

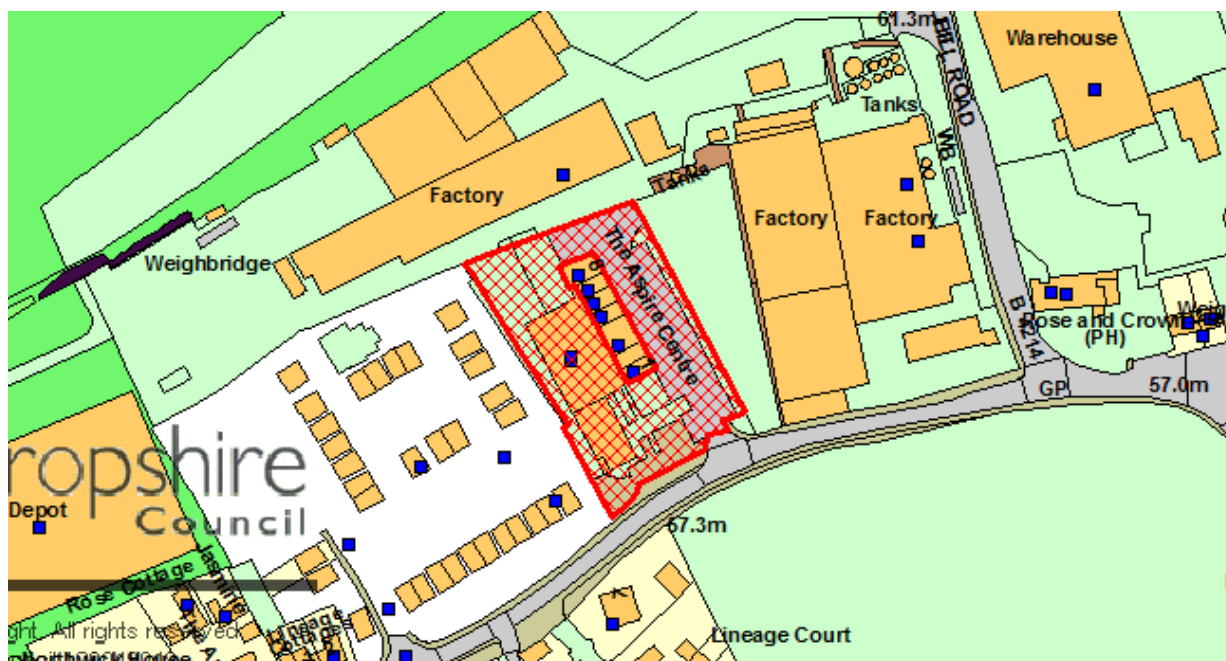
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 21/03438/COU	Parish:	Burford
Proposal: Change of use of the Aspire Centre building from Use Class F1 (learning and non-residential institution) to Use Classes E(e), E(g), B2 and B8		
Site Address: The Aspire Centre Burford Shropshire WR15 8HE		
Applicant: Shropshire Council		
Case Officer: Richard Fortune	email	: richard.fortune@shropshire.gov.uk

Grid Ref: 359127 - 268822



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to a building last used in March 2019 for purposes falling within use class F1 which relates to learning and non-residential institutions. It operated as a engineering centre with industrial and mechanical workshops and associated offices and training rooms. It is proposed that the use of the building be changed to encompass the following range of uses in Class E - Commercial, Business and Services, together with B2- General Industrial and B8 - Storage and Distribution. The Class E uses would be restricted to:

Class E(e) Provision of medical or health services (except the use of premises attached to the residence of a consultant or practitioner)

Class E(g) Use covering (i) offices to carry out any operational or administrative functions; (ii) research and development of products or processes; and (iii) any industrial process which can be carried out in a residential area without detriment to its amenity.

The B2 General industrial use would exclude incineration purposes, chemical treatment, landfill or hazardous waste. The Class B8 use includes open air storage.

