

**4/01099/17/FUL - CHANGE OF USE FROM B8 (WAREHOUSE AND DISTRIBUTION) TO B2 (GENERAL INDUSTRIAL).
WOODLAND WORKS, WATER END ROAD, POTTEN END, BERKHAMSTED, HP4 2SH.
APPLICANT: MR HARVEY.**

[Case Officer - Matt Heron]

Summary

The proposal represents small-scale employment redevelopment on an established employment generating site within a selected small village. As such, there is no compelling objection to the principle of the proposal in land use terms. Additionally, the proposal is sustainable in terms of social, economic and environmental matters.

Further, the proposed development represents the re-use of a permanent and substantial building which would preserve the openness of the Green Belt and would not contravene the purposes of including land within it. As such, it represents development which is not inappropriate within the Green Belt and is consistent with the Councils overarching local Green Belt Policy.

The impacts of the proposal have also been considered on the visual amenity of the area, on the living conditions of the occupants of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the identified policies the adopted Local Plan and Core Strategy and the relevant Sections of the Framework.

Site Description

The application site is located within the Selected Small Village of Potten End, a settlement within the Metropolitan Green Belt. The existing lawful use of the application site is a builders' yard (associated with a trade) with a primary storage use. As such, it is considered that the existing use of the site is Use Class B8 (storage and distribution).

This application concerns Unit C – which is 86m² in floor area.

Proposal

This application seeks full planning permission for a change of use at the application site from B8 (storage and Distribution) to an MOT test station (B2 – General Industrial).

Referral to Committee

The application is referred to the Development Control Committee as Nettleden with Potten End Parish Council has objected to this proposal stating:

“The Parish Council is of the opinion that a MOT station backing onto / into a residential area is undesirable not least through noise pollution and car-parking issues. Also there does not appear to be the necessity for one with plenty of MOT stations in the area.”

Relevant History

4/00516/75/FUL ERECTION OF REPLACEMENT SINGLE STOREY BUILDING
Granted
12/08/1975

Policies

National Policy Guidance

National Planning Policy Framework (the Framework)

Adopted Core Strategy

NP1 – Supporting Development
CS1 – Distribution of Development
CS4 – The Towns and Large Villages
CS5 – Green Belt
CS6 – Selected Small Villages in the Green Belt
CS8 – Sustainable Transport
CS9 – Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of the Public Realm
CS26 – Green Infrastructure
CS31 – Water Management
CS32 – Contaminated Land

Saved Policies of the Dacorum Borough Local Plan

Policy 10 – Optimising the Use of Urban Land
Policy 34 – Other Land with Establish Employment Generating Uses
Policy 51 – Development and Transport Impacts
Policy 57 – Provision and Management of Parking
Policy 58 – Private Parking Provision
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Appendix 5 – Parking Provision

Summary of Representations

Comments received from consultees:

Herefordshire County Council Transport, Programmes and Strategy – No objection.

Dacorum Environmental Health – No objection subject to relevant condition.

Comments received from local residents:

8 letters of objection have been received from surrounding addresses. Comments are summarised as:

- Increased noise pollution.

- Pollution from MOT processes affecting human health.
- Increased traffic and congestion.
- Harm in terms of highway safety.
- Insufficient parking provision.
- Detrimental impact in terms of flooding and drainage.
- Harm to living conditions in terms of loss of privacy.

It is noted that concern has also been raised with regards to the formal consultation process associated with this application. A site notice to advertise the proposal has been erected and only neighbouring addresses which adjoin the application site have received a notification letter from the Council. The application has been advertised in line with all legal and statutory requirements.

Key Considerations:

The main planning issues in the determination of this application are:

1. Principle of the Development
2. Principle of development within the Green Belt
3. The quality of the design and the impact on the character and appearance of the area
4. The potential impact on the living conditions of the occupiers of surrounding residential units
5. Highway Safety and Parking Provision
6. Social, Economic and Environmental Matters
7. Other Material Planning Considerations
 - i) Contaminated Land
 - ii) Flooding and Drainage
 - iii) Air Quality

1. Principle of the Development

Policy 34 of the Dacorum Local Plan (2004) states that small-scale employment development and redevelopment on established employment generating sites within selected small villages may be acceptable, subject to having no undesirable impact upon surrounding properties, the character of the area and the layout of the existing site. In addition, this policy also states that, within the Green Belt, there must be very special circumstances for the redevelopment of such sites. However, this element of Policy 34 is wholly inconsistent with the provisions of the Framework and an assessment in Green Belt terms will instead be performed in line with Section 9 of the Framework (see Section 2 of this report).

