

**Item No. 9****SCHEDULE B**

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| <b>APPLICATION NUMBER</b>                | <b>CB/11/00528/FULL</b>   |
| <b>LOCATION</b>                          | <b>Shaah Group, Watling Street, Hockliffe, Leighton Buzzard, LU7 9LJ</b>  |
| <b>PROPOSAL</b>                          | <b>Change of use from motor vehicle repairs to motor vehicle repairs and sale of motor vehicles</b>   |
| <b>PARISH</b>                            | <b>Hockliffe</b>  |
| <b>WARD</b>                              | <b>Heath &amp; Reach</b>  |
| <b>WARD COUNCILLORS</b>                  | <b>Cllr Versallion</b>  |
| <b>CASE OFFICER</b>                      | <b>Vicki Davies</b>   |
| <b>DATE REGISTERED</b>                   | <b>26 May 2011</b>  |
| <b>EXPIRY DATE</b>                       | <b>21 July 2011</b>   |
| <b>APPLICANT</b>                         | <b>Shaah Group</b>  |
| <b>AGENT</b>                             | <b>Lee Butler MRICS</b>   |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Ward Councillor Versallion call in request due to concern over parking of vehicles on the verges and pavements and the unauthorised sales of cars from the site.</b> |
| <b>RECOMMENDED DECISION</b>              | <b>Full Application - Granted</b>   |

**Site Location:**

The application site is located on the eastern side of Watling Street, also known as the A5, which runs through Hockliffe. The site has residential development on the east, west and southern sides. Clipstone Brook is to the north of the site with fields beyond.

The site is within the area of Hockliffe excluded from the Green Belt.

**The Application:**

The application seeks retrospective consent for the change of use from motor vehicle repairs to motor vehicle repairs and sale of motor vehicles. Planning permission was granted in November 2003 for motor vehicle repairs on the site. The applicant has expanded the business to include the sale of motor vehicles from about the end of last year, resulting in complaints regarding off-site parking and the request to submit an application to seek to regularise the situation. There is an existing warehouse style building on the site surrounded by a hard standing. Access to the site is gained directly from Watling Street.

**RELEVANT POLICIES:****National Policies (PPM & PPS)**

PPS1 - Delivering Sustainable Development  
PPS4 - Planning for Sustainable Economic Growth

**Regional Spatial Strategy  
East of England Plan (May 2008)**

ENV7 - Quality in the Built Environment

**Bedford shire Structure Plan 2011**

No relevant policies

**South Bedford shire Local Plan Review Policies**

GB3 - Green Belt Villages

BE8 - Design Considerations

T10 - Controlling parking in new developments

**Supplementary Planning Guidance**

Design in Central Bedford shire: A Guide for Development

**Planning History**

|                |   |
|----------------|---|
| SB/TP/03/01619 | Change of use from distribution/transport depot to motor vehicle repairs. Approved 28/11/03                           |
| SB/TP/93/0592  | Permission for use of land and building for light industrial (Class B1) and storage/distribution (Class B8). Approved |
| SB/TP/83/0193  | Permission for workshop/warehouse extension. Approved   |

**Representations:  
(Parish & Neighbours)**

|                          |   |
|--------------------------|---|
| Hockliffe Parish Council | Strongly object on the following grounds: <ul style="list-style-type: none"><li>- visitors to the site park on pavements and verges making it unsafe for pedestrians to walk along the footpath on the busy A5, this is a long standing issue</li><li>- the delivery vehicle parks on the A5 causing vehicles to drive round it</li><li>- local residents have complained about noise from the site and work taking place at anti-social hours</li><li>- the breaking of cars takes place on site causing pollution to the local watercourse</li><li>- parking of vehicles on the adjacent land causes damage to the footpath and verges</li><li>- some cars have been witnessed driving along the footway as they cannot get out of the site towards Milton Keynes</li><li>- the site is unsightly with what appears to be scrapped cars to the perimeter of the property.</li></ul> |
| Neighbours               | No responses received.  |