- 1.2 The gross internal floorspace is some 1181.1 square metres and forms part of a group of existing industrial/commercial buildings. The site includes a yard and parking area totalling some 0.431 hectares. No alterations to the building are proposed as part of this application, which is to facilitate the letting or sale of the premises which have been vacant for over two years. All industrial processes would take place inside the building.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is situated on the outskirts of south Shropshire. The Aspire Centre is a modern estate in Burford, near Tenbury Wells. The site comprises of eight individually let small business units, which are used for a variety of predominantly industrial uses. A large warehouse and office unit, previously utilised as an Engineering Centre of Excellence to teach motor vehicle repairs to college students, along with a yard area and ample car parking spaces. It is this building which is the subject of the current application. There are 8 existing small workshop units abutting the eastern side of the building which are excluded from this application.

The Aspire Centre is surrounded by industrial occupiers to two sides, a new infill residential housing development to the third boundary, with other large industrial

premises in the immediate vicinity and is accessed directly from the public highway (A456 (30mph) road network).

The site is generally level, the building and car park are visible from the A456 road, there is existing fencing towards the rear of the site, along with mature trees and hedgerows around the whole site area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application is made by Shropshire Council and the proposal is not one in line with statutory functions. The application must therefore be determined by Committee in accordance with the adopted scheme of delegation.

4.0 Community Representations

Consultee Comment

4.1 Burford Parish Council - No comments received.

4.2 SC Highways Developing Highways Manager (25.10.21) - No Objection:

Whilst it is understood that it is difficult to evaluate the likely impact of the change of use of the site as the end user is not yet known, the site will have a permitted use class (E(e), E(g), B2 and B8) as a result of this application and this needs to be considered from a highways perspective, hence the request from WSP for further information . Shropshire Council as landowner may have a level of control over the initial sale of the site, but subsequent sales will fall outside Shropshire Councils control, unless the premises is let rather than sold. it is recommended that Shropshire Council as landowner give due consideration to the future use of the site and the purchaser in the first instance to minimise the overall impact on the surrounding highway network.

Despite the above, whilst I can understand the rationale behind WSP requesting further highways information prior to this application being determined, I would take the view that it is not necessarily required in view of the existing use of the site, and the proximity to the A456. It is considered that the likely impact on the surrounding road networks of any change of use on the site is going to be relatively low. Any increase in HGV's movements are likely to be accommodated on the surrounding network. It is possible that any new occupant of the site may need to make changes to the site layout, which will be subject to future planning applications.

In view of the above, I can confirm Shropshire Council as Highway Authority raises no objection to the granting of consent for the above mentioned application. At this time we will not require any highway related planning conditions be attached to the permission granted unless any highway specific issue is raised prior to determination.

4.2.1 SC Highways (Consultants) (17.08.21) - Comment:

The principle of the proposed change of use raises no highway concerns subject to satisfactory on-site provision of parking, turning and servicing arrangements to cater for the parking/traffic demands of the future occupiers of the buildings/units.

The proposed change of use from a college/educational centre to business use including B8 storage and distribution, which also includes outdoor storage could potentially generate a different pattern and type of traffic, in particular larger commercial traffic and hgv's.

As submitted the application has not been supported with a transport statement to outline the potential operational need of the parking and servicing requirements of the proposed uses, or those already accounted for by the use of the existing 8 units excluded from the application. The location plan also lacks the detailed internal layout of the site, indicating the availability of the parking, and servicing areas, and in particular the suitability of these areas to cater for commercial traffic.

4.3 SC Environmental Protection - No further comments received in response to re-consultation on additional information sent 28.09.21.

4.3.1 SC Environmental Protection (19.08.21) - Comment:

Have concerns regarding potential amenity impact given the very close proximity of the site to both existing and proposed residential dwellings. I would therefore not recommend that the change of use includes B2 General Industrial.

Also given the uncertainty regarding what type of business would occupy the site would recommend that hours of use are restricted by condition to the following times: 07:00 till 18:00hrs Monday to Friday, 07:00 till 12:00hrs on a Saturday, nor at any time on Sundays, or Public Holidays.

Additionally would recommend a condition requiring that external plant, machinery or extract ventilation shall not be operated on site without prior approval of the planning Authority.

Public Comments

4.4 Site notice displayed 11-08-2021. Adjacent commercial premises consulted by letter dated 02-08-2021. There has been no response to this publicity.

