

The Application:

The application seeks consent for the storage of cars on the site following a temporary consent that was approved in June 2011 planning reference CB/11/00297/FULL. The application sets out that the site is used only to store cars awaiting sale. A number of conditions were imposed on the grant of planning permission in 2011. These conditions restrict the times of access, number of cars, activity taking place and the use of the site for storage only.

RELEVANT POLICIES:

National Policies

National Planning Policy Framework 2012

Central Bedfordshire (North) Core Strategy and Development Management Policies 2009

CS11 - Rural Economy and Tourism

CS14 - High Quality Development

DM3 - High Quality Development

DM4 - Development Within and Beyond Settlement Envelopes

Emerging Development Strategy for Central Bedfordshire

Policy 10 - Rural Economy and Tourism

Policy 38 - Within and Beyond Settlement Envelopes

Policy 43 - High Quality Development

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development

Planning History

CB/13/03823/VOC	Variation of condition: CB/11/0297/FULL Change of use of existing car park to area for storage of cars (Retrospective). Variation to condition 1 to revoke or extend the time limit indefinitely. Not Proceeded With
CB/11/03381/VOC	Variation of Condition: App CB/11/00297/Full dated 27/06/2011- Change of use of existing car park to area for storage of cars. Condition 7: No vehicles other than private motor cars shall be stored on the site to include one car transporter. Granted 15th November 2011
CB/11/00297/FULL	Change of use of existing car park to area for storage of cars (Retrospective) Granted 3 years temporary consent. 27th June 2011
CB/10/03475/FULL	Erection of 3 bedroom detached house and garage. Change of use from commercial car park to residential. Refused 8/11/10

**Representations:
(Parish & Neighbours)**

Ridgmont Parish
Council
Neighbours

No comments received. Any comments received will be updated on the late sheet.

1 letter of objection has been received from a planning agent on behalf of 7 residents.

The objections to the current application are:

- continued breaches of current planning conditions including - more than 20 cars continually being stored on the site; cars overflowing on to the highway and the impact on highway safety; members of the public are visiting the site to view cars; activity taking place outside of conditioned hours; cars are being washed, maintained and viewed at the site - not just stored;
- the continued breaches of conditions and lack of enforcement undermines the integrity of the permission with regard to the protection afforded to the neighbouring residents;
- failure to comply is also unsightly and detrimental to the visual amenity as one approaches the village;
- erection of a flagpole/ unauthorised signage draws attention to the site and the commercial entity even when restricted to solely car storage.
- this is the opportunity to assess the temporary permission and how it operates, with the continued breach of conditions and the incremental additions it is considered that planning officers should refuse the application.

Agent's Comments

The agent has responded to the objection letter received, these comments are summarised below:

- The site has a maximum capacity of around 20 cars and given the size of vehicles, the site cannot generally hold more than 20 cars. Regularly the site is either largely empty or only part filled and the instances of on-road parking are few;
- The normal arrival method is by car. The applicant has an arrangement with the company that deliver his cars that they deliver them to the service station at Crawley Crossing fuel depot. A fee for (up to) 24 hr parking at the site is paid and the car transporter operative leaves the car (s) and hands the keys to the receptionist for later collection. The applicant's staff collect cars as and when appropriate. This procedure has been in operation for around 3 years and works well;
- The applicant states that all of his car cleaning and engine washing is undertaken offsite at a hand car wash at Pear Tree Bridge;
- The only vehicle maintenance that occurs on site is attending to flat batteries/ tyres;

- The applicant does not routinely allow visitors on to the site. He has a regular contractor who provides maintenance. The business is not advertised at the site, no website or internet details of the car storage site address as provided and there is no public access to the site or advertising of it.

Consultations/Publicity responses

Highways Development Control The proposal exists with a temporary consent to monitor the use of the site. It has been noted that there have been complaints from the residents in the vicinity that vehicles from the site are parked on the highway while other vehicles are moved within the site, and this causes disturbance to the residents and obstruction of the highway. I suggest that the relevant conditions attached to the previous permission be included if permission is issued and that the site is granted temporary permission again so that it can be monitored inclusive of the following condition:

"Within one month of the date of this permission, a plan shall be submitted to and approved in writing by the Local Planning Authority showing an area of land which will be permanently left clear for the movement of vehicles within the site. The approved scheme shall be implemented and marked out on site within one month of written approval from the Local Planning Authority and remain as such for the life of the temporary consent.

Reason: To provide adequate on site parking and turning free from the public highway.

Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Impact on Character and Appearance of Area
3. Impact on Amenities of Nearby Residents
4. Highways and Other Issues

Considerations

1. Principle of Development

Ridgmont does not have a settlement envelope and therefore for the purposes of planning the site is within the countryside. The site is located on the edge of the built up area of the settlement. The site was previously the car park for a small office development on Station Road. The offices were granted planning permission in 2010 (CB/10/01579/FULL) for conversion to office use. This planning permission has been implemented and the car parking area is therefore redundant. Temporary planning permission (retrospective) was granted in June 2011 for the use of the site for the storage of vehicles.

The National Planning Policy Framework (2012) sets out in section 3 that planning policies should support economic growth in rural areas and should support the sustainable growth and expansion of all types of business and enterprise in rural areas.

Core Strategy policy CS11 sets out that the diversification of the rural economy should be supported and that the conversion of redundant properties to commercial, industrial, tourist and recreational uses should be considered in the first instance. The proposal represents the conversion of an otherwise redundant piece of land to a commercial use.

The site also falls within the Green Belt. The National Planning Policy Framework defines inappropriate development within the Green Belt but does not discuss in detail the use of land. It is considered that as the land was previously in use as a car park its continued use for the storage of cars is not inappropriate in Green Belt terms. The National Planning Policy Framework emphasises that Local Authorities should plan positively to enhance the Green Belt and look for opportunities to improve damaged/ derelict land. In this instance it is considered that the application contributes to the recycling of derelict and other urban land. In addition, it is not considered that it would have any greater impact on the openness of the Green Belt than the existing/ previous use.

Overall it is considered that although the site is within the countryside it is located on the edge of the village of Ridgmont and relates well to the built up area. The land is brownfield, previously used as a car park, and had temporary consent granted for three years, at which point the principle of development was considered acceptable and not contrary to Policy.

2. Impact on Character and Appearance of Area

Core Strategy policy DM3 sets out that new development should be appropriate in scale and design to its setting.

The site is surrounded by a mature hedgerow which stands approximately 1.5 metres high. The site also includes some trees. The planting means that apart from through the access, views into the site are not possible from street level. At the time of the previous application it was considered that the site was previously used as a car park and although there would be more cars parked on the site than previously it is not considered that this significantly changes the visual impact of the development. The use of the site for car storage does not have any adverse visual impact on the countryside.

Comments have been received from neighbouring properties in relation to cars being stored on the road intermittently and for longer periods of time due to there being insufficient room on the site to manoeuvre the vehicles and on a number of occasions there being more than 20 cars on the site at any one time. Whilst the delivery and removal of cars from the site can be restricted, the parking of cars within the highway cannot be controlled within the planning regime and would be a matter for the Police if there are any offences under the Highways Act. The supporting evidence submitted with the objection letter is not conclusive evidence that there is a continued breach of condition in relation to the number of vehicles being stored on the site. The agent has stated that the site has a

maximum capacity of 20 vehicles and that regularly the site is either largely empty or only part filled. Since the Enforcement Case was closed in November 2012 there has been no further complaints reported to the Council for investigation in relation to this matter. However, when the site is at maximum capacity there is little or no room to manoeuvre cars within the site, this could lead to intermittent parking of vehicles on the highway. It is therefore considered appropriate to condition a plan to be submitted to the Local Planning Authority, showing an area of land to be left clear within the site for the movement of vehicles. This should be marked out and remain as such for the life of any consent. It is considered that this would enable vehicle movement within the site and minimise any intermittent parking on the highway, in the interest of highway safety.

The site is contained by the hedges on all sides and the scale of the development is therefore limited. The site is currently used for the storage of cars which cannot be seen over the hedgerow. It is considered that if the site were used for the storage of vans, lorries or other larger vehicles that these would be seen. It would therefore be appropriate to restrict the height of vehicles which can be stored on the site in order to protect the visual appearance of the area, the previous consent was varied to include the storage of one car transporter, and it was considered at the time that this was acceptable and would not have a detrimental impact on the character and appearance of the surrounding area.

The character of Station Road is predominately residential however it is not considered that the car storage has a significantly different character to that of the car park. The level of use of the car storage could lead to a significant change in character and therefore the operating hours and level of use should be controlled by conditions. Concern has been raised by local residents regarding a flag pole erected at the site - this was investigated by our enforcement team and it was determined that there was not a breach of planning permission.

The site has been in use as car storage for around three years prior to the previous application and a further two and a half years since the grant of temporary consent. It would not appear that in that time there has been such a level of use that has led to the change in the character of the area.

Overall it is considered that the character and appearance of the area would not be adversely effected providing that the use of the site is controlled by conditions.

3. Impact on Amenities of Nearby Residents

Core Strategy policy DM3 states that the amenities of surrounding residents should be respected.

Local residents have raised concerns over impact on privacy, noise, disturbance, light pollution, operating hours, use of CCTV; risk of crime and continued breach of planning conditions.

