

## Item No. 7

## SCHEDULE B

<b>APPLICATION NUMBER</b>	<b>CB/11/01546/FULL</b>
<b>LOCATION</b>	<b>Market Garden Nurseries, 64 High Road, Beeston, Sandy, SG19 1PB</b>
<b>PROPOSAL</b>	<b>Change of use from nursery/horticultural site to commercial timber yard (Sui Generis)</b>
<b>PARISH</b>	<b>Sandy</b>
<b>WARD</b>	<b>Northill</b>
<b>WARD COUNCILLORS</b>	<b>Cllr N Aldis, Cllr C Maudlin &amp; Cllr N Sheppard</b>
<b>CASE OFFICER</b>	<b>Clare Golden</b>
<b>DATE REGISTERED</b>	<b>21 April 2011</b>
<b>EXPIRY DATE</b>	<b>16 June 2011</b>
<b>APPLICANT</b>	<b>Bartram Properties Ltd</b>
<b>AGENT</b>	<b>Chartered Building Surveyor</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Aldis called to Committee on grounds of industrial use out of keeping with the rural nature of the area, inadequate access and loss of amenity to neighbours</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

### Site Location:

The application site is located at 64 High Road in Beeston, formerly known as Thelsid nursery. The site currently accommodates a bungalow adjacent to the A1, 2 no. large greenhouses, a detached Atcost building to the rear and a concrete access route through the site. There is direct access via the A1 and a single track access from Orchard Close, which also serves as footpath no. 40. The site is located in the open countryside.

### The Application:

The application seeks permission for a change of use of the site from nursery/horticultural to commercial timber yard, (Sui Generis).

### RELEVANT POLICIES:

#### National Policies (PPG & PPS)

- PPS1 Delivering Sustainable Development (2005)
- PPS 4 Planning for Sustainable Economic Growth (2009)
- PPS 7 Sustainable Development in Rural Areas (2004)
- PPG24 Planning and Noise (1994)

#### Regional Spatial Strategy

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

## Bedfordshire Structure Plan 2011

N/A

## Central Bedfordshire Core Strategy and Development Management Policies 2009

Policies DM3 and Central Bedfordshire Adopted Core Strategy and Development Management Policies (2009)  
DM12

### Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development (2009)

### Planning History

MB/74/00153	Full: Market garden and nurseries – Refused 04.07.1974
MB/74/0153A	Full: Conversion of existing garage to bedroom and erection of new garage – Approved 04.10.1974

### Representations: (Parish & Neighbours)

Sandy Town Council	<p>Objects to the application on the following grounds:</p> <ul style="list-style-type: none"><li>• The proposed development was a change to industrial use of former agricultural land in a quiet village situated in open countryside;</li><li>• The proposed development would result in a loss of amenity to near neighbours because of noise and dust pollution from the timber yard and furniture workshop;</li><li>• The proposed development would result in damage to the local environment, there would be loss of habitat for local wildlife caused by the increased traffic on footpath 40 and likely encroachment onto the village green;</li><li>• The increased vehicular traffic on Orchard Road, the village green road and footpath 40 would present a road safety hazard to children and pedestrians in the nearby area.</li></ul>
Adjacent Occupiers	<p>Twelve objections (6 from three addresses and 3 from one address) received on the following grounds:</p> <ul style="list-style-type: none"><li>• Increase in traffic along Orchard Road and The green;</li><li>• Noise, air and ground pollution;</li><li>• Change of use to brownfield site gives potential for future development;</li><li>• Should encourage further farming activity and not industrial;</li><li>• Orchard Rd inadequate for HGV use;</li><li>• Conflict of interest along footpath 40;</li><li>• Inappropriate development, scale and type of activity out of character within this rural area;</li><li>• Sets a precedent for industrial development;</li><li>• Footpath 40 unsuitable for proposed increase in use</li></ul>

## Consultations/Publicity responses

Highways Agency	No objections subject to a condition requesting details of the required improvements to the access of the A1.
Highways Team	No objections subject to a condition relating to a scheme for signage which clearly indicates entry and access of vehicles to and from the site.
Public Protection Team	No objections subject to conditions noise levels and hours of use.
Ramblers Association	No objection subject to there being no obstruction of Sandy footpath 40 during or after development
Rights of Way Officer	No objection but suggested some form of traffic calming measure and the creation of a grass verge along the lane for pedestrians
Site Notice Posted	10.05.2011
Newspaper Advert	13.05.2011

## Determining Issues

The main considerations of the application are;

1. Principle of Development
2. The effect on the character of the area
3. The impact that the proposal will have on the residential amenity of neighbouring properties
4. Any other implications of the proposal

## Considerations

### 1. Principle of Development

The site is located adjacent to the built form of Beeston, which in itself does not benefit from any defined settlement envelope therefore is wholly within the open countryside.