5.0 THE MAIN ISSUES

Principle of development
Highway Safety
Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Planning permission SS/1/99/009892/F, granted on 7th June 1999, was for the demolition of existing buildings, erection of engineering centre of excellence and 8 workshops, and associated works. There were no conditions attached to that permission restricting the use of the workshops, which can therefore be used for Class B2 General Industrial purposes as well as the former Class B1 Business Uses now included in the replacement Use Class E from 1st September 2020. Three of the workshop units have received permission for use as a gym, a vets and for private hire vehicles. The principle of the proposed re-use of the premises for alternative employment uses would accord with Shropshire Core Strategy policies CS4 (Community Hubs and Clusters) and CS13 (Economic Development, Enterprise and Employment), with Site Allocations and Management of Development (SAMDev) Plan policy MD1 identifying Burford as a Community Hub. It would also be in line with policy MD4 which relates to managing employment development. The acceptability or otherwise of the proposals therefore turns upon the likely site-specific impacts on the locality. With no physical alterations being proposed to the building these matters in this case are highway safety and residential amenity, which are considered in turn below.

6.2 Highway Safety

6.2.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 110 it advises that sites should give opportunities to promote sustainable transport modes appropriate to the type of development and its location, have a safe and suitable access for all users and that whether any significant impacts on the transport network or highway safety can be cost effectively mitigated to an acceptable degree. It continues at paragraph 111 stating development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Core Strategy policy CS6 seeks to achieve safe development and pertinent matters to consider include ensuring the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.

6.2.2 The end user of the premises is not yet known and the purpose of the application is to make it available for a broad range of uses to match that which is already possible with the smaller workshop units on site. Whilst the Council's Highways Consultants initially sought additional information on likely traffic generation, this level of detail could only be provided if the specific end user is known. A further review of the highway implications of this proposal by the Council's Developing Highways Manager is set out at 4.2 above. She concludes that this information is not essential in this site context given the existing approved uses for the site and the access direct onto the A456. The access into the site would be suitable for the proposed uses and the impact of traffic generated on the surrounding road network would be unlikely to result in severe residual cumulative impacts.

6.2.3 A condition of the current planning permission SS/1/99/009892/F (Number 8) stated that the building shall not be occupied until the areas shown on the approved plan for the loading, unloading and parking of vehicles have been drained, constructed

and hard surfaced and continues by stating "...and those areas shall not thereafter be used for any purpose other than the loading, unloading and parking of vehicles." The reason given for this condition is to provide for the loading, unloading and parking of vehicles off the highway, in the interests of highway safety. It would be appropriate to repeat this in a condition on any new permission for the proposals contained in the current application.

6.2.4 It is concluded that a refusal on the grounds of the proposals being detrimental to highway safety could not be sustained in this case.

6.3 **Residential Amenity**

6.3.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest existing residential properties to the site are the affordable dwellings nearing completion on land which borders the western side of this application site. (Ref. 19/02315/FUL). That housing is bounded by the A456 to the south and existing factory premises to the north and partially to the west. Condition 12 of that permission requires the housing development to be carried out in accordance with noise mitigation measures contained in the Environmental Noise Assessment to achieve facade sound insulation, through the glazing and ventilation specifications set out in it and the installation of 3 metre high close boarded acoustic fencing along much of the eastern site boundary with the Aspire Centre, which has been installed. (Five dwellings in the approved housing scheme have rear gardens backing onto the current application site which would be enclosed by this fencing). There are also properties at Lineage Court, but these are to the south on the opposite side of the A456.

6.3.2 The proposed uses sought under class E can, by definition, be carried out in a residential area without causing detriment to that area. A class B2 (General Industrial) use has the potential to cause disturbance. It is for these reasons that the Council's Environmental Protection Team have made the comments at 4.3.1 above, suggesting a number of conditions. The applicants have advised that they would prefer to leave the B2 use in the application to allow for maximum flexibility for future use of the site. It would not be practical to enforce the hours condition suggested by Environmental Protection with the existing workshop buildings on the site being available for class B2 uses and not being subject to such a restriction. It would be necessary and reasonable on any approval to attach their other recommended conditions requiring that external plant, machinery or extract ventilation shall not be operated on site without prior approval of the planning Authority. In addition, it could be stipulated that doors and windows be kept closed when any powered machinery associated with a class B2 use is in operation inside the building. On balance, it is considered that these conditions, in conjunction with the noise insulation measures already being installed as part of the closest housing development, would provide sufficient mitigation to ensure that there would be no undue harm to the residential amenities of the locality in comparison with the present situation.