The proposal seeks the change of use of land to an MOT test station and would employ three full time and one part-time staff members. The proposal would involve the change of use of an existing building and there is no additional operational development required. Overall, it is considered that this proposal is 'small-scale'. As such, subject to the proposal complying with the additional criteria identified in Policy 34 (see discussions below), there would be no compelling objection to the principle of this development in land use terms.

2. Principle of development within the Green Belt

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The main issues to consider in terms of Green Belt policy, therefore, are the appropriateness of the development; effect on the purpose of including land in the Green Belt, the effect on the openness of the Green Belt and, if it is inappropriate development, are there any very special circumstances to outweigh the harm to the Green Belt and any other harm.

Appropriateness

The proposal involves the re-use of an existing building from use class B8 (storage and distribution) to an MOT test station use class B2 (general industrial). Saved Policy CS5 states that the appropriate re-use of permanent and substantial buildings may be permitted subject to having no significant impact on the character of the area and supporting the rural economy.

However, the prevailing policy is found within Section 9 of the Framework. Paragraph 90 of the Framework states:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.”

One such form of development is:

“The re-use of buildings provided that the buildings are of permanent and substantial construction.”

Though no information has been provided with regards to the structural integrity of the building to be 're-used', following a site visit it was clear that the building is of substantial construction and is capable of conversion. As such, subject to the proposal preserving the openness of the Green Belt and not contravening the purposes of including land within it, the development may be considered as not inappropriate within the Green Belt.

Openness

With regards to openness this is about the physical permanence at the application site and the sense of visual openness at the site. Given the proposal would not result in any additional structures, it is not considered that the built physical presence at the site would significantly alter. Further, when compared to the existing storage and distribution use at the site, it is not considered that the development would make a significant difference in terms of the visual perception of openness at the existing employment generating site. Overall, it is not considered that the development would result in harm to openness when considered in the context of the existing lawful use of the application site.

Purposes of including land in the Green Belt

It is necessary to consider whether the proposal would result in harm in terms of the five purposes of including land in the Green Belt. Paragraph 80 of The Framework states that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposal would not result in the unrestricted sprawl of a large built-up area, would not result in two towns merging into one another, would not harm the setting of any adjacent historic towns and would not make urban regeneration any less likely. Further, as the application site is within a built-up area and is indeed bound by built form, it is not considered that the proposal would fail to safeguard the countryside from encroachment. Overall, it is not considered that the development would contravene the purposes of including land within the Green Belt.

Conclusion on Green Belt

The proposed development represents the re-use of a permanent and substantial building which would preserve the openness of the Green Belt and would not contravene the purposes of including land within it. As such, it represents development which is not inappropriate within the Green Belt.

Additionally, though not strictly compatible with the identified exceptions in Policy CS6 for Selected Small Village in the Green Belt, subject to having no significant impact upon the character of the area and supporting the rural economy (see discussion below), the proposal would comply with the Council's overarching Green Belt strategy and a refusal on these grounds alone would not be reasonable.

3. The quality of the design and the impact on the character and appearance of the area

CS1 states that the rural character of the Borough should be conserved. Core Strategy Policies CS11 and CS12 state that developments should respect the typical density and layout of surrounding built form and the character of the area. Additionally, Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

The proposed development would not result in an increase in built form at the site and, given the existing use of the site for storage and distribution, would not result in a significant change to the overall character of the employment generating site. Taking this into account, it is not considered that the proposal would result in harm to the immediate streetscene and the visual interests of its surroundings and therefore complies with identified local and national policy in

this regard.

4. The potential impact on the living conditions of the occupiers of surrounding residential units

Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

It is acknowledged that there are residential properties within close proximity of the site. However, given the nature of the proposed change of use, it is not considered that the development would result in harm to the living conditions of the occupants of surrounding residential units, in terms of overbearing, overlooking and loss of light.

Further, on discussion with Dacorum Environmental Health Officers, it is considered that the proposed use, which would operate between the hours of 8am – 6pm Monday to Friday, 8am – 12.30pm Saturdays and not at all on Sundays, would not result in significant harm to living conditions, in terms of noise and disturbance, when compared to the existing lawful B8 use at the site.

Taking all of the above into account, with particular regard to the existing lawful use of the site, it is not considered that the proposal would result in significant harm to the living conditions of the occupants of surrounding residential units, in terms of overbearing, overlooking, loss of light and noise and disturbance, to the extent that would warrant a refusal of permission. As such, the proposal complies with the identified local and national policy in this regard.

