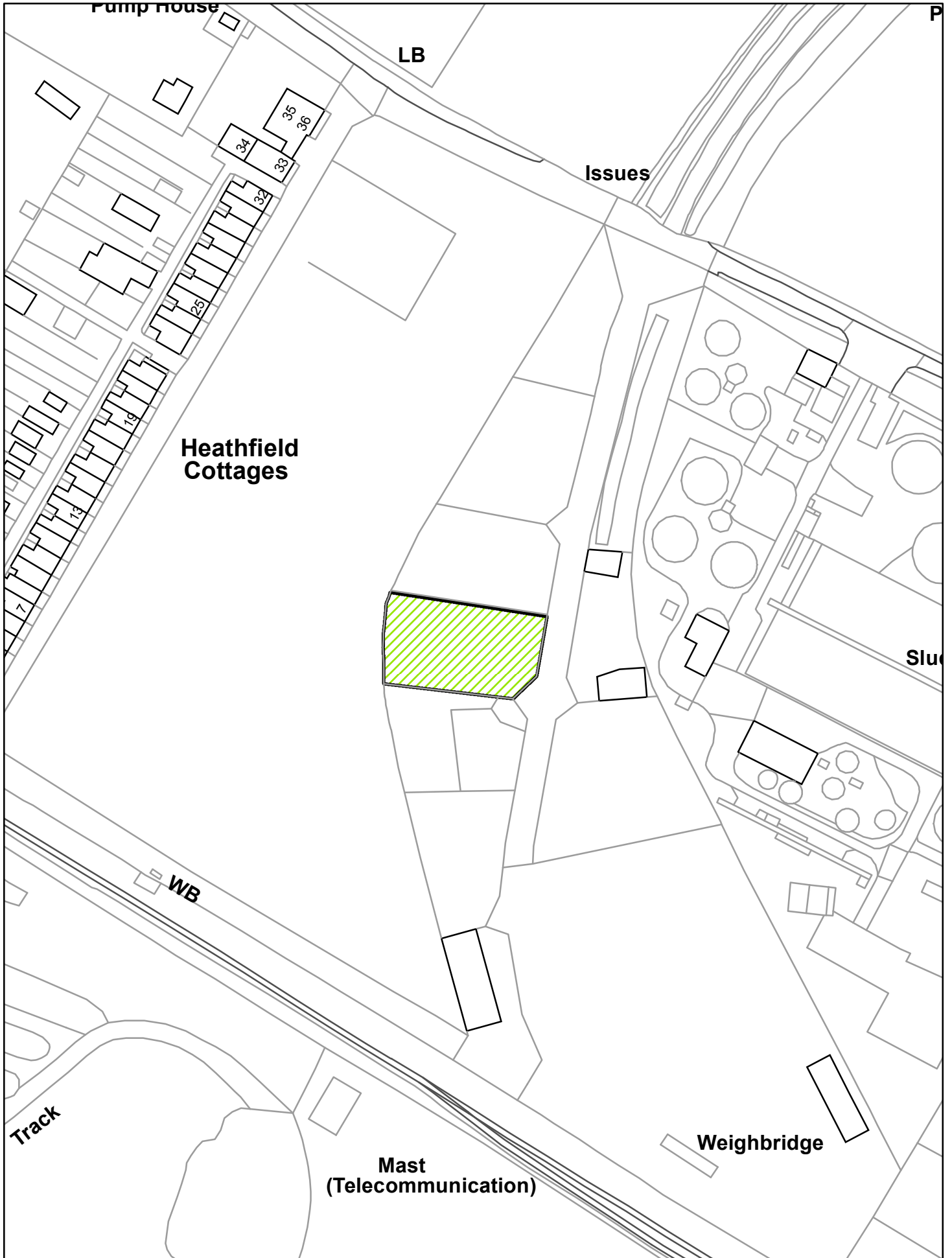
31 JULY 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	BOVEY TRACEY - 17/02593/FUL - Unit 9, Station Park, Haytor View, Heathfield - Retention of building and change of use from B8 to mixed Use Classes B1, B2, B8 and Sui Generis (display and selling of vehicles)	
APPLICANT:	Mr D Pope	
CASE OFFICER	Ian Perry	
WARD MEMBERS:	Councillor Gribble Councillor Kerswell Councillor Morgan	Bovey
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/02593/FUL&MN	





