

Item No. 11**SCHEDULE B**

APPLICATION NUMBER	CB/11/03441/VOC
LOCATION	Market Garden Nurseries, 64 High Road, Beeston, Sandy, SG19 1PB
PROPOSAL	Variation of Condition: Change condition 4 (hours of vehicular movement) of Planning Permission CB/11/01546/FULL
PARISH	Sandy
WARD	Sandy
WARD COUNCILLORS	Cllrs Aldis, Maudlin & Sheppard
CASE OFFICER	Clare Golden
DATE REGISTERED	04 October 2011
EXPIRY DATE	29 November 2011
APPLICANT	Mr James Bartram
AGENT	Robert Trigg
REASON FOR COMMITTEE TO DETERMINE	Cllr Maudlin has called the application in on the grounds of adverse effect on residential amenity.
RECOMMENDED DECISION	Variation of Condition - Granted

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.

Planning permission has been granted for a change of use of the site from nursery and horticultural to a commercial timber yard, (CB/11/01546/FULL), following its consideration at the Development Management Committee on 14th September 2011.

The Application:

This application seeks to vary condition 4 (hours of vehicular movement) of CB/11/01546/FULL to change the hours allowed for deliveries received or dispatched from 07:30 hours to 18:00 hours, to 06:00 hours to 18:00 hours. The original condition stated:

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.

This application solely relates to the variation of the wording relating to vehicular movements, and not the hours of use of the whole site and operation.

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)

Central Bedfordshire Core Strategy and Development Management Policies 2009

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

Supplementary Planning Guidance

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

Planning History

CB/11/01546/FULL Change of use from nursery/horticultural site to commercial timber yard (Sui Generis). **Granted.**

Representations: (Parish & Neighbours)

Sandy Town Council **Object** to the increased hours of between 06:00 and 07:30 hours on the following grounds:

- result in a loss of amenity to near neighbours because of the noise and dust pollution from the timber yard and furniture workshop;
- result in a loss of amenity to near neighbours because of noise from lorries starting up and the increase in traffic in Orchard Road, Beeston Green and Footpath 40;
- result in damage to the local environment;
- increased traffic on Footpath 40 and likely encroachment onto the Village Green as residents

vehicles would be parked in Orchard Road limiting access to lorries;

- the increased hours would cause a road safety hazard to children and pedestrians in the nearby area

Neighbours

9 letters of **objection** have been received from occupiers of neighbouring properties on the following grounds:

- Footpath 40, The Green and Orchard Road are not suitable for vehicular movements without major reconstruction;
- loss to the peace and quiet of the village;
- danger to children playing on The Green;
- an increase in vehicle numbers would result in an increase in the danger of an accident;
- increase in noise disturbance in the early morning;
- increase in traffic in the early morning.

Consultations/Publicity responses

Site notice posted on 10.10.11 No objection.

Highways Agency No objection.

Highways, Development Management No objection.

Public Protection No objection, subject to conditions relating to noise levels and hours of use.

Determining Issues

The main considerations of the application are:

1. Principle of the development and the context of the considerations
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 the development and the context of the considerations

Whilst this application is to vary a condition of the original permission, in accordance with Section 73 of the Town and Country Planning Act 1990, the Council would be issuing a new planning permission for the development if this application was approved. As such, it is necessary to consider whether the development itself is acceptable in light of any change of circumstances.

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.'

This application seeks to vary condition 4 (hours of vehicular movement) of CB/11/01546/FULL to change the hours allowed for deliveries received or dispatched from 07:30 hours to 18:00 hours, as granted in the last application, to now 06:00 hours to 18:00 hours. The time restrictions in condition 4 were originally imposed because these were the hours of use proposed in the application. The applicant has now stated that these hours are restrictive to the business operation, where it is necessary for vehicles to leave the site at 06:00 to arrive at building sites before 08:00.

The reason for controlling the hours of use and vehicular movements is to preserve the residential amenity of neighbouring properties in accordance with Policy DM3 of the Adopted Core Strategy Development Management Policies.

