

could encompass a number of operators generating regular traffic movements including large goods vehicles. As a gym large goods vehicle movements are likely to be removed with the predominant movements being by car.

3. Determining Issues:

- 3.1 Additional information was requested by Members about the extent of the original neighbour consultations, any complaints received since 2003 regarding the hours of use of the industrial units and details of the recent planning permission for the gym at unit 9 Mill Hall.

Details of neighbour consultations for the current application compared to the previous consent TM/03/02052/FL.

- 3.2 TM/03/02052/FL total number of consultees = 44. Representations received from numbers 61, 77, 79, 81, 83 Mill Hall (total of 5 letters).
- 3.3 TM/06/1911 Total number of consultees = 122. Representations received-one letter signed by numbers 51, 53, 55, 57, 59, 61 Mill Hall and one from 77 Mill Hall objecting to the proposal. One letter of support from the owners of units 11 & 12 Yew Tree Industrial Estate. Total - 3 letters. All those who are objecting to the current proposal were consulted on TM/03/02052/FL, but only those who made representations at that time would have been notified of the decision on that application.
- 3.4 Enforcement cases relating to hours of use within Mill Hall Business Units.

A complaint was received in 2003 regarding an alleged breach of the relevant time restrictions. The site was inspected on the 30 October 2003 and was then closely monitored. It was found that all companies on the Business Park complied with the conditions generally closing between 1700-1800 hours, but occasionally one opened for business at 0600 hours. No breach of control was found to be occurring. No further action was taken. This case was closed in January 2004.

- 3.5 On 25 May 2006 a complaint was received raising concerns about the approved extended opening hours and that these hours were being breached. Reference was made to advertisements promoting events outside the approved operating hours on 29 April 2006 and 14 June 2006 at Unit 5. The April event had attracted a high number of cars speeding in and out of Mill Hall together with noise blaring from these vehicles.
- 3.6 Another complaint was received on 29 July 2006 in respect of a party being held at one of the units with associated drinking and cars driving around. It was stated that there was not a problem concerning noise in this instance but that the unit was being used for the party outside the permitted hours. No enforcement action has been taken regarding these matters pending the outcome of the current application.

- 3.7 A further letter and video have been submitted by the occupiers of number 61 Millhall on 1 September 2006 in connection with the current application (see para 2.1 above). The owners state that they have provided this information to demonstrate the amount of cars and motorbikes, the speed and noise of such vehicles using Millhall since the temporary consent was imposed. The video shows cars, motorbikes and vans travelling past a residential property at different speeds. The owners of number 61 are of the opinion that the situation in Millhall has worsened since the original restricted hours were extended.
- 3.8 It is also worth noting that there have been a number of complaints in recent years relating to other commercial premises in Mill Hall, unrelated to the current application site.
- 3.9 Approved application at Unit 9 Mill Hall (TM/06/02113/FL).

This was a retrospective application to change the use of an office/warehouse unit in the Mill Hall Business Estate to a weight training gym. The application was received on 27 June 2006 and planning permission was granted on 17 August 2006. Ten allocated parking spaces were shown with an additional 5 in nearby communal car park. The permitted hours of operation are 1000-2200 Monday-Saturday and 1000-1600 Sundays. Initially 2 full and one part time member of staff were to be employed but it was said that this might increase. It was estimated that there would be no more than 15 clients on site at one time.

- 3.10 A total of 14 neighbours were consulted about the application at unit 9 but no representations were received. Those who had commented on application TM/03/02052/FL were not notified of the application at unit 9, although a site notice was displayed. KCC Highways raised no objections as an adequate level of off street parking was provided. At the time consultations were carried out on the gym application, no consultee responses had been received on the current application, TM/06/01911/FL.
- 3.11 It was concluded that whilst the gym use did not fall within the range of uses approved for the business estate, it would continue to provide employment and would not preclude a future B1, B2 or B8 use. The size of the unit (220 sq m) was not found to be a significant loss in terms of available employment land. Planning permission was granted under delegated powers subject to conditions covering parking provision and hours of operation.
- 3.12 The proposal for the gym at number 9 was considered to be acceptable. DHH was satisfied that there would be no noise disturbance problems arising from this use of the unit or from vehicles visiting the unit. From a highways point of view the use as a gym is more likely to have private cars rather than commercial vehicles associated with it.

Conclusion

3.13 Given the lack of complaints, since 2003 relating to the impact of the extended hours permitted then, I can see no justifiable reason for resisting the current application to make those hours permanent. I accept that there has been concern over the permitted hours not being adhered to, but that is an entirely different issue.

4. Recommendation:

4.1 **Grant Planning Permission** under Section 73, as outlined in the letter dated 06.06.2006 and site plan received 07.06.2006 and subject to the following conditions:

1 The hours of use of all buildings other than Units 1B shall be limited to 0600 hours to 2200 hours Monday to Fridays and 0600 hours to 1400 hours on Saturdays with no working on Sundays or Bank Holidays.

Reason: To protect the amenities of the residents of Mill Hall.

2 In respect of units 1A and 2, the permission to operate extended hours (i.e. between 0600-0700 hours Monday -Saturday; 1900-2200 Hours Monday -Friday and 1300-1400 hours Saturday) shall enure only for the benefits of Headline Filters Ltd and shall not enure for the benefits of the land or any other person or persons for the time being having an interest therein.

Reason: To protect the amenities of the residents of Mill Hall and because the Local Planning Authority does not believe there to have been any material change in circumstances since the appeal decision in relation to application ref TM/97/00614.

3 All commercial traffic shall be restricted to between the hours of 0700 hours to 1800 hours Mondays to Fridays and 0700 hours to 1300 hours Saturdays and there shall be no commercial traffic movements on Sundays or Bank Holidays.

Reason: To protect the amenities of the residents of Mill Hall.

4 Conditions (vi) and (x) - (xiv) imposed on permission TM/83/0119 and 4-6 imposed on permission TM/02/02379/FL are also imposed on this permission.

Reason: For the reasons originally stated.

5 The terms of planning permission TM/86/1092 including condition (ii) attached thereto, shall continue to apply to Unit 1B.

Reason: To protect the amenities of the residents of Mill Hall.

Informative:

- 1 The Borough Council interprets commercial traffic, as set out in condition 4 of this permission, to include all motorised vehicles with the exception of private motor cars and motor cycles.

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