

<b>Committee date</b>	Wednesday, 3 March 2021
<b>Application reference</b> <b>Site address</b>	20/00646/FUL - 15 - 17 Greycaine Road, Watford, WD24 7GP
<b>Proposal</b>	Retrospective change of use from Class E (Light Industrial) to Class B8 (Storage and Distribution) use at 15 Greycaine Road, permission for a 5 metre high acoustic barrier at 15 and 17 Greycaine Road and retrospective permission for floodlighting at 15 Greycaine Road.
<b>Applicant</b>	GAP Group Ltd
<b>Agent</b>	Carter Jonas LLP
<b>Type of Application</b>	Full Planning Permission
<b>Reason for committee Item</b>	Number of Objections
<b>Target decision date</b>	Thursday 4 March 2021
<b>Statutory publicity</b>	Neighbour Letters and Site Notice
<b>Case officer</b>	Andrew Clarke, andrew.clarke@watford.gov.uk
<b>Ward</b>	Tudor

## 1. Recommendation

- 1.1 That planning permission be granted subject to conditions, as set out in section 8 of this report.

## 2. Site and surroundings

- 2.1 The subject site comprises numbers 15 and 17 Greycaine Road. Together these two connected sites are 0.91 hectares in size. The sites are located within the Greycaine Employment Area (E6b) which is allocated for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses. The site is subject to an Article 4 direction which removes permitted development rights to change offices (B1a), light industrial (B1c) and storage and distribution (B8) into residential use.
- 2.2 The subject site is on the eastern boundary of the Greycaine Employment Area, beyond which are the rear garden boundaries of the semi-detached dwellinghouses on Tudor Walk. This linear boundary which is approximately 150m long is defined by an approximately 2 metre high timber fence and is lined with trees and hedges.
- 2.3 The site is not within a conservation area, contains no listed buildings and is not close to any listed buildings. There are no protected trees within or

adjacent to the site. Watford North Railway Station is approximately 300 metres walk to the west on Bushey Mill Lane.

### **3. Summary of the proposal**

#### **3.1 Proposal**

This proposal seeks a retrospective change of use from Class E (Light Industrial) to Class B8 (Storage and Distribution) use at 15 Greycaine Road, permission for a 5 metre high acoustic barrier at 15 and 17 Greycaine Road and retrospective permission for floodlighting at 15 Greycaine Road.

3.2 This application would regularise existing development on the site.

#### **3.3 Conclusion**

The proposed change of use to storage and distribution is in accordance with the current employment site designation and is considered acceptable, subject to the installation of the acoustic barrier and other measures to be secured by planning condition. The floodlighting is considered to be appropriate in terms of potential light spillage and would be acceptable. The proposal would be in accordance with policies within the Development Plan and is recommended for approval.

### **4. Relevant policies**

4.1 Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application is determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

### **5. Relevant site history/background information**

5.1 GAP Group operate across both sites at numbers 15 and 17 Greycaine Road. Number 15 Greycaine Road is 0.64 hectares in size and is to the north of number 17 which is smaller at 0.27 hectares in size. GAP group are the freehold owners of 15 and leasehold owners of 17.

5.2 GAP Group have operated a plant and tool hire business from number 17 Greycaine for over 10 years. As such, the current B8 (storage and distribution) use of number 17 is considered lawful by the passage of time.

5.3 In late 2015 GAP Group acquired the adjacent site at number 15 for their non-mechanical hire business. Prior to being owned by GAP Group number 15 contained a factory building and was used by a business which manufactured

precision optical instruments. The former use of 15 Greycaine Road for the manufacture of precision optical instruments is considered to fall in current use Class E (Commercial, Business and Service). Before Use Class E was introduced, the use would have been considered B1c (Light Industrial).

