

PLANNING COMMITTEE – 27 FEBRUARY 2020

PART I – DELEGATED

- 10. 19/2500/FUL - Change of use from Industrial (B1) to Mixed Use (Auction House (Sui Generis) and Light Industrial (B1)) at ABBOTS BUSINESS PARK, UNIT 16, PRIMROSE HILL, KINGS LANGLEY, WD4 8FR (DCES)**

Parish: Abbots Langley
Expiry of Statutory Period: 02.03.2020

Ward: Gade Valley
Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Call to Committee with the support of three Members

1 Relevant Planning and Enforcement History

- 1.1 11/1198/FUL - Installation of 3 new windows to the rear facing elevation at first floor level - 23.09.2011 - Permitted
- 1.2 09/0905/FUL - Variation of condition 37 of planning permission 07/0205/FUL to allow Units 10 - 21 (light industrial and high tech) to operate between the hours of 07.00 to 20.00 Mondays to Fridays, 08.00 to 17.30 on Saturdays and 10.00 to 13.00 on Sundays - 26.08.2009 - Permitted
- 1.3 08/1857/FUL - Variation of condition 37 of planning permission 07/0205/FUL: To remove restriction on hours of use of the Class B1 (a) office units - 10.11.2008 - Withdrawn
- 1.4 07/0205/FUL - Demolition of existing buildings and erection of a three storey building comprising 24 flats and erection of 4, two storey buildings comprising B1 office, light industrial and high tech business units with associated access and parking - 03.05.2007 – Permitted.

2 Description of Application Site

- 2.1 The application site comprises a two-storey light industrial unit located on Abbots Business Park, Primrose Hill, Kings Langley. The unit occupies part of a large warehouse building on the northern side of the park which is subdivided into business units in a linear manner. The building has a sheet metal roof and a facing brick exterior.
- 2.2 There is a pedestrian access door and roller shutter door within the front elevation of the building providing access to Unit 16. Internally the ground floor part of the unit is laid out for storage whilst the first floor is laid out to accommodate a reception area and is internally subdivided into three office rooms of varying size and also contains a kitchen.
- 2.3 Forward of the building is a parking forecourt accommodating three parking bays.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for a change of use from Industrial (B1) to Mixed Use (Auction House (Sui Generis) and Light Industrial (B1)).
- 3.2 The proposed development seeks a partial change of use of the premises from its existing B1 use to a Mixed Use to lawfully allow a limited number of live auctions to be hosted at the premises each year.
- 3.3 No internal or external changes are proposed to the premises.

4 Consultation

4.1 Statutory Consultation

4.1.1 Environmental Health: [No response received]

4.1.2 Hertfordshire County Highways: [No objection]

“The application comprises of the change of use of an industrial unit to mixed use at Unit 16, Abbots Business Park, Primrose Hill, Kings Langley. Primrose Hill is designated as a classified C local distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense.

ACCESS & PARKING

The proposals do not include any new/altered access from the highway with the unit accessed via the existing private access road into the business park. The applicant is reminded that Three Rivers District Council is the parking authority for the district and therefore ultimately should be satisfied with the levels of parking for the proposed use. HCC as Highway Authority has considered that the proposed change of use would not have an unreasonable impact on the operation of the surrounding highway, particularly when taking into consideration the location of the change of use within an existing business park. Therefore HCC has no objections or further comments on highway grounds to the proposed change of use.”

4.1.3 Local Plans Section: [No objection]

“The proposal seeks a change of use for the site, from an Industrial (B1 use) to a Mixed Use (Auction House (Sui Generis) and Light Industrial (B1)) development. The application site is located within the Kings Langley Employment Area, which is allocated as a mixed employment use site in the Site Allocations LDD (adopted 2014) (site E(e)). Policy SA2 of the Site Allocations LDD states that sites allocated as having potential for mixed use development may provide for mixed use development including, but not limited to business, industrial and storage/distribution and residential or community uses. The introduction of an Auction House (Sui Generis) and Light Industrial (B1) to the site therefore complies with the site’s mixed use allocation, raising no objection to Policy SA2.

Policy PSP3 of the Core Strategy point c) states to maintain and enhance employment opportunities in Secondary Centres but redistribute some employment floorspace through mixed use development in Kings Langley employment area. Therefore the proposal is supported by Policy PSP3.”

4.1.4 Abbots Langley Parish Council: [Concerns]

“Members are concerned that there is limited parking on site which would be an issue if unit becomes an Auction House.”

4.1.5 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 19

4.2.2 Responses received: 0

4.2.3 Site Notice posted: 17.01.2020, expiry date: 07.02.2020

4.2.4 Press notice not required.

5 Reason for Delay

5.1 None.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In February 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies of the adopted Core Strategy include PSP1, CP1, CP6, CP7, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies of the adopted Development Management Policies LDD include DM6, DM9, DM13 and Appendix 5.

