

## **Item No. 10**

<b>APPLICATION NUMBER</b>	<b>CB/12/04284/FULL</b>
<b>LOCATION</b>	<b>Land At White Gables Farm, Blunham Road, Moggerhanger</b>
<b>PROPOSAL</b>	<b>Retention of office building and continued use of land and buildings to a mixed use of land and building for horticulture and general haulage purposes</b>
<b>PARISH</b>	<b>Moggerhanger</b>
<b>WARD</b>	<b>Northill</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Turner</b>
<b>CASE OFFICER</b>	<b>Samantha Boyd</b>
<b>DATE REGISTERED</b>	<b>07 March 2013</b>
<b>EXPIRY DATE</b>	<b>02 May 2013</b>
<b>APPLICANT</b>	<b>R A Andersons &amp; Sons</b>
<b>AGENT</b>	<b>G C Planning Partnership Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Call in. Cllr Mrs Turner</b>  This site has aroused very considerable local concern and a number of people in this small hamlet will want to offer their opinion and hear how the LPA intends to balance enforcement activity, and allow this ever increasing centre of operations to co-exist alongside the resident community. I am also requesting a site visit prior to the committee mtg.
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>

### **Recommended Reasons for Granting**

The proposed office building and change of use of land and buildings for a mixed use of land and buildings for horticulture and general haulage purposes 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 design and location, the proposal is in conformity with Policies CS11, DM3 and DM12 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework, 2012

#### **Site Location:**

The site is located to the rear of White Gables Farm in the small hamlet of Chalton, near Moggerhanger. White Gables Farm is a mixed use business operating both horticultural and a haulage business.

The site is within the open countryside, however to the south there are residential properties.

The site comprises of a front yard which is accessed directly off Blunham Road, a larger yard to the rear which is accessed from an existing track further along

Blunham Road and farmland beyond which incorporates horticultural use.

### **The Application:**

Retrospective planning permission is sought for the change of use of land and buildings to a mixed use of land and buildings for horticulture and general haulage purposes and the erection of an office building.

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework 2012**

#### **North Bedfordshire Core Strategy and Development Management Policies (2009)**

CS11: Rural Economy and Tourism

DM3 High Quality Development

DM12 Horticultural and Redundant Agricultural Sites.

### **Planning History**

91/01583	Use of existing building for washing, packing and distribution of vegetables Approved 07/04/92
99/00392/LDC	Continued use as Haulage Operation Granted 09/11/99
MB/00/01754/FULL	Full: Change of use of land for the parking of vehicles and machinery associated with existing haulage operation and parking of agricultural vehicles and machinery. Refused. 13/03/2001
MB/06/01599	Full: Erection of grain store with independent access from Blunham Road Approved 16/04/07
CB/10/03322	Retrospective change of use of land and buildings to a mixed use of land and buildings for horticulture and general haulage purposes. Granted 30/09/10
CB/11/01503	Retrospective change of use of land and buildings to a mixed use of land and buildings for horticulture and general haulage purposes. Granted 19/04/11

### **Representations: (Parish & Neighbours)**

Moggerhanger Parish Council	Moggerhanger Parish Council have asked Councillor Mrs Turner to request that this application goes before the committee for determination, as members regard this application as a duplicate of a previous application which had conditions included.
Neighbours	Twelve letters of objections received - concerns summarised as follows : <ul style="list-style-type: none"><li>• repeatedly flouted conditions attached to permission;</li><li>• continued expansion of the haulage business;</li><li>• continued increase in the number of HGV lorry</li></ul>

- movements;
- grain store not included in application but is used as part of haulage business for storage;
- Highway safety;
- No improvements have been made to the road width or layout;
- the business is operated 24 hours a day, 7 days a week;
- In contravention of Vehicle Operators Licence;
- noise and vibrations from HGV movements at night;
- surrounding road network is not suitable for the amount of HGV movements;
- The noise assessment is inaccurate in terms of vehicle numbers;
- dust pollution caused by the HGV movements;
- the use is causing an adverse impact on the character and amenity of neighbouring properties;
- impact on character of rural area;
- enforcement not being carried out;
- deterioration of road through hgv use;