- 5.4 In April 2016 planning permission 16/00177/FUL was refused for the erection of a maintenance shed on part of the site at 15 Greycaine Road. This application was refused due to insufficient information about how the potential for noise would be managed and mitigated, it did not challenge the principle of employment use on the site. The decision notice invited the applicant to submit a further application for 15 Greycaine Road accompanied by a noise survey and appropriate noise mitigation measures.
- 5.5 Use Class E was introduced on 1<sup>st</sup> September 2020 by “The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020”. This new use class grouped former A1 (shops), A2 (financial and professional services), A3 (Food and Drink), B1 (Business) with selected D1 (Non-residential institutions) and D2 (Assemble and Leisure) uses. In relation to permitted development rights these amended use class regulations state that use classes in effect prior to 1<sup>st</sup> September 2020 will be the ones used until the 31<sup>st</sup> July 2021. Use Class B8 (storage and distribution) is unchanged by the amended use class order.
- 5.6 Pre-application advice was sought prior to the submission of this application. The proposal was amended following submission in response to officer feedback. The amended proposal was re consulted upon. The site is currently the subject of a long standing planning enforcement investigation owing to the unauthorised nature of the use.

## **6. Main considerations**

- 6.1 The main issues to be considered in the determination of this applications are:
- (a) Principle of the use
  - (b) Design and impact on local character
  - (c) Access and transport
  - (d) Impact on amenity of adjoining residential properties
  - (e) Environmental considerations
- 6.2 (a) Principle of the use  
The current use of 15 Greycaine Road for which permission is now sought is considered to constitute a B8 (Storage and Distribution) use which is the same as the established use at number 17. Policy E1 of Watford’s District Plan 2000

sets out that a change of use to storage and distribution (B8) uses within the Greycaine Employment area will be supported in principle, provided that there is good vehicle access and the proposed development does not give rise to unacceptable levels of traffic, noise or pollution. As such, the principle of the use is considered to accord with policy E1, subject to consideration of detailed matters.

6.3 (b) Design and Impact on local character

The eastern boundary of the subject sites is shared with numbers 37 to 79 (odds) Tudor Walk. The boundary is approximately 150m in length and lined with trees and hedges. The garden lengths of these neighbouring properties vary considerably. Number 37 Tudor Walk, the property with the shortest garden has a garden depth of approximately 20m from the rear wall of the dwelling. Number 79 has the longest garden at approximately 65m.

6.4 The proposed acoustic barrier would be 150m in length and 5 metres in height spanning the entire eastern boundary of both numbers 15 and 17 Greycaine Road. It would be set back between 3 to 5m within the subject site along the entire length. Within the 3 to 5 metre gap, trees would be retained and an additional 17 trees and climbing ivy planted, softening the appearance of the barrier. Details of the external appearance of the barrier including its finished colour will be secured by condition within 2 months of any approval of planning permission.

6.5 The separation distance between the properties on Tudor Walk relative to the height of the acoustic barrier and floodlights is considered to be acceptable in terms of scale, not causing any unreasonable loss of light or outlook to the rear of these properties. The proposed barrier at five metres in height would be a similar height to industrial warehouse structures which are common throughout the Greycaine Employment Area and would be of a scale and visual appearance that would be appropriate within the wider context of the industrial estate.

6.6 (c) Access and transport

The Greycaine Employment Area has good vehicle access from both the M1 and A41 which suits a storage and distribution use. The site is close to Watford North Railway Station and bus stops on St Albans Road which provide good transport connections for employees. The access to the site is considered sufficient to accord with policy E1 of the Watford District Plan.

6.7 (d) Impact on amenity of adjoining residential properties

The two main factors with the potential to impact on residential amenity of dwellings on Tudor Walk, are noise and light.

## 6.8 Noise

Policy SE22 of Watford's District Plan 2000 relates to noise and states that the Council will seek to ensure the separation of noise sensitive uses from noise-generating development or from areas where there are future potential sources of noise. However, Policy SE22 goes on to state where separation cannot be achieved, the Council may impose conditions or obligations to mitigate the effect of noise nuisance by reduction at the source, design and layout, or by limiting times of operation. The existing and historic situation finds an established residential neighbourhood in close proximity to a designated and protected employment area and therefore separation between these uses cannot be achieved. The application proposes mitigation at source that can be secured through condition, which is supported in principle by Policy SE22 as a way of ensuring these uses can mutually continue in close proximity.

