

## Item No. 10

<b>APPLICATION NUMBER</b>	<b>CB/13/01040/FULL</b>
<b>LOCATION</b>	<b>Barretts Yard , Crawley Road, Cranfield</b>
<b>PROPOSAL</b>	<b>Change of use from B8 to B8 with B1(c)</b>
<b>PARISH</b>	<b>Cranfield</b>
<b>WARD</b>	<b>Cranfield &amp; Marston Moretaine</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Bastable, Matthews &amp; Mrs Clark</b>
<b>CASE OFFICER</b>	<b>James Clements</b>
<b>DATE REGISTERED</b>	<b>25 March 2013</b>
<b>EXPIRY DATE</b>	<b>20 May 2013</b>
<b>APPLICANT</b>	<b>Grafton Motorcycles</b>
<b>AGENT</b>	<b>Aragon Land &amp; Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	Called-in by Councillor Bastable for the following reasons: <ul style="list-style-type: none"><li>• concerns about noise and hours of operation</li><li>• the business is in the wrong location and likely to have a negative impact on the residential area</li><li>• concerns about validity of the transport statement</li></ul>
<b>RECOMMENDED DECISION</b>	<b>Full Application recommended for approval</b>

### Recommended Reasons for Granting

The proposed development would not result in a detrimental impact upon either the character or appearance of the area or upon either existing or future residential amenity. As such the proposal is considered to be in conformity with Policies CS11 and DM3 of the Core Strategy and Development Management Policies 2009; The National Planning Policy Framework (2012) and Design Guide in Central Bedfordshire (2010)

### Site Location:

The proposal site is located at Barretts Yard, Crawley Road, Cranfield. The land is to the rear and side of no's 29 - 41 Crawley Road and is accessed by a 3.5m wide track, approximately 38m in length, between no's 33 & 35 Crawley Road.

Planning approval MB/98/01457/FULL was approved and implemented for an existing storage building approximately 5-7m from the south east boundary.

The land is currently being marketed for sale and is not in use. The site has been historically used by a landscape business to store items and materials related to the landscaping business.

### The Application:

Planning permission is sought for a change of use from B8 (storage) to B8 with B1(c) (light industrial) for use by Grafton Motors to store and assemble scooters which would take place within the existing building.

The Town and Country Use Classes Order 1987 (as amended) states that:

### **Class B1. Business**

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
- (b) for research and development of products or processes, or
- (c) for any industrial process,

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;

### **Class B8. Storage or distribution**

Use for storage or as a distribution centre.

The recent Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 permits a change of use from B8 to B1(c) (and vice versa) for up to 500msq without requiring formal planning approval.

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework (March 2012)**

- 1. Building a strong competitive economy
- 3. Supporting a prosperous economy
- 7. Requiring good design

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

#### **Bedfordshire Structure Plan 2011**

None

#### **Core Strategy and Development Management Policies - North 2009**

DM3 - High Quality Design

CS11 - Rural Economy and Tourism

#### **Draft Development Strategy (2013)**

Policy 10: Rural Economy and Tourism

Policy 44: High Quality Development

Policy 45: Protection from Environmental Pollution

#### **Supplementary Planning Guidance**

Design Guide

#### **Planning History**

MB/81/381	Outline: Erection of storage building use in connection with market garden/nursery. Approved 30/07/81
MB/93/386	application for the erection of steel clad building for the storage of landscaping machinery & associated materials. Approved 13/05/93
MB/98/01457/FULL	Full: Erection of steel clad building for the storage of landscape machinery and associated materials (to include rest room and WC) - revised scheme to that previously approved under ref:12/93/386 dated 13th May 1993. Approved 25/08/04

MB/04/0009/FULL	Full: Change of use of land from landscape storage yard to residential gardens. Approved 04/03/04
MB/07/00314/FULL	Full: Erection of building for B1 (Business) and B8 (Storage and Distribution) use. Refused 23/04/07
MB/08/0462/FULL	Building for B1 purposes after demolition of existing building - refused.

