

- 3.3 TM/03/02052/FL Approved 17.10.2003
Variation of condition 4 of planning consent TM/83/119 and condition 2 of planning permission TM/02/2379 to allow use within the business estate within revised hours of 0600-2200 on Mondays to Fridays and 0600-1400 on Saturdays.

4. Consultees:

- 4.1 KCC PROW Officer: Public Footpath MR443 which runs through the site will not be affected.
- 4.2 KCC (Highways): This application follows the approval in 2003 for a temporary three year period. The variation in hours has been operating for some two and a half years and I am not aware of any highway issues arising during that period. It is understood that the operating hours of HGVs is unaffected by this proposal.
- 4.3 PC: No objection as no changes to vehicle movement hours are proposed.
- 4.4 DHH: No record of complaint of noise disturbance arising from the use of the buildings since the grant of consent TM/03/2052. No objection to the application.
- 4.5 Private Reps: 120/0X/1S/2R. One letter of support as the restriction on the hours of operation represents an unacceptable constraint for occupiers of the units. Two letters containing 9 signatures, raising objections and stating that the hours already cause disturbance to the occupants of neighbouring properties, increase in traffic volume and noise and deterioration of road surface, temptation for the vehicle movement hours to be extended, speed of traffic movements, devaluation of traffic problems.

5. Determining Issues:

- 5.1 The Mill Hall Business Estate was built under the terms of a planning permission granted in 1983. This consent was subject to various conditions, including one that limited the hours of operation.
- 5.2 An application was made in 2003 to vary the hours that the buildings within the site could be used between 0600 and 2200 Monday –Friday and between 0600 and 1800 on Saturdays with no use on Sundays. Members may recall that, prior to this, a range of different hours restrictions applied to different units. In considering that case in 2003, Members took into account the history of the site, including relevant appeal decisions. It was decided to allow extended working on Saturday afternoons to 1400 hours only (instead of the 1800 hours applied for). The additional evening hours Monday-Friday and early morning hours Monday-Saturday were accepted but a temporary 3 year permission was granted to allow the revised hours to be reviewed and to assess the impact on residential amenity. It is these revised hours of working, agreed on a temporary basis in 2003, that are now being sought on a permanent basis.

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- 5.3 Despite the neighbours claims that there has been noise and disturbance from the units, DHH has confirmed that there has been no record of any complaints being received during the time of the temporary permission.
- 5.4 As there have been no formal complaints to the DHH, I do not consider that a permanent permission could now be withheld. It appears that the units can function without causing undue harm to residential amenities, provided that conditions covering hours of operation and vehicle movement are adhered to. In accordance with advice contained within Circular 11/95, it would not now be appropriate to give further permission for a temporary period.
- 5.5 Units 1A and 2 are subject to an additional restriction whereby the “additional” hours are in effect “personal” to the named occupants. These are the units closest to residential properties and this restriction is as a result of appeal decisions in the 1990s. There has been no material change in circumstances, and this condition should remain.

6. Recommendation:

- 6.1 **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/FL.

- 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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