

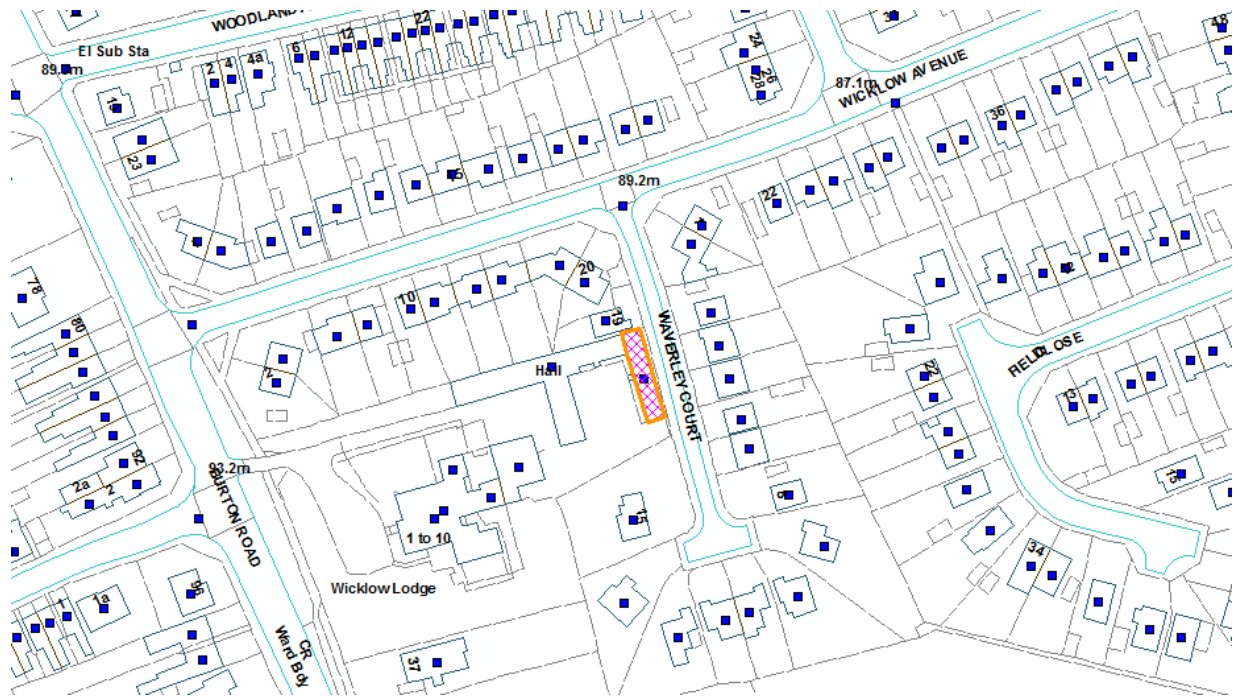
Reference: 14/00739/FUL

Date submitted: 5th September 2014

Applicant: Mr J Parmar

Location: Turnstyle Woodturners, Burton Road, Melton Mowbray LE13 1DP

Proposal: Change of use from white electrical goods storage to woodturning workshop



Introduction:-

The application is for the change of use of part of a building to the rear of Wicklow Lodge from the storage of electrical white goods, to a woodturning workshop. The site is accessed through Wicklow Lodge, off Burton Road, and the building backs onto the residential cul-de-sac of Waverley Court. The site is within the town envelope for Melton Mowbray, to the south of the town centre. The applicant started to use the site as a woodturning workshop during the summer of 2014, and was advised that planning permission for the change of use was required.

It is considered that the main issues relating to the application are:

- **If the proposed use is acceptable within a residential area**

The application is required to be considered by the Committee due to the level of representation received. Members may recall that the application was originally heard at the Planning Committee meeting on 6th November 2014. Members deferred the decision until a noise assessment had been completed by the applicant with regards to the residential dwellings on Waverley Court.

Relevant History:

There is no relevant history at the site.