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

7.1 Principle of Development

- 7.1.1 The application site is located on Abbots Business Park which forms part of the Kings Langley Employment Area, which is allocated as a mixed employment use site in the Site Allocations LDD (adopted 2014) (site E(e)). Policy SA2 of the Site Allocations LDD states that sites allocated as having potential for mixed use development may provide for mixed use development including, but not limited to business, industrial and storage/distribution and residential or community uses. Policy PSP3 of the Core Strategy point c) states to maintain and enhance employment opportunities in Secondary Centres but redistribute some employment floorspace through mixed use development in Kings Langley employment area.
- 7.1.2 The Council's Local Plans Section was consulted on the proposals and considered that the introduction of an Auction House (Sui Generis) and Light Industrial (B1) to the site complies with the site's mixed use allocation and raised no objection to the proposal and considers that the development is supported by Policy SA2 and PSP3.
- 7.1.3 The proposed development seeks a partial change of use of the premises from its existing B1 use to a Mixed Use to lawfully allow a limited number of live auctions to be hosted at the premises each year. The proposal would therefore result in the lawful use of the premises being Mixed Use (Auction House (Sui Generis) and Light Industrial (B1)).
- 7.1.4 The covering letter accompanying the application sets out that the prospective occupier is an auction business specialising in collectible toys, model railways, vintage movie posters and comics. They currently run their day-to-day business operations from an office in Amersham whilst currently holding five live auctions per year from a hotel in Watford.
- 7.1.5 The day-to-day business operations are said to involve receiving items from vendors, which are usually sent by post or collected from the vendor, sorting and cataloguing them, photographing them and advertising the auctions. The nature of the business therefore requires office and warehouse space of which is provided at the application site. It is noted that no internal or external changes to the building are proposed.
- 7.1.6 The covering letter states, with regard to the auction side of the business, they are obliged to host a number of live auctions in order to comply with auction legislation however they are also live streamed on the internet with people bidding on multiple internet platforms. The letter states that over 90% of the business is conducted online without the buyer visiting the premises. The letter states that attendance for live auctions last year was on average less than 8 people in the room and that live auctions are normally held on a Saturday.
- 7.1.7 The covering letter states the majority of sold items are sent via packing companies with arrangements made to consolidate collections once a week. It is also stated that items are also sometimes collected in person by the buyer.
- 7.1.8 When factoring in the general day-to-day running of the business, it is considered that the large majority of the business would be compatible with the premises current B1 use class and therefore wouldn't require permission if this was the primary use of the premises. The running of a limited number live auctions from the premises, which is something that would require permission, is considered to be acceptable by virtue of the limited quantity of visitors to the premises on a limited number of days of the year. It is considered that the proposed part Sui Generis (Auction House) use would not result in material harm. It is considered appropriate for a suitably worded condition to be attached to any permission to control the number of live auctions hosted from the premises. Whilst a planning condition could restrict the number of live auctions per year, it is acknowledged that it could not necessarily prevent the amount of people attending the auction however it is considered that the size of the premises itself would somewhat limit the quantity of people attending. It is considered that the live auction side of the proposed use is somewhat akin to a large business meeting at the business park which wouldn't require permission. Upon visiting the site the applicant stated that the intention would be that live auctions would be held in the largest of the three rooms at the front of the building, marked as office on the first floor plan. On the days upon

which live auctions are held, the room would be rearranged with chairs and a small stage. The proposed change of use would be granted permission to be carried out in accordance with the approved floor plans of which no internal changes are proposed. If the internal layout was to be increased to provide a larger auction space this is likely to result in a material change of use from a mixed use to a Sui Generis use which would require planning permission.

7.1.9 For the reasons set out above, it is considered that the proposed change of use of the premises from B1 to Mixed Use (Auction House (Sui Generis) and B1 (Light Industrial)) is acceptable. The parking implications of the proposal are discussed in the relevant section of this report.

7.2 Impact on Character and Appearance

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.

7.2.2 The development does not propose any internal or external changes to the premises and therefore would not result in any adverse impact on the character or appearance of the building, street scene or area and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.

7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM9 of the Development Management Policies LDD also states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development.

7.3.2 The proposed change of use is not considered to result in any additional amenity impacts over and above the established use of the application premises and is not considered to have an adverse impact on the amenities of the occupants of any neighbouring property. The proposed development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM9 of the Development Management Policies LDD.

7.4 Highways & Car Parking

7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards. Appendix 5 states that for Sui Generis Use Class the car parking standards are to be decided in each case on individual merits.

7.4.2 The application site at Unit 16, Abbots Business Park contains a two-storey unit and three forecourt parking spaces. Given that the day-to-day running of the business would largely be compatible with its existing B1 Use Class, it is considered that the on-site parking provision is acceptable. It is however acknowledged that the proposed partial change of use to an auction house (Sui Generis Use Class) has the potential to place additional parking pressures on the park and local road network. Notwithstanding, given the limited quantity of live auctions to be hosted at the premises, usually at the weekend, and the associated number of people attending, it is not considered that the proposed use would cause an unacceptable impact in terms of parking. It is considered that the application site is located

within a relatively sustainable location, and given the nature and frequency of the proposed partial use, it is anticipated that visitors would plan travel in advance. It is noted that Kings Langley Train Station is a short walk (15 minutes) away and there are a number of public pay and display car parks such as 'The Nap' and 'Langley Hill' also a short walk (15 minutes) away.

7.4.3 Hertfordshire Highways were consulted on the proposal and raised no objection in terms of any potential impact upon the highway.

7.4.4 An Informative would be included on any planning permission advising that any future visitors to the premises should not use any other parking spaces belonging to other units within the business park.

7.5 Trees & Landscape

7.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.5.2 Given the nature of the proposed development, there would be no harm to trees.

7.6 Biodiversity

7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

8 Recommendation

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

8.2 Conditions

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC0001 (Location Plan), PLAN 1, PLAN 2.

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers, in accordance with Policies PSP1, CP1, CP7, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM6, DM9, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013)

and Policy SA4 of the Site Allocations Local Development Document (adopted November 2014).

- C3 The use of the premises partially as an auction house hereby permitted shall not operate more than 12 live auctions (lasting no longer than one day) within one single calendar year.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and adjacent premises in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

8.3 Informatives

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy

Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

- 14 The applicant is advised that advertisement consent may be required for any new signage at this site.
- 15 The applicant is advised that measures are put in place well in advance of auction days to ensure that any visitors are fully aware of the on-site parking arrangements and the location of nearby public car parks.