## **Consultations/Publicity responses**

Site notice x 2	Posted on lamp posts adjacent to entrance dated 27/03/13
Public Protection	No objections provided conditions attached as previous application
Archaeology	No objections
Highways	<p>Whilst I have concerns regarding the location of this site in relation to access to the strategic highway network and in particular to the damage being caused to the surrounding rural road network by the HGV's associated with the site, I am conscious of the planning history of the site and established use. This proposal is unlikely to result in additional; HGV movements and as such I have no justifiable grounds to refuse the proposal as submitted.</p> <p>I note that the approved access at the eastern end of the site has not been constructed as previously agreed but is referred to in this submission. On the assumption that the construction of the access can be conditioned to be completed within a reasonable timescale (as short as possible) of the grant of permission I have no grounds to formally oppose the application.</p>

## **Determining Issues**

The main considerations of the application are;

1. Background
2. The impact on the character and appearance of the area.
3. Neighbouring amenity.
4. Highway safety.

## **Considerations**

### **1. Background**

Historically the site has been used for agricultural and horticultural purposes which involved the transportation of vegetables. The haulage use intensified and later included the transporation of agricultural and non-agricultural products. In 1999 a Certificate of Lawful Use was granted for the continuation of the haulage business which was at the time located in the front yard area of the site. The unrestricted haulage use, approved under the certificate allowed both cars and HGVs to use the existing access to the front of the site, opposite number 36 Blunham Road. This access is considered to be substandard and a highway risk. It also caused a disturbance to the neighbouring properties.

Planning permission was refused in 2001 for the change of use of land to the rear for the parking of vehicles and machinery associated with existing haulage operation and parking of agricultural vehicles and machinery. It was refused on a number of highway reasons and because the extension of the haulage operation to the rear of the existing site would have an adverse impact on the character and the amenity of neighbouring properties. For clarification, the parking of HGVs to the rear would obviously benefit the character of the area rather than the use of the front yard, however the intensification of the use would increase the use of the front access for HGV's which would have a greater impact on the character of the area and the amenities of the neighbouring properties.

In November 2010 a further application was submitted for the change of use of land to a mixed use of land and buildings for horticulture and general haulage purposes with the use of an existing agricultural access to the east of the main site as access for HGV's. The submission of this application, enabled the Local Planning Authority to impose conditions on certain aspects of the proposal to improve the existing situation for neighbouring residential properties.

Planning permission was subsequently granted for a change of use of the land and buildings for a mixed use of horticulture and general haulage purposes under reference CB/10/03322 dated 30/09/10 and was followed by a revised application CB/11/01503 dated 19/04/11. The planning permissions both permitted the use of the land however it restricted the use of the access to the front (opposite 36 Blunham Road) to staff and and visitor parking only. A new access for HGV's was created to the east which allowed the front area of the yard, where the lawful haulage use exists, to be controlled so that no HGV's would use this entrance. It was considered that this arrangement would improve the living conditions for nearby residents, whilst taking into account that the site has an unrestricted lawful use for haulage purposes.

The permissions were subject to conditions relating to the upgrading and

surfacing of the eastern access point and restrictions on the front access and its yard to avoid HGV use, along with conditions relating to the operators licence.

This current application is essentially the same as the previous permission however clarity is sought on a number of outstanding issues relating to the conditions, the arrangements within the site have been revised and consent is sought for the erection of ancillary buildings and offices. It follows recommendations from the Health and Safety Executive (HSE) whereby the existing office building requires complete modernisation and there is a requirement to have separation between staff and the haulage vehicles.

The submitted planning statement notes that in terms of vehicle movements the proposal is not an expansion of the business however the physical area of land covered by the previous applications and the existing lawful use would be slightly larger.

The new offices are located towards the rear of the site providing the separation required by the HSE. They are integral to both the horticultural use and the haulage business which together provide employment for around 50 staff.

The front area of the site, which has the unrestricted lawful use would still be partly used by HGV's for maintenance purposes only, however the applicant is happy to restrict the vehicular movements on this part of the site to between 08:00 and 17:30 weekdays only. This application also proposed the relocation of the fuel tank to the rear part of the site further avoiding the need for HGV's to use the front yard area.

It is also proposed to relocate the staff parking area (currently approved as being to the front yard area) to the rear of the site, beyond the office building in an newly created car park adjacent to the access road. Staff and HGV's will both use the eastern access. The access road itself requires resurfacing within the site and at the junction with the highway. This was a condition of the previous approvals. The surfacing of the internal access road and the junction would go some way to alleviate the problems of dust, noise and debris being scattered onto the road.

While comments from residents are noted relating to the non compliance with conditions attached to the previous approvals, this is a matter to be dealt with by enforcement procedures.