Development Plan Policies:**Melton Local Plan (saved policies):****Policy OS1**

OS1 states that planning permission will be granted for development within the town envelope where:

- The form, character and appearance of the settlement is not adversely affected;
- The form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality;
- The proposed use would not cause loss of amenity by virtue of noise, smell, dust or other pollution;
- The development would not have a significantly adverse effect upon the historic built environment or nature conservation features including trees;
- The development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity;
- Satisfactory access and parking can be made available.

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; *or*
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that **whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.**

It establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to respond positively to wide opportunities for growth.
- Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.
- Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

On Specific issues relevant to this application it advises:**Building a strong, competitive economy**

Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth, and that planning should operate to encourage, and not act as an impediment to sustainable growth.

The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF paragraph 12).

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No Objections</p>	<p>Noted.</p> <p>The site is accessed from Burton Road via an access through Wicklow Lodge, past other outbuildings associated with the Lodge. Wicklow Lodge has been converted for residential use, and the buildings to the north east of the Lodge are used for various industrial uses.</p> <p>The furthest eastern wing of the buildings forms the part of the building converted to Turnstyle Woodturners, and has a limited amount of off road parking in front of the premises. The consented use for the storage of white electrical goods possibly attracts more traffic by way of collections and deliveries, and therefore it is not considered that the conversion of the building to be used as a woodturners workshop would cause any issues for the safety of highways users. The visitors to the site are likely to be few, and there is space to turn around to ensure that they leave in a forwards direction.</p> <p>It is considered that the proposal would not cause any additional dangers to users of the highway, and as such the proposal meets the objectives of policy OS1.</p>
<p>Ward Councillors: No Comments Received</p>	<p>Noted.</p>
<p>Environmental Health: No Objections</p> <p>In response to the original application, the Officer advised that he had no objections to the proposal, based on a site visit during working hours when the machinery within the workshop was operational. The Officer advised that the noise character of the immediate locality is dominated by local traffic movements, and general community noise. He observed that there was intermittent noise observed from the workshop in Waverley Court to the east of the building, however it was only considered intrusive when the noisiest equipment was being used which was considered less frequent.</p> <p>The Officer has reviewed the noise assessment provided by the applicant. The Officer advises that the author of the report is suitably qualified and the report is sufficiently robust.</p> <p>The noise assessment, show that the residual noise level</p>	<p>Noted.</p> <p>The application site backs on to a residential cul-de-sac known as Waverley Court, with residential dwellings to the east and north of the building. The building is entirely brick built, with a tiled roof and is accessed only from within Wicklow Lodge, there are no windows or entrances to the building onto Waverley Court.</p> <p>The applicant has requested the hours of use to be 0800-1630 Monday to Friday and 0830-1100 Saturday. They have stated that the building may be open on Sundays and bank holidays, 0900-1200, but only for cleaning – no machinery to be used. The hours that the applicant has stated are less than that initially recommended by the Environmental Health Officer, and therefore it is considered in the interests of residential amenity that the activity could be conditioned more tightly, in line with the applicants request.</p>