6.9 MAS Environmental Ltd were appointed by the applicant to provide a summary noise impact assessment for numbers 15 and 17 Greycaine Road. Although the study considers mitigation for both sites it should be considered that the use of number 17 is lawful and could continue without the mitigation currently proposed if planning permission were not to be granted. The assessment provides a summary noise impact assessment following the methodology set out in (British Standard) BS4142:2014. An environmental noise survey was undertaken at the site to establish current site noise levels, noise sources and existing background and ambient sound levels in the area. This was undertaken in August 2019, before the current Covid 19 restrictions. Key noise sources identified in the survey were used to generate a noise map of the site and therefore design mitigation suitable for achieving acceptable levels of impact at nearby residential dwellings.

6.10 Typical daytime background sound levels uninfluenced by activity at the GAP site were in the region of 42dB (decibels) at ground floor level. General site activity, such as loading and unloading equipment, resulted in average noise levels in the region of 50-54dB. When generators were running near to the survey microphone higher site noise levels in the region of 62-65dB were measured. Noise levels within the 62-65dB range are typical of a commercial area or in a busy road.

6.11 Compared to the existing situation, the acoustic barrier proposed would provide a significant improvement in noise levels to nearby dwellings. The difference in levels between rated (site) noise and background sound would represent a minimum reduction of a halving of loudness and indicates that substantial reductions in noise impact would be achieved.

- 6.12 Council Environmental Health officers, who reviewed the noise report noted that as modelled the acoustic barrier does not prevent the occurrences of noise at a level which could potentially cause a nuisance to the upstairs rooms of some adjacent properties with shorter gardens. For this reason a condition which prevents unneighbourly noise at the site during night time hours between 11pm and 7am was suggested by Environmental Health officers.
- 6.13 The planning statement suggests that the GAP sites typically operate from 07:30 – 18:00 Monday to Friday although on occasion they work slightly outside of these hours or at weekends. The typical hours of operation of the current occupier are reasonable. However, if planning permission were to be granted unconditionally there would be no guarantee that either the current occupier or any future occupier would not wish to operate the site for longer hours in future. Given the potential to cause a noise nuisance to neighbouring residents if this were to happen a condition is recommended which would restrict activity at 15 Greycaine Road to between the hours of 0700 to 2000 on Mondays to Saturdays and 1000 to 1700 on Sundays and Bank Holidays only. These hours of operation are considered to strike a reasonable balance in ensuring appropriate flexibility to allow the current and any future business to continue operating within this designated employment site whilst also preventing unreasonable harm to the amenity of neighbouring residents during unsocial hours.
- 6.14 Within the planning statement the applicant has proposed additional noise mitigation measures. These measures include the replacement of tonal reverse alarms with white noise reverse alarms on all vehicles operating at or visiting the site and the replacement of the pressure washer currently used at 15 Greycaine Road with a quieter model that has the same sound power level (or lower) as that of the electric pressure washer currently used at 17 Greycaine Road. These measures will be secured by condition.
- 6.15 The GAP sites and the surrounding Greycaine Employment area is typified by industrial, noise generating uses which are not subject to any operational restrictions covering their use or hours. Undoubtedly, the historic juxtapositioning of the Employment Area with residential uses can create levels of noise disturbance to residential occupiers beyond what might be expected elsewhere. The proposed acoustic barrier would improve the current situation with regards to noise and should be suitable to ensure that during the day time noise levels are appropriate within that context. However, if excessive noise, beyond what can be considered reasonable for the context is experienced this can be investigated by the Council's Environmental Health team.

