

P/17/1430/FP

FAREHAM WEST

NOVASEAL LIMITED

AGENT: CYAN POWER LIMITED

USE FOR THE MANUFACTURE AND STORAGE OF DOUBLE GLAZED UNITS (USE CLASS B2) OR FOR LIGHT INDUSTRIAL PURPOSES (USE CLASS B1(B) OR B1(C)) AND FOR THE RETENTION OF A TIMBER FRAME REAR EXTENSION AND COVERED FREESTANDING METAL STORAGE RACKS.

UNIT 1 BLACKBROOK BUSINESS PARK BLACKBROOK ROAD FAREHAM PO15 5DR

Report By

Kim Hayler - Direct Dial 01329 824815

Site Description

The application site lies on the southern side of the Blackbrook Park Business Park, with access from Blackbrook Road. The business park lies within the urban area, within a designated employment area protected under Policy DSP17 of the Local Plan part 2.

Unit 1 is a detached industrial unit sited in the south eastern corner of the employment area, with residential properties to the south (Jonathan Road) and to the southeast (Blackbrook Park Avenue). There is a planted buffer running along this boundary and the trees within this buffer are protected by a tree preservation order.

Description of Proposal

Historically, the unit was previously occupied by Paragon Training a Class D1, non-residential training use. Following the company leaving the unit a change of use application was granted, P/12/0781/CU refers, to Classes B1C and B8 (Light Industrial and Storage and Distribution). The Council understands that the building remained unoccupied until Easter of 2017 when Novaseal moved in following a short period of maintenance work being completed. In light of this, the change to Classes B1C and B8 granted in 2012 was never implemented and the current authorised planning use for the Unit is D1.

The business subject of the planning application comprises an element of storage and distribution, office, trade counter and cutting/manufacturing of double glazed units. In light of the cutting process which generates noise, the business does not fall within Use Class B1(c) light industrial (being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise) and therefore falls within Use Class B2 (General Industrial). As a result the current use of the site for such purposes is unauthorised.

Furthermore, an additional storage area has been created within a lean-to structure to the rear (south) of the unit, together with outside storage in the form of covered racking.

The application has been submitted in order to seek planning permission for the manufacture and storage of double glazed units (Use Class B2) or for light industrial purposes (Use Class B1(b) or B1(c)) and for the retention of a timber frame rear extension and covered freestanding metal storage racks, which is supported by an Acoustic Noise Report.

The business also occupies Unit D, where a further lean to has been constructed to the rear of the building. A separate planning application would need to be submitted in order to regularise this structure. The existing use meets the authorised use of this unit.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS5 - Transport Strategy and Infrastructure

CS17 - High Quality Design

Development Sites and Policies

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP17 - Existing Employment Sites and Areas

Relevant Planning History

The following planning history is relevant:

<u>P/12/0781/CU</u>	CHANGE OF USE FROM CLASS D1 (NON RESIDENTIAL TRAINING USE) TO LIGHT INDUSTRIAL AND STORAGE USE (CLASSES B1C AND B8)	
	APPROVE	01/11/2012

Representations

Eight objections from seven households have been received from residents in Jonathan Road and Blackbrook Park Avenue, raising the following issues:

Concerned that the business may be expanding causing more noise and disruption;
The units were never intended for large industrial production;
This is not a light industrial use, the use is unacceptable in a residential area;
The door should be kept closed;
There have been continual noise complaints since the business started;
Even with doors closed there is a noise nuisance;
Noise nuisance from cutting saws, extractor fans, fork lift trucks, lorries reversing sirens, workers shouting/using unacceptable language, metal storage skips being dragged around outside, engines revving for long periods, early deliveries;
Increased number of HGV's in and out of the industrial estate;
The land around the unit looks like a shanty town; outside storage is visually unacceptable;
Novaseal are a good company but they have outgrown the site.

One comment supporting the application has been received.

Consultations

INTERNAL

Trees - no objection

Environmental Health (Noise) - Further to the above consultation for pollution and suitability of use matters, I can advise that further to the additional noise submission made as part of this full planning submission, in respect of the likely impact on neighbouring residential gardens, as well as the initial pre planning details submitted for impacts upon neighbouring dwellings, I have no adverse comments in respect of this application.

I would ask that a condition is added to cover the following comment made in the report;

- the roller shutter door is closed at all times that machinery is being used within the facility.

This is crucial to protecting the amenity of the existing residential properties against noise

arising from the application site.

Planning Considerations - Key Issues

- Principle of development
- Impact on the living conditions of neighbouring residents
- Character of the area
- Highways
- Conclusion

Principle of development

Policy DSP17: Existing Employment Sites and Areas of the Local Plan Part 2 states:

'Within the existing employment sites and areas, changes of use between different uses that contribute towards economic development will be permitted provided that the proposed use will supply employment opportunities of similar quantity as those that previously existed.'

The definition of economic development includes those within the B Use Classes.