<p>(machines off) is reportedly higher than the ambient noise level (machines on). The Officer advises that sometimes it is unfortunate that local activity (i.e. environmental noise or human activity at the time of the residual / background noise measurement) can be greater than during the ambient measurement. This is addressed to some degree by choosing the higher noise level associated with the ‘plane’ as the starting point of the (British Standards) BS4142 calculations.</p> <p>Nevertheless, the Officer does not consider that this materially affects the conclusions of the report. It is the specific items of machinery that are audible at the receptor. The tonal element of these machines creates the perception that they are more intrusive than they really are; the machines are not used for extended periods of time.</p> <p>The ambient noise levels do not exceed the guidance set out in WHO (World Health Organisation) – Community Noise and BS8233:2014 (British Standards).</p> <p>The Officer’s recommendation remains the same, however the Officer is conscious that the rated noise level does exceed the background noise level; a standards of ‘background or below’ should be achievable at the design stage. The implementation of the mitigation work identified by noise assessment would serve to reduce the noise impact of the business.</p> <p>Consequently, the Officer has raised no objection with the implementation of the following condition:</p> <p>“No machinery shall operate outside of the hours 0700-1900 Monday to Friday, and 0900-1300 Saturday. There shall be no machinery operated on Sundays or Bank Holidays.”</p>	<p>In addition, the noise assessment submitted has recommended some alterations to the building to mitigate noise, particularly relating to the side doors of the building which are considered to be the weakest link in the façade for providing sound attenuation. It is recommended that these doors remain closed except for when taking deliveries. In addition, a second set of doors is recommended to be constructed internally to create a lobbied doorway effect. Also, the roof structure could be improved by insulating it with (for example) Rockwool Batts which would be laid in between the roof slates and the wood panelling. Alternatively, the report recommends that the batts could be fixed to the underside of the wood panelling and covered in a hessian type material.</p> <p>Taking into consideration information both from noise assessment and the Environmental Health Officer it is not considered that the proposal would cause undue loss of residential amenity due to noise, smell or dust, subject to the imposition of conditions restricting the times that machinery can be operated. A condition could also be applied to ensure that the mitigation as proposed by the noise assessment is provided within a reasonable timeframe (3 months for instance) from the date of permission being granted.</p> <p>Therefore, the proposal is considered to meet the objectives of policy OS1 that seeks to ensure that the proposed use would not cause loss of amenity by virtue of noise, small, dust or other pollution.</p>
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Representations:

Seven neighbouring properties were advised of the planning application, and as a result **nine letters** of representation were received. One letter has been received in respect of the re-consultation on the noise report.

Consideration	Assessment of Head of Regulatory Services
<p>Impact upon residential amenity</p> <ul style="list-style-type: none"> • Residents were disturbed over the summer by the sound of power plane and sanding machines from 0730am and do not wish to live opposite an active industrial area. • Waverley Court is not an industrial area and the workshop does not fit in, it should be moved to an industrial area. • The noise from sawing / drilling / planing machines is unacceptable as it started before 0800am. 	<p>Noted.</p> <p>The applicant was advised in August 2014 that the use of the building as a woodturning workshop would require planning permission. It is not clear as to whether the use ceased at this point prior to the application for planning permission; however the site appears to be operational as a woodturning workshop at present.</p> <p>It is accepted that Waverley Court is primarily a residential area, where industrial uses would only be acceptable in certain circumstances. The Environmental Health Officer (EHO) is satisfied that the noise generated by the business is not</p>

<ul style="list-style-type: none"> • The noise was echoing machinery, grinding and sharp pitched noise of something being cut. • Many of the residents of Waverley Court are at home during the day and would be adversely affected, one objector stated that they suffered from migraines. • The applicant proposes the use all through the week and on Saturday's too which is unacceptable. • There would be excessive noise and dust that could cause health problems. • People enjoy working in their gardens, and the time was spoilt over the summer whilst the activities in the workshop were ongoing. • The freemasons kitchen that is 5 metres from the workshop door has not experienced any increased noise, only that of a dog barking from the houses on Waverley Court. • Wicklow Garage has not experienced any problems with noise or any other inconvenience. 	<p>overly intrusive on the residents of Waverley Court. The applicant has advised the EHO that the machines that make the most noise are only operational for short periods of time. In addition, the mitigation proposed within the noise assessment should greatly reduce the impact of any noise within Waverley Court.</p> <p>As stated above, the EHO is satisfied that the noise generated by the development is not overly intrusive, and subject to conditions restricting the times of day (and days of the week) that machinery can be used, the use of the building as a woodturning workshop is acceptable. The applicant has requested to be able to operate machinery from 0800-1630hrs Monday to Friday, which would ensure no noise before 0800am, and 0830-1100 on Saturdays. These are more restrictive working hours than those deemed to be satisfactory by the EHO.</p> <p>The building backs onto Waverley Court and has no windows or access onto or from Waverley Court, as discussed above. It is considered unlikely that the residents of Waverley Court would be affected by any dust from the development due to the lack of windows and access on the east elevation of the building.</p> <p>It is not considered that the proposal would cause undue loss of residential amenity due to noise, smell or dust. Subject to conditions, mitigation could be provided to lessen the impact further relating to noise. The proposal does not create any overlooking or impact on privacy of the existing dwellings. Therefore, the proposal is considered to meet the objectives of policy OS1.</p>
<p>Highways Safety</p> <ul style="list-style-type: none"> • There has been a slight increase in the vehicles parking outside of the property, but this does not cause a problem. • There has been no increase in general traffic, but a definite reduction in size and volume of deliveries. 	<p>Noted. See assessment above.</p> <p>It is considered that the proposal would not cause any additional dangers to users of the highway, and as such the proposal meets the objectives of policy OS1.</p>
<p>Other Considerations</p> <ul style="list-style-type: none"> • The use will bring house prices down as no one will want to live here with all the noise going on. • Will the applicant pay compensation for personal health issues and/or loss of money arising from proximity to such a business? 	<p>Noted.</p> <p>The impact that a proposal may or may not have upon house prices is not a material consideration in the determination of planning applications.</p>
<p>At previous premises, the wood turner's activity caused</p>	<p>Noted</p>