6.3.3 Condition 5 of planning permission SS/1/99/009892/F for the engineering centre and 8 workshops states:

"No raw materials, finished or unfinished products, parts, crates, packing materials or waste shall be kept on the site except within the buildings or storage areas specified on the approved plans unless the Local Planning Authority otherwise first agrees in writing."

The reason given for this condition is to safeguard the amenities of the area. It would be appropriate to attach a similarly worded condition to any grant of planning permission in this case.

7.0 CONCLUSION

7.1 There is no in-principle planning policy objection to the building that was constructed as an engineering centre, which falls within the present Class F1 learning and non-residential institution use class, being used for the range of employment uses proposed in this application.

7.2 The local road network has the capacity to accommodate safely the traffic likely to be generated and the site access is suitable for the uses proposed. The Class E(e) medical or health services and Class E(g) offices, research and development and any industrial process (which are ones which can be carried out in a residential area without causing detriment to the amenity of the area) are, by definition, ones which would be compatible with nearby residential development. While the class B2 general industrial use also sought has the potential to cause disturbance, account must be taken of the existing units on site which may be used for unrestricted class B2/B8 uses. On balance it is considered that the potential residential amenity impact of the building being used for these purposes can be satisfactorily mitigated through the conditions recommended in respect of external plant, closure of doors and windows when any class B2 use machinery is in operation and maintaining the existing restriction on outside storage.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS4 - Community Hubs and Community Clusters
CS6 - Sustainable Design and Development Principles
CS13 - Economic Development, Enterprise and Employment
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD4 - Managing Employment Development

RELEVANT PLANNING HISTORY:

SS/1/6360/P/ Erection of a screen wall 2.5m high around effluent plant extension of existing boiler house wall to level with wall either side. PERCON 11th January 1996
SS/1/3485/P/ Erection of an infill factory unit. PERCON 27th May 1993
SS/1/3169/P/ Erection of an extension for a toilet block PERCON 4th March 1993
SS/1989/578/P/ Temporary installation of two toilet blocks and adjoining lobby. PERCON 31st August 1989
SS/1977/369/P/ Erection of an extension to existing factory. PERCON 23rd September 1977
SS/1976/68/P/ Erection of a steel portal frame building (30' x 24') to form covered area for loading and unloading goods. PERCON 12th March 1976
SS/1974/875/P/ Erection of electrical sub-station. PERCON 23rd August 1974
SS/1/04/15692/F Change of use of warehouse for storage to hire of private hire vehicles and installation of LPG bulk tank. PERCON 3rd June 2004
SS/1/00/11118/AD Erection of a freestanding sign. PERCON 29th June 2000
SS/1/99/009892/F Demolition of existing buildings, erection of engineering centre of excellence and 8 workshops, and associated site works. PERCON 7th June 1999

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Planning Statement
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Richard Huffer
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. Prior to the installation of any external plant/machinery/ventilation equipment on the building details of measures to be taken to mitigate the impact of noise, odours and vibration associated with that equipment shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details prior to the equipment being brought into use and shall thereafter be retained for the lifetime of that equipment.

Reason: To safeguard the residential amenities of the locality.

4. The doors and windows of the building shall be kept closed at all times that powered machinery associated with a Class B2 Industrial use is in operation inside the building.

Reason: To safeguard the residential amenities of the locality.

5. No raw materials, finished or unfinished products, parts, crates, packing materials or waste shall be kept on the site except within the building or in storage areas which have been approved in writing by the local planning authority.

Reason: To safeguard the amenities of the area.

6. The external areas shown on the approved plan for the loading, unloading and parking of vehicles shall be retained on commencement of use(s) hereby approved and shall not thereafter be used for any purpose other than the loading, unloading and parking of vehicles.

Reason: To provide for the loading, unloading and parking of vehicles off the highway, in the interests of highway safety.

7. The building shall be used solely for purposes falling within Classes E(e), E(g), B2 and

B8 of the Town and Country Planning (Use Classes) Order 1987, as amended through the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

Reason: To define the permission for the avoidance of doubt.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

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