The proposal involves use for the manufacture and storage of double glazed units (Use Class B2) or for light industrial purposes (Use Class B1(b) or B1(c)); Officers are satisfied that the proposal meets the criteria of policy DSP17.

Impact on the living conditions of neighbouring residents

Policy DSP2: Environmental Impact of the Local Plan Part 2 states:

'Development proposals should not, individually, or cumulatively, have a significant adverse impact, either on neighbouring development, adjoining land, or the wider environment, by reason of noise, heat, liquids, vibration, light or air pollution (including dust, smoke, fumes or odour).'

Complaints have been received from local residents since the applicant first occupied the unit in April 2017, relating to noise from machinery, specifically a cutting machine. The cutting machine is positioned in the workshop element on the eastern side of the unit just inside a roller shutter door which opens onto the yard area.

The applicant has commissioned an acoustic noise report which concluded that when the workshop loading door is open and the electric cutting machine is in use, noise levels are considered to be a nuisance to nearby residential occupiers. However, when the loading door is closed and the machine is in use it is not considered there is a nuisance from noise.

As a result of the conclusions of the acoustic noise report the applicant has installed an electric switch device which disables the electric cutting machine when the door is open. Contact plates have been installed which mean when the door is closed; the meeting of the plates enables the electric cutting machine to operate. Planning and Environmental Health Officers have witnessed the operation of the switch device and a planning condition can be imposed securing its retention at all times.

There are no mechanical external extracts within the building other than a vacuum over the cutting machine. The vacuum only operates when the cutting machine is operating. Both the cutting machine and vacuum are linked to the newly installed switch on the door. The acoustic survey commissioned by the applicant took the combined effects of cutting machine and vacuum into account and considered there to be no adverse effects provided

the roller shutter door remained closed.

Residents have raised concerns relating to other noisy activities. The bins which are stored in the yard area are emptied once a week on a Monday, mid to late morning. There is one principal delivery of window profile materials on a Tuesday morning, late morning. Officers do not believe these times are unreasonable. The window profile materials are stored in outside racking situated in the eastern yard area. Collections from the site are limited as the business primarily delivers products to clients. Stock is taken from a door situated in the north eastern side of the unit approximately 15 metres from residential garden boundaries. The hours of business are 0730 - 1700 Monday to Friday and 0730 to 1230 Saturday; the manufacturing workshop is operational from 0800 to 1700 Monday to Friday and occasionally Saturday.

A material consideration in this case is that the business park is a designated employment site where B Classes are considered acceptable uses. As a result, it is inevitable there will be activity associated with those employment uses.

The business has been operating without any restrictions since April; the current application enables the Council to impose conditions in order to mitigate noise and activities associated with the business, seeking to address the concerns raised by neighbours.

Character of the area

Concerns have been raised relating to the design and materials of the external racking situated adjacent to the eastern boundary of the site. The racking is used to store the window profile and is covered by green tarpaulins. The racking is set back from the main estate road and is not an unusual feature within an employment site such as this.

The eastern side of the site shares a boundary with 2 Jonathan Road and 86 Blackbrook House Avenue, however there are protected trees close to the site boundaries and within the rear gardens of the neighbouring properties. Although the racking extends above the boundary fencing, it is not considered harmful to the living conditions of the occupiers of the neighbouring properties.

The rear addition has a lean-to roof, constructed of timber. It is sited between the unit and protected trees at the rear of the site. It is not considered unacceptable in character and visual terms.

Highways

As stated previously, the business park is a designated employment site which generates traffic, including large delivery vehicles. The business has only one delivery by lorry a week which can adequately turn and reverse into the eastern yard area. In highway safety terms it is considered the amount of parking and turning within the business park is acceptable to accommodate the proposal.

Conclusion

The principle of the use is acceptable in planning terms; measures have been put in place to mitigate the concerns raised relating to nuisance from noise; there is no impact upon the character of the area and there are no highway implications.

Notwithstanding the objections received, subject to securing the noise mitigation measures described above by planning condition and controlling hours of work, officers are satisfied

the living conditions of the adjacent neighbouring properties would not be materially harmed.

Recommendation

PERMISSION, subject to the following conditions:

1. The development hereby permitted shall be retained only in accordance with the following approved plans:

- a) Location plan
- b) Site plan
- c) Block plan
- d) Plant and Machinery Schedule at 1 Blackbrook Business Park

REASON: To avoid any doubt over what has been permitted.

2. The premises shall be used for the manufacture and storage of double glazed units 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 (as amended) or for light industrial purposes (Use Class B1(b) or B1(c) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

REASON: To protect the occupiers of the nearby residential properties from possible disturbance from permitted uses other than that specifically granted through this permission.

3. The southernmost roller shutter door on the eastern side of the building serving the workshop shall be kept closed at all times whilst machinery listed in Condition 1(d) is being used within the building.

REASON: In order to protect the living conditions of occupiers of nearby residential properties.