no disturbance to the activity which was located directly beneath.	
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Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
Design	<p>The proposal does not include any alterations to the external elevations of the building, and therefore meets the objectives of policy OS1 in this respect.</p> <p>The mitigation proposed (which can be conditioned) does not propose any external alterations to the building, therefore would have no impact in terms of design/ appearance.</p>
Policy	<p>The proposal would provide full time employment for one employee who manufactures bespoke items of furniture and staircase components with hand and machine turning of wood.</p> <p>The proposal is supported by the NPPF which seeks to support all types of sustainable economic growth. The site is within the town envelope for Melton Mowbray which is considered to be a sustainable location, with good access to public transport and various services.</p> <p>In addition, the NPPF specifically seeks to support all types of business and enterprise in rural areas, which Melton is generally considered to be. The proposal is for a bespoke cottage industry that is not considered to be out of place in this location. It is considered subject to the imposition of conditions, that any impact that the proposal would have upon residential amenity can be controlled.</p> <p>Therefore it is considered that the proposal is supported both by the Melton Local Plan policy OS1, and the NPPF. The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF paragraph 12).</p>

Conclusion

The application seeks the change of use of a building from the storage of white electrical goods to a woodturning workshop within the town envelope of Melton Mowbray. As such, saved policy OS1 of the Melton Local Plan would apply, along with the relevant sections of the NPPF that seek to promote economic growth. The proposal is considered to be supported by the Melton Local Plan and the NPPF. It would not cause any additional dangers to users of the highways, and conditions restricting the times that machinery can be used are considered to be acceptable in terms of residential amenity and noise within a residential area. In addition, conditions relating to the mitigation of noise can be imposed to further reduce any impact upon the residents of Waverley Court. Therefore, the application is recommended for approval.

RECOMMENDATION: Permit, subject to conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. No machinery shall be operational outside of the hours 0800-1630 Monday to Friday and 0830-1100 Saturday.
3. The existing timber doors to the side of the workshop shall remain closed except during deliveries.
4. No later than three months from the date of this permission, a further set of internal doors shall have been constructed to the side doors of the workshop to create double doors, and thereafter remain in perpetuity
5. No later than three months from the date of this permission the roof structure shall be insulated either with Rockwool batts in-between the slate tiles and the wood panelling below, or Rockwool batts fixed to the underside of the wood panelling and covered in a hessian type material. Alternatively, purpose built absorbent panels could be fixed to the underside of the roof.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of residential amenity.
3. In the interests of residential amenity.
4. To mitigate noise when the noisier machines are required for use, in the interests of residential amenity.
5. To mitigate noise when the noisier machines are required for use, in the interests of residential amenity.

Officer to contact: **Mrs Sarah Legge**

Date: 9thFebruary 2015