5. Highway Safety and Parking Provision

Policy CS12 seeks to ensure developments have sufficient parking provision. Paragraph 39 of the Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved Policies CS8, 57 and 58 (and associated Appendix 5) of the Local Plan promote an assessment based upon maximum parking standards. This is not consistent with Policy CS12 and the Framework and, accordingly, more weight is given to the 'case by case' approach to parking provision prescribed in national policy and CS12.

The applicant has confirmed that the proposed use would benefit from 6 off-road parking spaces. In addition to this, there is space for several cars within the unit itself. Taking this into account, it is considered that parking provision would be acceptable.

Policies CS8, CS9 and 51 seek to ensure developments have no detrimental impacts in terms of highway safety.

The site is located at the corner plot of Water End Road and Brown Spring junction. Water End road is "C" classified local distributor road serving open farm land and isolated houses. The existing vehicular access is off Brown Spring.

On discussion with Hertfordshire County Council Transport, Programmes and Strategy (HCCTPS), when compared to the existing B8 use, it is considered that the proposed MOT test

station is likely to reduce HGV movements to and from the site. No objection has been raised from HCCTPS.

The proposal does not seek to alter the access to the site and, taking the above into account, it is considered that the development would not prejudice highway or pedestrian safety and is therefore acceptable in terms of highway safety.

6. Social, Economic and Environmental Matters

Economic

Sustainable economic growth is one of the key aspects of the current planning system. Paragraph 19 of the NPPF states:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'

Paragraph 20 of the NPPF then goes on to state:

'To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.'

The proposal would employ a total of four staff members and would support a small local business – increasing competition in the area. As such, this development represents sustainable economic development.

Social

The economic benefits outlined above would in turn provide social benefits. Job creation often promotes healthy local government budgets, improves income distribution, reduces inequality and results in decreased crime rates.

Environmental

It is likely that one would travel to and from the site by car. However, as discussed above, it is likely that the frequency of the movements of larger vehicles to and from the site would fall compared to the existing use. Further, the proposal seeks to re-use an existing structure. Overall, it is not considered that the development would be unsustainable in this regard.

Taking all of the above into account, it is considered that the development is sustainable in terms of social, economic and environmental matters. This weighs in favour of the grant of permission.

7. Other Material Planning Considerations

i) Contaminated Land

Policy CS32 seeks to maintain soil quality standards and ensure any contaminated land is appropriately remediated

On discussion with Dacorum Environmental Health, as no groundworks are proposed, it is not considered that the development would result in harm to human health in this regard.

ii) Flooding and Drainage

Policy CS31 seeks to minimise the risk of flooding. As the application site is not within Flood Zones 2 or 3, it is not considered that the proposal would be susceptible to flooding or increase the overall risk of flooding in the area. As such, the development would be acceptable in this regard.

iii) Air Quality

Policy CS32 seeks to maintain air quality standards throughout the Borough. The application site is not located within an area with identified air quality issues and, compared with the existing use, it is not considered that the change of use to an MOT test station would significantly and demonstrably harm the air quality in the area. As such, the proposal is considered acceptable in this regard.

Other Matters

It is noted that objections received have regard to the 'lack of an identified need' for the proposed Mot test station. There is no policy requirement for the applicant to demonstrate the need for this MOT test station in this regard or justify the loss of the existing B8 storage use at this site. Further, increased, appropriate, competition is required to maintain a strong economy – a key thrust of national planning policy. As such, limited weight has been afforded to this element of received objections in the determination of this application.

Conclusion

The proposal represents small-scale employment redevelopment on an established employment generating site within a selected small village. As such, there is no compelling objection to the principle of the proposal in land use terms. Additionally, the proposal is sustainable in terms of social, economic and environmental matters.

Further, the proposed development represents the re-use of a permanent and substantial building which would preserve the openness of the Green Belt and would not contravene the purposes of including land within it. As such, it represents development which is not inappropriate within the Green Belt and is consistent with the Councils overarching local Green Belt Policy.

The impacts of the proposal have also been considered on the visual amenity of the area, on the living conditions of the occupants of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the identified policies the adopted Local Plan and Core Strategy and the relevant Sections of the Framework.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and 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 requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **The development hereby permitted shall not be carried out other than in accordance with the following approved plans/documents: Unit C Floor Plans & Site Block Plan (scale of 1:200) & Site Location Plan (scale of 1:1250) & hours of operation identified within Section 20 of the submitted Application Form.**

Reason: For the avoidance of doubt, in the interests of proper planning and in the interest of living conditions, in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.