1. REASON FOR REPORT

This application has been called to Committee by Councillor Kerswell for the following reason:

The impact of noise and artificial light would be detrimental to the residents of Haytor View. It is understood that current operating hours have been breached on many occasions.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Development to proceed in accordance with the approved plans
2. Use restricted to the purposes set out in supporting documents or Class B8 only
3. Noise levels arising from works should not exceed the background noise by more than LAeq 5 dB.
4. Within 1 month from date of decision a landscaping scheme shall be submitted for approval and work shall be carried out within 6 months regarding screening to the rear to mitigate the impact of lighting on the site
5. Operating hours including deliveries limited to Monday–Friday 07:00 to 19:00, Saturdays 07:00 to 13:00 and not at all on Sundays or Bank Holidays
6. The polythene-clad building shall be clad in metal sheeting within 6 months of approval, full details of which, including colour and manner of fixing, shall be first approved in writing by the Local Planning Authority
7. No external lighting to be installed unless first approved - full details of already installed lighting to be submitted for approval in writing within 1 month of approval. Any existing lighting that is not approved to be removed.

3. DESCRIPTION

The Site

- 3.1 The site comprises a fenced compound measuring approximately 40 metres x 23 metres within an established and authorised industrial park within the settlement limit for Heathfield.
- 3.2 The particular unit is on the western side of the park and is bounded to the rear (west) by a thick belt of woodland which separates the site from the residential street of Haytor View. At its narrowest the belt is 70 metres in depth and it is covered by an area Tree Preservation Order.
- 3.3 The site has planning permission for B8 (Storage and Distribution Use) as permitted under application 09/02546/MAJ which was considered and approved by Planning Committee on 11 April 2011.

The Proposal

- 3.5 This application seeks a retrospective change of use of Unit 9 to allow for a mixed use of B1, B2, B8 and sale of motor vehicles. The proposal also includes the retention of 3 portable buildings, 2 shipping containers and a building which measures 10 metres x 8 metres x 5.1 metres tall. All these structures are sited towards the rear of the site.

- 3.6 The uses proposed are to cover the operation of an existing business on the site.
- 3.7 MZM Automotive are a growing business which centres primarily around the sale of used motor vehicles. As the business has grown there became the need to be able service or repair vehicles prior to sale as well as sale of used car parts.
- 3.8 This has led to the application for a mixed use as set out in the description of development.
- 3.9 In terms of the building on site; this is a metal framed structure finished in polythene at present. This is not, as it stands, appropriate as a permanent solution to the business needs and is visually inappropriate. The applicant has noted in the supporting information that the building would be clad in green metal cladding within six months of any approval. If approved, it would be appropriate to condition the finish of the cladding as green, which is suggested will blend into the trees behind, may not be suitable.

3.10 Relevant site history

07/02508/CLDE - Certificate of Lawfulness for existing use of land for general storage – Refused

09/02546/MAJ - Retention of existing use of site for B8 (storage and distribution) use and retention of existing structures – Approved

12/01290/DCC - County Matter Planning Application (MD/DCC/3368/2012) for change of use from B8 and distribution to metal recycling facility – Approved

16/01731/COU - Change of use from B8 to mixed use classes B1, B2, B8 and Sui Generis (display and selling of vehicles) and a change of working hours to 7 a.m. - 9:30 p.m. Monday to Friday and 7 a.m. to 7 p.m. Saturdays - Withdrawn

3.11 Noise and Light

- 3.12 Environmental Health have been consulted on the application due to the existence of the nearby residential properties at Haytor View. There is no resultant objection but there are a number of recommendations made in terms of minimising disturbance to those residents. In summary it is suggested that works giving rise to significant noise and vehicle movements should be limited to 07:00-19:00 Monday to Friday and 07:00-13:00 on Saturday only. There is no suggested restriction on non-noisy works. Given that the hours recommended are consistent with the remainder of the site and are shown on the application forms, it would be appropriate to use these times.