- 6.16 It is therefore considered that the proposed acoustic barrier, together with a suitable hours of operation condition, that would reasonably mitigate the effect of noise is in accordance with Policy SE22 of Watford's District Plan 2000.
- 6.17 Light  
Policy SE23 of the Watford District Plan 2000 relates to light and states that external lighting proposals will only be approved where it can be demonstrated that the lighting minimises the potential pollution from glare and light spillage and would not have an adverse impact on residential amenity.
- 6.18 Herrington Consulting Ltd were appointed by the applicant to provide an external light impact assessment for numbers 15 and 17 Greycaine Road. Their assessment considers glare and light spillage outside of the site and impacts to residential windows on the rear of the adjacent properties on Tudor Walk.
- 6.19 Ten floodlights have been erected within 15 Greycaine Road. Although other external lighting does exist on the sites these floodlights are the primary consideration. Of the 10 new floodlights, 5 are along the eastern boundary with Tudor Walk, close to the proposed acoustic barrier. These floodlights each have a pair of 150 watt LED lights fixed to them, fixed at an angle of 25 degrees off horizontal facing into the site. The floodlights would only be used when ambient lighting conditions dictate, typically when twilight falls.
- 6.20 The floodlighting scheme has been analysed using modelling to calculate potential light spill around the site. Given that the floodlighting is directed into the site, and the presence of the acoustic barrier, illuminance levels would be low at the boundary of the site. The impact to the rear windows of the dwellings on Tudor Walk would be negligible.
- 6.21 (e) Environmental considerations  
Hayden's Arboricultural Consultants Ltd were appointed to provide a tree protection plan and a tree planting plan for numbers 15 and 17 Greycaine Road. The plan assesses the condition of the existing trees, their constraints upon the prospective acoustic barrier and the necessary protection and construction specifications required to allow their retention. None of the trees within or adjacent to the site are covered by Tree Protection Orders.
- 6.22 The primary constraint in attempting to erect an acoustic barrier is the conflict in space between the ideal location of the installation and the location of the

existing trees. Significant lengths of the fence will intrude within the root protection areas of retained trees, though this intrusion is limited and would not harm the health of the trees. The solution proposed allows the majority of trees to be retained and for a straight run of fencing. The most significant trees are also to be retained.

- 6.23 Two cherry trees, one ash tree and a line of eleven cypress trees would be felled to permit construction of the barrier. In compensation for this loss the tree planting schedule indicates that 'Boston Ivy' would be planted at 15 locations along the fence and seventeen cypress trees would be planted in a position close to those being removed, though further away from the barrier. The ivy would climb the barrier over time softening the appearance of the site from the neighbouring gardens. The existing and new planting would be maintained by GAP.
- 6.24 The loss of trees is considered acceptable on the basis that new planting would be introduced and it would facilitate the construction of an acoustic barrier. The tree protection plan and the tree planting plan will form approved documents within any approval.

## 7 Consultation responses received

### 7.1 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Arboricultural Officer	Loss of trees accepted subject to the proposed replanting.	Noted.
Environmental Health	Support the acoustic barrier, though suggested hours condition to prevent night time working which could cause a noise disturbance.	Conditioning hours of operation is addressed in paragraph 6.12 – 6.13.

### 7.2 Interested Parties

Letters were sent to 143 properties in the surrounding area. 32 Objections were received in response. The main comments are summarised below, the full letters are available to view online:

Comments	Officer response
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Use of the site by GAP for Storage and Distribution	The B8 (Storage and Distribution) use would be acceptable in principle within the Greycaine Employment Area (E6b) subject to no significant detrimental effects on surrounding amenities.
Hours of operation	Restricting the hours of operation is not considered appropriate. This is discussed in the paragraph 6.13.
Noise to neighbouring residential dwellings	The measures proposed by this application would significantly reduce noise levels at the neighbouring dwellings and are discussed in paragraphs 6.8 – 6.16.
Lighting	The lighting would not cause any significant harm to neighbouring dwellings. This is discussed at paragraphs 6.17 – 6.20.
Loss of outlook / light from dwellinghouses on Tudor Walk	The closest distance from the rear of any house to the acoustic barrier is 20 metres. This distance would not cause any significant loss of outlook or light.
Loss of trees	The additional planting is considered to sufficiently compensate for the loss of trees. This is discussed at paragraphs 6.21 – 6.24.

