

**Parish:** Hadleigh

**Location:** Units 1-10 Stone Street Court, Stone Street

**Proposal:** Variation of condition 6 of planning permission B/00/01470/FUL to extend hours of operation Monday to Friday 0730-1900hrs and Saturday 0800-1400hrs (Sunday and Bank Holidays to remain as existing)

**Applicant:** Stone Street Court MC Ltd

**Case Officer:** Ben Elvin

**Date for Determination:** 15.04.09

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**This application is referred to the Committee for determination as it raises issues of wider concern.**

#### **THE SITE**

1. The site lies between the Supreme Petfoods operations and residential dwellings facing Stone Street and comprises of ten individual office units facing into an internal courtyard.

#### **THE PROPOSAL**

2. The proposal seeks permission to vary the permitted hours of use of the Stone Street Court office units.
3. The existing hours of operation were approved as;
  - 08:30 to 18:00 Monday – Friday
  - 08:30 to 13:00 Saturdays
  - No working on Sundays or Bank Holidays.
4. The proposed hours are as per the application description, being 7.30am – 7pm weekdays and 8am – 2pm Saturdays. It should be noted that the application originally sought a start time of 7.00am, but this was amended by the agent following concerns from the Environmental Health Officer. The comments made below in the observations and representations relate to the original proposal.

#### **RELEVANT HISTORY**

5. B/00/01470/FUL – Conversion of redundant agricultural buildings to Class B1 offices and construction of associated car parking areas. – Granted.
6. B/08/01324/ROC - Application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 1 of B/99/01349/ROC to enable machinery to be operated and processes carried out between the hours of 0700 and 2300 Mondays to Fridays and 0800 and 1400 on Saturdays (amendment to parking arrangements required by Condition 4) – Granted. (adjacent site – Supreme Petfoods)

## **NATIONAL GUIDANCE**

7. **PPS1** (Delivering Sustainable Development)

## **PLANNING POLICIES**

8. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

### **East of England Plan - 2008**

- **SS1** (Achieving Sustainable Development)

### **Babergh Local Plan (Alteration No.2) 2006**

- **EN25** (Noise Generating Developments)
- **EM10** (Offices)

**The relevant documents can be viewed via the internet. Please see Page 4 for details.**

## **CONSULTATIONS**

9. TC – No objection
10. HoNABE – Environmental Health – “The existing hours of operation are desirable to protect residential amenity, especially that of No. 27 and 29 Stone Street. Frequently with this type of development, loss of amenity may arise from vehicle movements, rather than use of the actual premises. A site inspection has confirmed that this is likely to be the case at Stone Street Court.
11. There is however a degree of separation between the dwellings and the access road and much of the car parking area. For this reason, increasing hours to 19.00 (Mon-Fri) and 14.00 (sat) is unlikely to have a detrimental effect on residential amenity. However, I have reservations about commencing operation at 07:00 hours. I recommend negotiation with the applicant to agree a compromise. The standard start time of 08:00 hours is preferred but 07:30 may be acceptable. I can advise you that Environmental health has no record of noise complaints in respect of the B1 offices. I recommend that a note be attached to any permission, emphasising that there should be no vehicle movements outside the approved hours of operation”

## **REPRESENTATIONS**

12. Two letters of objection have been received which make the following points:
- The unit occupiers have continually operated outside of the permitted hours, sometimes well after 9pm in the evenings.
  - Work has been carried out on Sundays and Bank Holidays.
  - Vehicles have been left on the site overnight, over weekends and sometimes for weeks on end.
  - They have written to the management company on numerous occasions looking to raise these issues but have been disregarded.
  - There are no guarantees that the occupier will adhere to any agreed hours.
  - The constant to and fro of vehicles is a disruption
  - The current working hours are more than sufficient.
  - The planning laws are being breached.

## **PLANNING CONSIDERATIONS**

13. The issue to be considered is the potential impact, through noise and disturbance, on residential amenity, that may arise as a result of additional vehicle movements. Objectors have raised concerns regarding the noise impact of the proposed extension of hours on residential amenity.
14. Policy EN25 of the Babergh Local Plan seeks to ensure that planning permission will not be granted for noise generating activities which would cause a significant adverse impact on noise sensitive uses.
15. The existing car park is located away from the rear of the residential properties at 27 and 29 Stone Street thus ensuring that vehicles entering and leaving the site during the extended hours would not adversely impact on the residential amenities of the occupants through noise and disturbance. The Council's Environmental Health Officer has commented in respect of the proposed hours, and does not consider that the extended hours as now proposed would result in detriment to the amenity of the local residents.
16. While representations have been made in connection with the proposal, the proposal would bring the operating hours of the office units closer to those of the adjacent pet food operation, which also recently had its operating hours extended.

## **REASONS FOR APPROVAL**

17. Having regard to the relevant provisions of the Development Plan (namely policy EN25 of the Babergh Local Plan, Alteration No. 2, 2006) it is considered that the proposed extension of hours would not materially harm the living conditions of neighbouring occupiers through noise and disturbance.

## **RECOMMENDATION**

That, the hours of use condition be varied to allow the use of the premises between 07.30 – 19:00hrs Monday to Friday, and 08:00 – 14:00hrs on Saturdays (no working Sundays or Bank Holidays).