- 3.13 In terms of lighting, it is recommended that details are submitted which show that lighting eliminates glare and sky glow as well as limiting light spill to neighbouring properties. This can be secured through condition if approved.

3.14 Ecology

3.15 The application has been considered by the Council's Biodiversity Officer and on the basis that there is no light spill into the woodland and no pollution risk to the watercourse within the woodland no objections are raised.

3.16 It is therefore considered that the proposed condition relating to lighting and the supporting information which details how the site would operate and how spillages would be dealt with would satisfy the concerns here.

3.17 Highways

3.18 Given that this is an existing and authorised employment site the number of trips the proposal would generate is no more than from those uses already on site. There is therefore no objection to the continued use from a highway perspective.

3.19 Employment

3.20 The Economy and Regeneration team has been working with the business operator in support the growth of his business. This has included the potential to take on an apprentice in the future, which is an important part of improving local skill levels in automotive engineering.

3.21 The proposal will see the creation of 3 new jobs and supports a local small business, which is in line with the Council's ambitions for the growth of the local economy.

3.22 Furthermore there is a shortage of employment land across the district for all types of uses. Land for uses as proposed here are even harder to find.

3.23 Representations

3.24 There have been a number of objections to the proposals; focusing mainly on residential amenity but also covering matters such as highways and biodiversity.

3.25 The site is a pre-existing employment site with a B8 use. It is acknowledged that the proposals will shift the use away from this and introduce uses that have potential for greater impact.

3.26 The Council's Environmental Health team have considered the potential environmental impacts of the development upon the nearby residents and do not raise objection overall subject to conditions relating to light, noise and operating times.

3.27 Conclusion

3.28 In conclusion the proposed use is considered to be reasonable with no demonstrable loss in amenity or detrimental impact upon the wider or immediate area. Mitigation measures can be secured through planning conditions and it is recommended that approval is granted.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033
S1 (Sustainable Development Criteria)

S1A (Presumption in favour of Sustainable Development)
S19 (Bovey Tracey)
S21A (Settlement Limits)
EC1 (Business Development)
EN8 (Biodiversity Protection and Enhancement)
EN11 (Legally Protected and Priority Species)
EN12 (Woodlands, Trees and Hedgerows)

National Planning Policy Framework

National Planning Policy Guidance

5. **CONSULTEES**

Environmental Health - Hours of work, noise and lighting restrictions recommended

Contaminated Land – No objections

Biodiversity Officer – No objections subject to lighting being directed away from woodland and pollutants not entering the stream

Devon County Council (Highways) – No objections

Economy and Regeneration - Supports the application

6. **REPRESENTATIONS**

52 letters of support raising the following:

1. Supported by local and national policy
2. There's a shortage of this type of property in Teignbridge and Devon
3. Offers a good value service
4. Do not penalise honest, hardworking people
5. Modest in scale
6. Lighting will face away from properties
7. Residents live in an area surrounded by business so changes should be expected
8. Excellent access to A38
9. Will maintain employment for individuals

11 letters of objection raising the following concerns:

1. Additional hours and use would be detrimental to residents of Haytor View
2. Additional vehicle movements would lead to danger to road users including walkers and horse riders
3. No proper application for the building has been submitted
4. Visually intrusive due to elevation over Haytor View (approximately 1.5-2 metres)
5. No requirement in the area for industrial uses
6. Business has little benefit to Heathfield
7. Site has caused flooding issues
8. Pollution should be properly managed
9. Will lead to increase in highway danger
10. Generates noise, dust and light pollution
11. Hours of work have been breached

- 12. Impacts upon wildlife
- 13. Loss of property value
- 14. Lack of privacy in winter due to leafless trees

7. TOWN COUNCIL'S COMMENTS

The Town Council does not support this application and wishes to highlight the operator's non-compliance with working hours set out previously. The Town Council requests that this application is referred to Teignbridge's Planning Committee for determination.

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

Business Manager – Strategic Place