## Consultations/Publicity responses

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|------------------------------|---|
| Highways Development Control | <p>The site has an existing use for motor vehicle repairs. The A5 is a trunk road and is within the jurisdiction of the Highways Agency. The officer offers the following comments as observations:</p> <ul style="list-style-type: none"><li>- the site has an existing vehicular access served via the A5 and a right turn ghost island</li><li>- the addition of motor vehicle sales would increase the potential trip generation to the site but the extent of the increase is unclear. The increase in trip generation may not mean that the access becomes unsuitable - this assessment would need to be made by the Highways Agency</li></ul> <p>The officer recommends conditions to deal with the surfacing of the vehicular areas on the site and the provision of a turning space for delivery vehicles.</p> |
| Highways Agency              | No objection.   |
| Internal Drainage Board      | No objection providing there is no change to the existing storm water drainage arrangements, no increase in the impervious area of the site and no new buildings erected. In accordance with the Board's byelaws no development should take place within 9 metres of the bank top without the Boards consent.   |
| Archaeology                  | No objection as the nature of the application is such that it will not impact on any surviving archaeological remains or the significance of the Hockliffe linear settlement heritage asset.  |
| Conservation & Design        | No comments received.   |
| Environment Agency           | Request a condition requiring the submission of details with regard to foul and surface water drainage.   |

## Determining Issues

The main considerations of the application are:

1. Principle of Development
2. Impact on Character and Appearance of the Area
3. Impact on Amenities of Neighbouring Residents
4. Highways, Access and Parking
5. Other Issues

## Considerations

### 1. Principle of Development

The application site is within the built up area of Hockliffe excluded from the Green Belt. South Bedfordshire Local Plan policy GB3 states that in such areas new development and redevelopment will be permitted.

The proposal is not contrary to Green Belt policy due to its location and the principle of the development is therefore acceptable subject to other planning policy discussed below.

## **2. Impact on Character and Appearance of the Area**

SBLP policy BE8 sets out that the overall appearance of the development should complement and harmonise with its surroundings.

The existing operations at the site utilise a warehouse style building which is located on the south western side of the site close to the boundary with the A5. No changes would be made to the building.

The current motor vehicle repair business results in cars being parked within the site before and after repair. Staff vehicles are also parked within the site.

The proposal to introduce motor vehicle sales to the site would not significantly alter the visual appearance of the site.

Overall it is not considered that the proposal would change the current visual appearance of the site and complies with the relevant part of SBLP policy BE8.

## **3. Impact on Amenities of Neighbouring Residents**

SBLP policy BE8 requires that new development should not have an unacceptable adverse impact on the general amenity or privacy of neighbouring residents.

Hockliffe Parish Council raised that the existing use causes some level of disturbance to nearby residents by reason of noise and anti-social working hours.

The closest residential properties are immediately to the south east on the recent residential development. There are other residential properties within 15 metres of the site to the east, west and south and also properties fronting the A5, commencing a further distance to the north west.

The introduction of car sales to the site would not add to any existing adverse impact on residents as it would not involve noisy activities and the opening hours of the site could be controlled by condition. The operating hours of the current activities are not restricted by condition, therefore approving this application would provide an opportunity to better control the existing activities as well as the proposed additional activity on the site.

Overall it is considered that subject to appropriate conditions that the proposal would not have any adverse impact on the amenities of nearby residents.

## **4. Highways, Access and Parking**

The application site is located on the A5, which is a trunk road for which the Highways Agency are the highway authority.

The Highways Agency have no objection to the proposal. The Local Authority's own Highway Development Control officer comments that car sales are likely to increase the number of people visiting the site but the level of increase is not

clear. An assessment of this matter would need to be undertaken by the Highways Agency. The Highways Agency have no objection to the proposal so it is assumed that they are satisfied with any potential increase in trip generation.

The Highways Development Control officer recommends conditions requiring the surfacing of the areas of the site used by vehicles and the provision of a turning space for delivery vehicles. The site is already surfaced with gravel which provides a permeable surface thus allowing surface water to drain away. As the site has been operating in this way for some years it is not considered necessary to require the surfacing of the site.

There is the potential that the site becomes full of vehicles with some being repaired, some being for sale as well as staff parking. One of the conditions attached to the previous consent in 2003 required the submission of a parking scheme, it is considered that this is still required to designate an area for staff and customer parking. In addition it is considered that a restriction on the number of cars parked on the site in connection with the sale and repairs businesses should be applied. Restricting the number of cars would ensure that sufficient space remains available within the site for all of the different requirements for parking, turning etc.

The Parish Council raise significant concern regarding the parking of vehicles on the verges and footways outside of the application site. It is considered that the condition restricting the number of vehicles on the site and the provision of a parking scheme should assist the applicant in considering the most effective way to operate the site. It is not considered that adding a condition restricting parking outside of the site would be appropriate as such a condition would not restrict visitors to the site parking on the verge or pavement.