4. No additional industrial machinery or mechanical ventilation, other than those listed in Condition 1(d) shall be used or installed within the unit unless the details of the machinery/mechanical ventilation, including an appropriate acoustic assessment, has been submitted to and approved in writing with the local planning authority.

REASON: In order to protect the living conditions of occupiers of nearby residential properties.

5. The use hereby permitted shall not operate outside of the following times: 0730 - 1700 Monday to Friday, 0730 - 1230 Saturday and not at all Sundays or Bank Holidays.

REASON: In order to protect the living conditions of occupiers of nearby residential properties.

6. At no time shall any machinery listed in Condition 1(d) be used on the site outside the following times: 0800 - 1700 Monday to Friday; 0800 - 1230 Saturday and not at all Sundays or Bank Holidays.

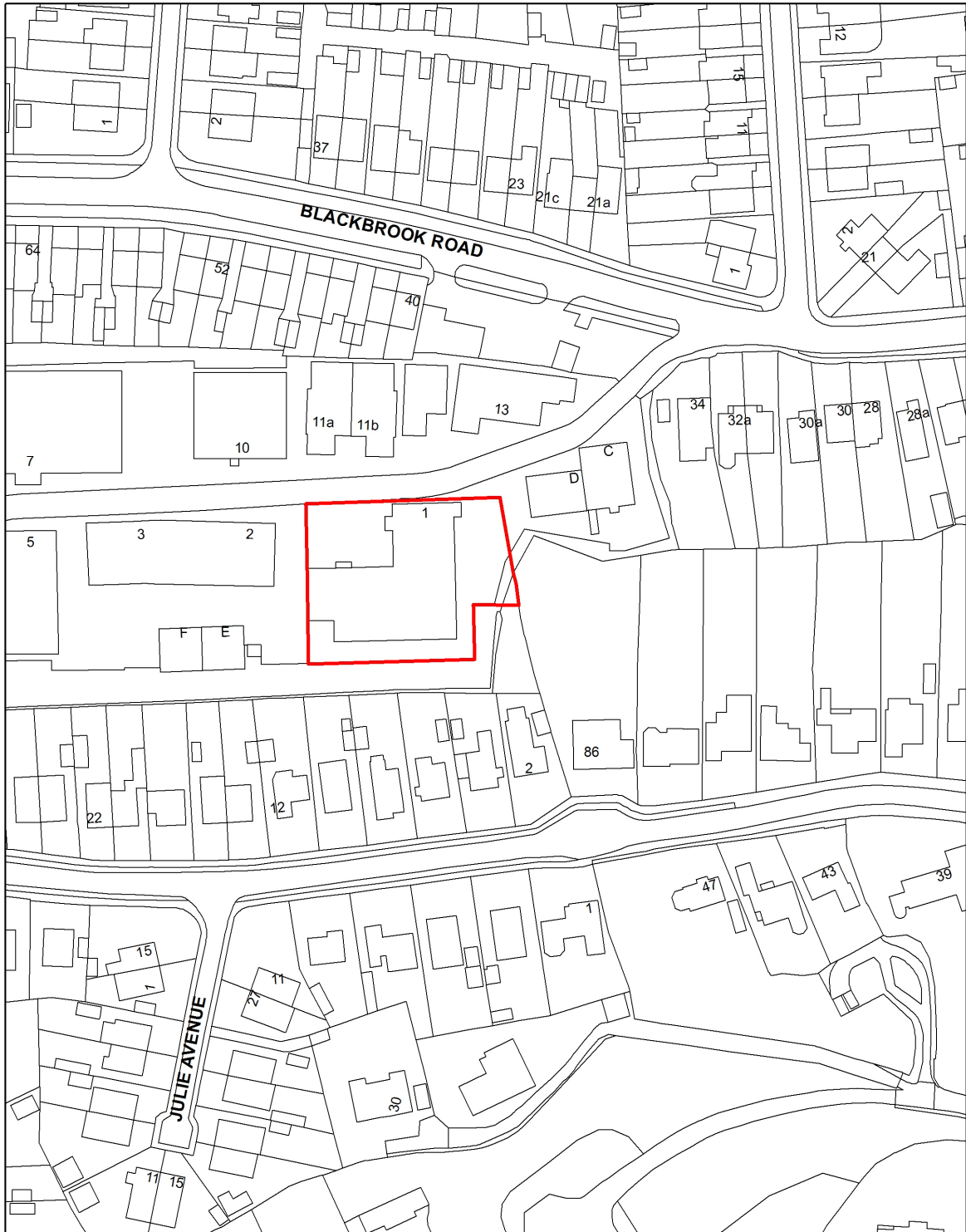
REASON: In order to protect the living conditions of occupiers of nearby residential properties.

7. The outside yard area shall be used for delivery and storage of materials only.

REASON: In order to protect the living conditions of occupiers of nearby residential properties.

FAREHAM

BOROUGH COUNCIL



Unit 1 Blackbrook Business Park
Scale: 1:1,250



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