Policy DM12 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies (2009) deals with the re-use of redundant horticultural sites. The policy states that proposals for commercial development on horticultural sites in the countryside will be approved if they are considered acceptable in terms of their:

- Scale, layout and design in relation to their setting;
- Assimilation into the rural setting and impact on the surrounding countryside;
- Relationship with the road network and neighbouring rural settlements;
- Potential relationship on existing local retail facilities; and
- Provision of suitable vehicular and pedestrian access arrangements.

The preamble to the policy states:

*'... it is considered that the change of use of horticultural sites ... to similar small-scale and low impact commercial uses may be appropriate; particularly in the context of the Core Strategy where emphasis has been placed on creating*

*additional employment opportunities across the district.'*

The application under consideration is for the change of use of the land from its existing nursery/horticultural use to a commercial timber yard use. The criteria set out above are considered further within this report; however the change of use to commercial is considered acceptable in principle.

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

The application is for the change of use of the land only but a site plan has been provided detailing the configuration of the site in the context of the new use. The 2 no. large glasshouses currently on site will be removed and although a Dutch barn will be constructed in the middle of the site, the remaining land will be turned to grass/meadow planting. It is proposed to create additional hardstanding throughout the site but this will not have a significant visual impact on the appearance of the area.

The boundary of the closest neighbouring residential property is some 60.0m away and given its siting on the A1, the character of the use in this location is not considered to be at odds with the appearance of the rural area.

Concern has been raised in respect of traffic including heavy vehicles using Footpath 40 and Orchard Road when exiting the site and the impact this would have on the character and amenity of The Green. It is acknowledged that the number of traffic movements on these roads is likely to increase with the new use and there will be a balance therefore between the site developing economically and the potential harm this may have on the character and appearance of the surrounding area. Documentation has been submitted as part of the application outlining the use of this access with the former use of the site for a number of heavy commercial transport vehicles associated with the original nursery/horticultural use of the site. Presently, there is a GVOL consent on the site for 5 vehicles, of which one is a 44 tonne articulated lorry and thus Footpath 40 and Orchard Road has historically been used by heavy vehicles for the movement of goods. Although the number of traffic movements on these roads is likely to increase, the agent has advised that HGV movements for the commercial timber use would likely be 2-3 per week with car movements of staff and trade persons more daily. This is not considered to be a significant amount of heavy traffic to detract from the character and appearance of The Green to an unacceptable degree.

Should permission be granted, it is recommended that a condition be imposed limiting the height of external storage to 4metres to preserve the visual amenity of the surrounding area.

It is therefore considered that the proposed use would not result in an unacceptable impact on the surrounding area to the detriment of its character or appearance. The proposal is therefore considered to be in accordance with Policies DM3 and DM12 of the Adopted Core Strategy, Development Management Policies.

### **3. Impact of the Proposal on the Residential Amenity of Neighbouring Properties**

Due to the physical separation of the site from the nearest residential property, there would not be any significant impact on their residential amenity. However, no. 43 Orchard Road and the property known as Coslodge are adjacent to the access road to the rear of the site. This is a single tarmac road, which serves access to the site and is footpath no. 40. It also appears to serve access to land beyond and behind the application site. The proposed use of the site indicates that staff would use this route as access in and out of the site together with the timber deliveries exiting this direction only, accessing the site from the A1.

Footpath 40 and Orchard Road has historically been used by heavy vehicles for the movement of goods in relation to the former nursery/horticulture use of the site. It is acknowledged that the number of traffic movements on these roads is likely to increase with the new use, although as noted previously, the HGV movements for the commercial timber use would likely be 2-3 per week with car movements of staff and trade persons more daily.

It is therefore considered that the proposed use would not result in any additional impact on the residential amenity of neighbouring properties which would result in a greater impact than that which could occur with the current use.

### **4. Any Other Implications**

#### Highways

The Highways Team were consulted on the proposal and have raised no objection to the proposed use subject to a scheme for signage within the site which would alert drivers leaving the site that they will be driving on Footpath 40 and that the speed limit is 20mph.

The Highways Agency was consulted on the proposal and support the use of Footpath 40 and Orchard Road for traffic leaving the site rather than using the A1, as the safest option in highway safety terms.