It is considered that there are no apparent changes in circumstances, in terms of proximity of the operation to neighbouring properties, and impact on highway safety, and in view of the Council's decision to approve the change of use in the last application, it is considered that this change of use remains acceptable. Subject to the proposal not causing unacceptable harm to the residential amenities of neighbouring properties and surrounding highway safety, in respect of Policy DM3, the proposal to vary the hours of vehicular movement to 06:00 to 18:00 would also accord with Policy DM12 of the Adopted Core Strategy.

2. The effect on the character of the area

The application is for the change of hours for vehicles delivering and dispatching on the site, increasing the hours by one and-a-half hours from 06:00 rather than 07:30 hours.

Concern has been raised in respect of the impact of the proposal on the character and appearance of the surrounding area, particularly as a result of additional traffic using Footpath 40, The Green and Orchard Road from 06:00 hours. The proposal seeks to extend the hours of vehicular movements by one and-a-half hours earlier than presently approved. During this time, the applicant proposes that two lorries will leave the site with no deliveries to the site occurring during this period. The application site is well detached from the closest residential properties (60 metres) and bounded to the east by the A1. The historical horticultural use at the site is not restricted in terms of the hours of use or vehicle movements, and neither are the surrounding roads. Therefore, it is not considered that the proposal to increase the time period for vehicles leaving the site to 06:00 hours would cause a significant harm to the character and appearance of the surrounding area.

There are no physical alterations or lighting proposed in the current application and by virtue of the degree of separation between the site and The Green, it is considered that the proposal in this application would have no greater impact in terms of the character and appearance of the area, than there is as existing.

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. The impact that the proposal will have on the residential amenity of neighbouring properties and highway safety

The proposal seeks to increase the hours of vehicular movement leaving the site by an additional one and-a-half hours, starting from 06:00 hours. The applicant has stated that two lorries would leave the site at 06:00 returning at 15:00 hours, with no deliveries to the site between 06:00 and 07:30 hours.

Concern has been raised in respect of the additional traffic using Orchard Road from 06:00 onwards as a result of the proposal, and the impact this may have on noise and general disturbance to the detriment of the residential amenities of neighbouring properties. The boundary of the closest neighbouring residential property is some 60 metres away. Whilst it is acknowledged that two vehicles would be leaving the site and travelling along Orchard Road from 06:00 hours, it is noted that the site itself is well detached from surrounding neighbouring properties where the exiting of vehicles at this point would not cause a direct harm to residential amenity. The hours of use of vehicles on the public highways surrounding the site are not restricted, and furthermore, the original horticultural use of the site did not have any restrictions on the hours of use or vehicle movements. The proximity to the A1 and the existing background noise levels caused by this is also considered to be an important consideration in the context of the existing environment. It is therefore considered that the actual harm caused by two vehicles leaving the site would not be significant to warrant a recommendation of refusal on the grounds of noise and general disturbance to neighbouring properties where the main impact could already be caused by vehicles using the surrounding roads, which is not something that this application can control.

In terms of the impact of on surrounding residential amenity, it is considered that due to the physical separation of the site from the nearest residential property, there would not be any significant impact on their residential amenity as a result in the extension of hours of vehicular movement.

4. Any other implications of the proposal

Highways:

Both the Highways Agency and Development Management Highways team have not objected to the proposal. Because this would be a granting of a new planning permission, it is recommended that all of the original highways conditions imposed on the last permission, also be added to any approval of this application.

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.

A scheme for reflective 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 is considered to be reasonable, particularly during the darker hours of winter where the signage must be clearly visible to advise drivers.

Recommendation

That Planning Permission be **Granted** subject to the following:

- 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 outside of the hours of 07:30 hours and 18:00 hours, or goods moved within the site or deliveries received or dispatched outside the hours of 06:00 hours and 18:00 hours, Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays, without the benefit of planning permission.

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**

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 previously submitted plans in CB/11/01546/FULL.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed variation of condition 4 (hours of vehicular movement) of planning permission CB/11/01546/FULL to extend the hours from 07:30 to 18:00 hours to 06:00 to 18:00 hours, 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), PPS4 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

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