Fundamentally the current proposal is not dissimilar to what has been previously granted permission.

## **2. The impact on the character and appearance of the area**

Taking into account the previous approvals, the proposal is not considered to have any greater impact on the character and appearance of the area than the existing lawful use or approved planning permissions.

Attempts have been made to screen the site from the road, and having regard to

the unrestricted lawful use of the site (granted in 1999) it is considered that the movement of the HGVs to the rear of the site would have a beneficial impact on the character and appearance of the area taking the vehicles movements away from the village.

The office building, and associated ancillary structures are single storey and located well within the site complex therefore the buildings are not considered to result in a detrimental impact on the character of the area.

## **2. The impact on neighbouring amenity.**

In terms of the lawful use of the site, the entrance for all traffic is via the entrance to the front yard opposite No. 36 Blunham Road. In terms of highway safety and proximity to residential properties, it is considered that the access to the east of the site would reduce the impacts on the neighbouring residential properties. The access proposed is also better in terms of visibility than the one serving the front yard. In this respect, it would be beneficial to allow a conditional planning permission using the eastern access as opposed to the unrestricted haulage use, using the yard to the front of the site.

Public Protection have raised no objection to the application and believe that the proposed relocation of the access for HGVs and reconfiguration of the site will reduce the impacts on the neighbouring residential properties.

The existing access to the front of the yard, currently secured by electronic gates, will be reduced in width to 3m. Access will remain available but for emergency use only, with no HGV use. This can be conditioned on any grant of planning permission.

In conclusion, it is considered that the current proposal would not have any greater impact on the residential amenities of the neighbouring properties than the existing lawful use or the previous planning permissions, and the relocation of the access for HGVs and reconfiguration of the site would have a beneficial impact on the residential amenities of the neighbouring residential properties.

## **4. Highway safety**

In terms of access arrangement this proposal is almost identical to that submitted under 10/03322/Full and CB/11/01503/Full the main difference being that the area indicated for staff and visitor parking has been relocated to the rear of the site.

However the access approved under the previous permissions has not been constructed to the required standards as a result of which the grass verge on both sides of the access has been damaged by the turning of vehicles. The access therefore needs to be constructed properly and surfaced accordingly details of which have been included with this application. It is necessary to ensure that the access is upgraded in a timely manner, secured by a condition if permission is granted.

With regards to the access to the yard, the electronic gates are to be restricted

to 3m in width and the access limited to emergency use only.

## **5. Other issues**

### **Human rights and Equalities Act 2010**

The development has been assessed in the context of the Human Rights Act and The Equalities Act and would have no relevant implications

### **Recommendation**

That Planning Permission be granted with conditions.

- 1 **Within six months of the date of this decision, the upgrading of the easternmost access shall be carried out in accordance with the details as set out on drawing number SA/001. The development shall accord with the approved details and shall be maintained as such thereafter.**

**Reason: To ensure the access is constructed to properly accommodate the turning of commercial vehicles and to avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.**

- 2 The area shown hatched blue on plan SC/ACCESS/01 shall be used for maintenance purposes only. In this area the parking of HGV's will be limited to those undergoing maintenance work. Vehicular movements in this area shall be restricted to between the hours of 08:00 - 17:30 weekdays and not at all on weekends or Bank Holidays.

Reason: To safeguard the amenities of neighbouring residential properties.

- 3 The access to the front yard, shown hatched on drawing numbers SC/ACCESS/01 shall be restricted to emergency use only. There shall be no access in to the site for HGVs or any other vehicle at this point except in the event of an emergency.

Reason: In the interest of highway safety and to protect the amenities of neighbouring residential properties.

- 4 In accordance with the Goods Vehicle Operators Licence, the maximum number of vehicles to be operated from White Gables Farm, Blunham Road is 6 haulage vehicles and 8 trailers.

Reason: In the interest of highway safety and to protect the amenities of neighbouring residential properties.

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/001, CBC/002, CBC/003, CBC/004, CBC/005, CBC/006, 500 PLAN, SA/001, SC/ACCESS/01, SC/ACCESS/02

REASON: For the avoidance of doubt.

### **Notes to Applicant**

1. 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).
2. The applicant is advised that in order to comply with the access construction condition of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
3. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments ([www.cae.org.uk](http://www.cae.org.uk))  
Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://www.centralbedsaccessgroup.co.uk))

**Statement required by the Town and Country Planning (Development**



**Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

**DECISION**

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