#### Public Protection

The Public Protection Team was consulted on the proposal and raised no objections in principle to the change of use, however concerns were raised over noise from the operation and thus conditions have been suggested limiting the noise levels to 5dBA below the existing background level for any plant, machinery or equipment, or 10dBA if there is a tonal/distinctive quality, and this would be at a point one metre away from the nearest residential dwelling. A condition relating to premises not being used except between 0730 hours and 1800 hours, Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays has also been recommended.

### Rights of Way

The Rights of Way Officer was consulted on the proposal and raised no objections. They commented on the shared access to Beeston Green and whether any traffic calming measures can be considered. They also suggested a grass verge be created to allow pedestrians to draw off the land when vehicles are passing. Given that the lane and verges are not within the application and do not appear to be under the applicants ownership, the Council cannot attach conditions relating to these issues, although a condition can be imposed for a scheme for signage within the site which alerts drivers leaving the site that they are about to use a Public Footpath and that the speed limit is 20mph.

## **RECOMMENDATION**

**Grant** Planning Permission for the application set out above subject to the following conditions:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **Before development commences an advanced signing scheme which clearly indicates entry and access of vehicles to and from the site shall be submitted to and approved by the Local Planning authority and the approved details shall be implemented before the site is first brought into use as approved.**

**Reason: In the interest of highway safety and for the avoidance of doubt in accordance with Policy DM3 of the Adopted Core Strategy Development Management Policies.**

- 3 Noise resulting from the use of any plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA if there is a tonal/distinctive quality) when measured or calculated according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason: To preserve the residential amenity of neighbouring properties in accordance with Policy DM3 of the Adopted Core Strategy Development Management Policies and guidance in PPG24: Planning and Noise (1994).

- 4 There shall be no machinery used at the site, goods moved within the site or deliveries received or dispatched outside the hours of 0730 hours and 1800 hours Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

Reason: To preserve the residential amenity of neighbouring properties in accordance with Policy DM3 of the Adopted Core Strategy Development Management Policies.

- 5 No goods, waste or other materials shall be stored, stacked or deposited outside the building(s) to a height exceeding 4metres, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM3 of the Adopted Core Strategy Development Management Policies.

- 6 **No development pursuant to planning application number CB/11/01546/FULL shall commence unless and until the developer has submitted to and approved in writing by the local planning authority in consultation with the Highways Agency, the following design details relating to the required improvements to the access off the A1. The scheme shall generally conform to the arrangements shown in outline on RPS drawing: Job No: JKK6849 - Drg No: 100 - Rev B attached hereto.**

**Scheme details shall include drawings and documents showing:**

- i) how the improvement interfaces with the existing highway alignment and carriage way markings including lane destinations,**
- ii) full construction details relating to the highway improvement. This should include any modification to existing structures or proposes structures, with supporting analysis,**
- iii) full signing and lighting details where applicable,**
- iv) confirmation of full compliance with Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards),**
- v) an independent stage 2 Road Safety Audit (taking account of any stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Notes, and**

**2. Development of the site using the existing access off the A1 trunk road will only be permitted on completion and approval of the access improvements.**

**Reason: To ensure that the A1 will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980, and for the safety of traffic on that road. In pursuance with this requirement, the Highways Agency must be satisfied with all the details of the proposed improvement to access off the A1 prior to the commencement of construction work.**

- 7 This permission is solely for the change of use of the land and does not grant permission for any buildings indicated on the submitted plans.

Reason: For the avoidance of doubt.

8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 11/BGT/01, 11/BGT/02, Design and Access Statement - submitted 21.04.11.

Reason: For the avoidance of doubt.

**Reasons for Granting**

The proposed change of use to a commercial timber yard would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety. Therefore, by reason of its site, use and location, the proposal is in conformity with Policies DM3 and DM12 of the Core Strategy and Management Policies, November 2009; PPS1 Delivering Sustainable Development (2005), Planning for Sustainable Economic Growth (2009), PPS7 Sustainable Development in Rural Areas (2004), PPG24: Planning and Noise (1994), Regional policies in the East of England Plan (May 2008) and the Milton Keynes and South Midlands Sub-Regional Strategy (March 2005). It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development, 2010.

**Notes to Applicant**

1. The applicants should be aware that the Public Footpath No. 40 running adjacent to the west boundary of the site needs to be open and available for use at all times.

Please contact the Rights of Way Officer at Central Bedfordshire Council on 0300 300 8000 for further information.

2. This permission relates solely to the use of the site as a commercial timber yard (Sui Generis) and does not grant planning permission for any new buildings which shall be the subject of future full planning applications.

**DECISION**

.....  
.....