Overall it is considered that, taking into account the advice of the Highways Agency, there are no highway, access or parking issues which cannot be controlled by condition. The proposal is therefore acceptable in terms of its impact on highway safety.

## **5. Other Issues**

The site is within the Hockliffe linear settlement historic core which is an archaeologically sensitive area and a locally identified heritage asset. The nature of the proposal is such that it would not have any impact on surviving archaeological remains and the archaeological officer therefore has no objection to the proposal.

The site is within an Internal Drainage Board area. The IDB has no objection to the proposal providing no additional hard surfacing, buildings or changes in the current storm water drainage arrangements take place. No hard surfacing is proposed or required by conditions. A condition can be added requiring a planning application to be made for any new buildings or extensions. No changes are proposed in the current storm water drainage arrangements. There are no outstanding issues with regard to surface water, flooding etc.

## Recommendation

That Planning Permission be granted subject to the following conditions:

- 1 Within three months of the date of this decision a scheme for the parking of vehicles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall define areas for customer and staff car parking and shall be fully implemented within three months of the date of the approval and thereafter retained for this purpose.

Reason: To ensure sufficient provision of car parking clear of the highway.

- 2 Within three months of the date of this decision details of a turning space for service vehicles within the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved turning space shall be constructed in accordance with the details within three months of the approval and maintained in perpetuity.

Reason: To enable vehicles to draw off, park and turn outside of the highway limits thereby avoiding the reversing of vehicles on to the highway.

- 3 Within three months of the date of this permission details of the method of disposal of foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority including any land drainage system, before the development is commenced. Within three months of the date of approval the approved drainage scheme shall be implemented and thereafter retained in accordance with the approved details.

Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.

- 4 The premises shall only be open to customers of the motor vehicle repair business between the hours of 8am to 6pm Mondays to Fridays, 9am to 5pm on Saturdays, and not at all on Sundays and Bank Holidays.

Reason: To safeguard the amenities which the occupiers of neighbouring properties might reasonably expect to enjoy.

- 5 The premises shall only be open to customers of the motor vehicle sales business between the hours of 9am to 8pm Mondays to Fridays, 9am to 7pm on Saturdays, and 10am to 5pm Sundays and Bank Holidays.

Reason: To safeguard the amenities which the occupiers of neighbouring properties might reasonably expect to enjoy.

- 6 No more than 30 vehicles shall be permitted to be parked on the site for the purposes of sale or repair. The 30 vehicles shall not include cars belonging to staff or customers parked within the designated parking area.

Reason: In the interests of highway safety.

- 7 The premises shall only be used for motor vehicle repairs and motor vehicle sales and for no other purpose.

Reason: To control the development in the interests of amenity.  
(Policy BE8 S.B.L.P.R).

- 8 Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings, extensions or other structures shall be erected or constructed within the site without the grant of further specific permission from the Local Planning Authority.

Reason: To control the development in the interests of the amenities of the area.  
(Policy BE8 S.B.L.P.R.).

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/001.

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The proposed development would not detrimentally impact upon the character and appearance of the locality nor would there be any adverse impact on the amenities of neighbouring residents. The proposed development would not have any adverse impact on highway safety. The scheme would thereby be in conformity with policies BE8, T10 and GB3 of the South Bedfordshire Local Plan Review, Policy ENV7 in the East of England Plan and Planning Policy Statement 1 and it is further in conformity with the technical guidance, Design in Central Bedfordshire, A Guide for Development, 2010.

### **Notes to Applicant**

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

**Regional Spatial Strategy**  
**East of England Plan (May 2008)**  
ENV7 - Quality in the Built Environment

**Bedfordshire Structure Plan 2011**  
No relevant policies

**South Bedford shire Local Plan Review Policies**

GB3 - Green Belt Villages

BE8 - Design Considerations

T10 - Controlling parking in new developments

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. This permission is granted under the provisions of Section 73A of the Town and Country Planning Act 1990.
5. The applicant is advised that the watercourse on the boundary, or passing through this site is under the statutory control of the Internal Drainage Board. In accordance with the Board's byelaws, no development should take place within 9 metres of the bank top, without the Board's prior consent, this includes any planting, fencing or other landscaping.
6. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).

**DECISION**

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