**Representations:  
(Parish & Neighbours)**

Parish/Town Council    Objection

Neighbours  
27, 29, 33 35 & 37  
Crawley Road,  
Cranfield

Highway safety; access unsuitable for heavy traffic; harm peace and privacy as access runs along residential boundary; damage to unacceptable amount of noise; Concern regarding the noise from assembling, starting and servicing of the scooters; Waste oil concern; Query regarding the transport statement claiming that there will be a reduction in traffic; concerns regarding the opening hours; existing building not insulated so noise will escape from building

**Consultations/Publicity responses**

Highway Officer                      No objection having regard to the existing use  
Public Protection                      No objection

**Determining Issues**

The main considerations of the application are;

1. Principle of development and Planning use of the site
2. Whether the proposed use would adversely harm the residential amenity of surrounding neighbours
3. Highway Considerations

**Considerations**

**Human Rights issues**

The application raises human rights issues in relation to Article 8 of the Human Rights Act 1998: *Right to respect for private and family life*

1. Everyone has the right to respect for his private and family life, his home and his correspondence;
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. It is considered that the application is compliant with the Human Rights Act 1998.

## **Equality Act 2010**

It is considered that the application is compliant with the Equality Act 2010.

### **1. Principle of development and Planning use of the site**

The proposal site is outside of the settlement envelope of Cranfield on land that has been used for commercial purposes (namely a Landscaping Business) for a number of decades.

The golden thread that underlies the principles of the NPPF is the presumption in favour of sustainable development. One of the core principles is for sustainable economic development. The NPPF requests that applications respond positively for growth and encourage the reuse of land and states that significant weight should be placed on the need to support economic growth through the planning system.

Core Strategy Policy CS11 states:

#### **Policy CS11: Rural Economy and Tourism**

*The Council will seek to support the rural economy and promote tourism by:*

*Safeguarding rural employment sites in the district unless it can clearly be demonstrated that they are unfit for purpose and unable to be redeveloped for employment use.*

*Supporting diversification of the rural economy and the conversion of redundant properties to commercial, industrial, tourism and recreational uses in the first instance.*

*Providing for new small-scale employment allocations in the rural area where appropriate and there is demand locally.*

*Supporting diversification of redundant horticultural or farm buildings in settlements or in the countryside for employment purposes.*

*Supporting proposals for tourist or leisure developments in settlements or in the countryside including new tourist accommodation which provides opportunities for rural diversification and are well located to support local services, businesses and other tourist attractions.*

#### **Planning history background**

An appeal inspector's report for a refusal for residential development (MB/88/1353) in 1988 stated that, 'the land was covered in sheds, rubble, and stored paraphernalia relating to a landscape gardening operation'. Planning approval MB/98/01457/FULL was granted for a steel clad building for a B8 use. That application appears to confirm that an ancillary B1(c) use could be undertaken within the building and an approved plan indicates an area of outside storage for machinery adjacent to the north west boundary. Condition 9 of MB/98/01457/FULL states that the repair of any machinery shall take place within the building.

The planning use of the site has been discussed in detail with the Council's Legal Department and we consider that there is a case to be made that the site may already have a B8 and B1(c) use. Members may therefore query why a Lawful Development

Certificate has not been submitted rather a full application. It should be noted that this full application was submitted before the above information was understood and the applicant wishes to gain a formal approval so that they can purchase the land.

**2. Whether the proposed use would adversely harm the residential amenity of surrounding neighbours**

The proposal is for the change of use of the existing steel clad building for the storage and assembly of scooters and storage of spare parts, which is a B8 & B1(c) use.

The applicant (Grafton Motorcycles) maintain and assemble motorcycles for the fast food industry. The scooters arrive in part assembled flat-pack form and take approximately 40 minutes to an hour to assemble. Only basic tools are required for assembly. The scooters are then delivered to the customers by one of two engineers. The servicing and repair of scooters take place off site at the customers' premises. There would be no sales from Barretts Yard nor would customers visit the site. The parts store within the building would be used for the off-site service and repair of the scooters. The concern raised by neighbours regarding waste oil relates to the assembly of the scooters given that they do not arrive in flat-pack form with oil.