## 8 Recommendation

That planning permission be granted subject to the following conditions:

### 1. Details of Acoustic Barrier

Details of the proposed acoustic barrier, which shall be 5m in height above ground level and have a minimum sound reduction value of not less than 30dB, including its external appearance, shall be submitted to the Local Planning Authority within a period of 2 months commencing on the date of this permission. The approved acoustic barrier shall be constructed within 4 months of the date that it is approved by the Local Planning Authority.

Reason: To regularise the existing unauthorised use and to safeguard the residential amenity of nearby dwellings on Tudor Walk.

### 2. Approved Drawings and Documents

The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

- Site Location Plan

- Existing Site Plan. Drawing Number: J0037354\_002\_C. By: Carter Jonas. Dated: 19.06.20.
- Proposed Site Plan. Drawing Number: J0037354\_003\_D. By: Carter Jonas. Dated: 03.12.20.
- Site Sections. Drawing Number: J0037354\_004\_A. By: Carter Jonas. Dated: 19.06.20.
- Access and Movement Plan. Drawing Number: J0037354\_005\_D. By: Carter Jonas. Dated: 03.12.20.
- Planning Statement. By: Carter Jonas. Dated: June 2020
- Topographical Survey. By: Carter Jonas. Dated 15/05/2020
- Transport Survey. Document Reference: 2005-014/TS/01. By: Transport Planning Associates. Dated: June 2020
- Summary Noise Impact Assessment. Document Reference: GAPWat201210. Dated: 10th December 2020. By: MAS Environmental
- External Lighting Impact Assessment. Dated 22nd May 2020. By: Herrington Consulting
- Tree Protection Plan. By: Hayden's Arboricultural Consultants. Revision: B. Dated 11/12/2020
- Drawing Number: 8147-D-TPP-Final Option. By: Hayden's Arboricultural Consultants. Revision: B. Dated: 08.12.20
- Tree Planting Scheme. Drawing Number: 8524-D-TPS. By: Hayden's Arboricultural Consultants. Dated: 15.12.20
- Ecology Report. Document Reference: 4957 – 17 Greycaine Road – Ecology Letter – 2006-12gg.doc. By: Eight associates.

Reason: For the avoidance of doubt and in the interests of proper planning.

### 3. Hours of Operation

The hours of activity which would be audible from the site boundary at 15, Greycaine Road hereby permitted shall be restricted to between the hours of 0700 to 2000 on Mondays to Saturdays and 1000 to 1700 on Sundays and Bank Holidays only.

Reason: To protect the amenity of adjacent residential uses in accordance Policy SE22 of Watford's District Plan 2000.

### 4. Noise

The following noise minimisation measures, as noted in section 4.19 of the Planning Statement shall be implemented within a period of 3 months commencing on the date of this permission:

- Replacement of tonal reverse alarms with white noise reverse alarms on all vehicles operating at or visiting the site.
- Replacement of pressure washer currently used at 15 Greycaine Road with a quieter model that has the same sound power level (or lower) as that of the electric pressure washer currently used at 17 Greycaine Road.

Reason: To protect the amenity of adjacent residential uses in accordance with Policy SE22 of Watford's District Plan 2000.

## 5. Planting

The planting depicted on drawing number: 8524-D-TPS shall be carried out not later than the first available planting and seeding season after completion of the acoustic barrier. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

## Informatives

1. IN907 – Positive and proactive statement
2. IN910 – Building Regulations
3. IN911 – Party Wall Act
4. IN912 – Hours of Construction