The applicant has stated that the only time repair work may need to take place within the building would be on the occasions where there has been a major mechanical failure that cannot be repaired off site.

The applicant has confirmed that the hours of use would be Monday to Friday (08:00 - 18:00) and not at weekends nor bank holidays. This would be an improvement on condition 9 of MB/98/01457/FULL approval for the steel clad building that states:

'No repair work shall be undertaken other than between the hours of 8:00 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. No repairs shall take place on Sundays or Bank/Statutory holidays'.

Neighbours have raised concern regarding noise break-out from the existing building because it is not acoustically insulated. The applicant has confirmed that he will accept a noise condition to ensure that the Council has control of noise from the use. It should be noted that a B1(c) use is one which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

The applicant has also confirmed that he would accept a personal permission. This would ensure that the Council has protection over any unrestricted B1(c) & B8 uses of the site.

Concern has been raised regarding loss of privacy/ residential amenity and the increase in vehicle movements on the access track. No.35 Crawley Road has a hedge and fence that mitigate the impact of vehicle traffic. No.33 has a low-level fence line. An appropriate boundary condition would help to mitigate any harm. Public Protection has no objections to the proposal and have stated:

'As the site already has a B8 use and the application is for the addition of a B1 use (which is for usage suitable in a residential area) it should mean that the new activities carried out on site should not cause a nuisance. We have received no complaints regarding the site and presume this will continue to be the case as almost all

servicing/testing and repair will take place off site. Should complaints be received, we would investigate accordingly and if applicable work in conjunction with planners to resolve any issues'.

### **3. Highway considerations**

The site is accessed from one access point on Crawley Road. The access is approximately 3.5m wide along the majority of its 38m length widening to 9.3m at the junction with Crawley Road. The visibility from the access meets Manual for Streets and is between 160-200m. There is an existing parking area that meets the council's parking standards.

A transport statement has been submitted with the application to assess the trip generation from a B8/B1(c) when compared with the proposed use by Grafton Motorcycles. The transport statement has used the Trics database to assess a number of comparable uses. The assessment indicates that there would be a reduction in traffic numbers.

Whilst there may be an increase in traffic movements compared to the previous Landscaping Business, as discussed above there is a strong case that the existing use is B8 with B1(c). The worse case scenario of an unrestricted use of the site could potentially see a significant increase above the proposed use; the personal permission to the applicant would give the Council additional controls that would not be available to it should the site be used for an unrestricted B8/B1(c) use. It is considered therefore that on balance the proposed traffic generation is acceptable and would not unduly harm highway safety.

### **Recommendation**

That Planning Permission be approved subject to the following:

#### **RECOMMENDED CONDITIONS**

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No equipment, goods, waste or other materials shall be deposited or stored in the open outside the buildings on the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the site and the surrounding area.

- 3 The premises shall only be used between the hours of 8 am to 6 pm Mondays to Fridays and not at all on Saturdays, Sundays and Bank Holidays.

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

4 This permission is for the sole benefit of Grafton Motorcycles and shall extend to no other person, partnership, firm or company.

Reason: To ensure the retention of planning control by the Local Planning Authority on the disposal of the present applicant's interest in the land and buildings.

5 Prior to the commencement of the approved development a scheme of noise attenuation measures for controlling noise from plant machinery or equipment shall be submitted in writing for the approved of the local planning authority. The scheme will demonstrated that noise resulting from the use of plant , machinery or equipment shall not exceed a level of 5dBA below the back ground level (or 10 dBA below if there is a tonal quality) when measured or calculated according to BS4142 : 1997 at a point one metre external to the nearest noise sensitive property.

Reason. To protect the residential amenity from noise.

6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1692/12/1, 1692/12/2 & 1692/12/3.

Reason: For the avoidance of doubt.

**Notes to Applicant**

1. 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.

**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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