The application states that the site is not staffed on a regular basis and no members of the public visit the site. The impact on the privacy of neighbouring residents is therefore limited. The use of the site can be limited by conditions

restricting operating hours and it is not considered that the use would have significant adverse impact on the privacy of nearby residents. Vehicles have previously been delivered to the site by a car transporter giving views into neighbouring gardens, and this was therefore restricted on the previous grant of planning permission. The applicant submitted a scheme for the delivery of vehicles under the previous planning application. The evidence submitted with the objection letter shows that since October 2012 there does not appear to have been any breach of this condition in relation to the use of a car transporter for delivery. The residents are however, concerned regarding the overspill of cars on to the highway intermittently during removal/ delivery of cars and in some cases for longer periods of time. This has been discussed previously in the section above, however, the parking of cars within the highway cannot be controlled by the Local Planning Authority. If it is considered that there has been an offence under the Highways Act then the matter would need to be dealt with by the Police. In addition, the Enforcement Team have not received any further complaints for investigation in relation to this issue since November 2012.

The movement of cars to and from the site will cause a level of noise and disturbance. It is not however considered that the number of vehicle movements each day would exceed those experienced when the site was in use as a car park. Providing the use of the site is controlled by conditions it is not considered that the level of noise and disturbance experienced by nearby residents would be unacceptable, particularly compared to the previous use as a car park.

The application does refer to external lighting on the site. However, no details have been submitted to assess the impact of these on neighbouring properties. A condition can be added to any planning permission granted requiring the submission of details of the external lighting within one month of the grant of planning permission to assess the impact. If the details are not considered acceptable then the condition will require the lighting to be removed or relocated in accordance with an approved scheme.

The operating hours of the site are set out in the planning application as 9am to 5pm Monday to Saturday. It is considered that operating hours of 9am to 5pm would be acceptable Monday to Friday, however, Saturdays are a time when most people would be at home. It is therefore considered that the use of the site between 9am and 5pm on Saturdays would be unacceptable for anything other than site maintenance. The agent has identified site maintenance as hedge cutting, drain clearing and grass mowing. It is considered appropriate to restrict activity on the site to these aspects between 9am and 5pm on Saturdays. Emergency access to the site would also be necessary at all times. An emergency would be an event such as vandalism or an attempted break-in, no cars would be removed for transport during the emergency access times.

Some objectors are concerned that the use of CCTV on the site would lead to an invasion of their privacy. The application does not include any reference to CCTV. CCTV can be installed without the need for planning permission if it meets certain criteria and therefore would not need to be included in the proposal. It is not considered that the installation of CCTV would significantly adversely impact the privacy of neighbours. The objection letter refers to CCTV being installed for some weeks on the site and subsequently removed.

Concern has been raised regarding the washing of vehicles on the site and that this could lead to contamination of a neighbouring pond. The previous consent restricted the use of the site solely to the storage of cars and expressly stated that 'no washing of cars should take place at the site'. This condition will be imposed again on the grant of any planning permission. If there is any substantive evidence that cars are being washed on the site following the grant of planning permission then the matter can be investigated by our Enforcement Team and if there is considered to be a breach of the condition enforcement action taken where necessary.

There appears to have been a complaint previously received in relation to car washing in 2011/12 however, this was investigated and monitored by our Enforcement Team and it was considered that following contact with the applicant and reminder of the condition there was no continued breach of the condition and no further action taken. There are only four noted incidents within the supporting information from the letter of objection - 26/11/11; 10/12/11; 30/04/12 and 14/09/13. Whilst it is appreciated that the supporting information cannot log all the incidents that may occur - it is considered that since April 2012 and in fact November 2012 when the Enforcement Team closed the case there appears to have only been one breach of this condition in September last year.

Further information has been provided in support of the objection in relation to the instances of vehicle maintenance on site - there were five incidents in 2012 and 6 in 2013. In 2013 four of the instances were in November 2013. There are no details as to what vehicle maintenance was being undertaken - the attached photographs show the bonnets up on some of the cars, although there is no date on the photographs provided. Whilst it is considered vehicle maintenance would not be acceptable on the site, some essential vehicle maintenance may be required if the cars are stored for significant time periods - for instance charging the batteries. However, it is considered necessary to impose a condition requiring that no washing, car repairs or other works will be permitted on the site to ensure that the site is properly restricted to the use of car storage.

4. Highways and Other Issues

The existing access to the site continues to be used for access to the land. The Highways Development Control officer was satisfied in the previous application that the access is suitable for cars. The Highways Development Control Officer has raised no further objections to this application, providing the same conditions are imposed from the previous application. They have requested a condition in relation to a scheme for the delivery of vehicles to and from the site be submitted to and approved in writing by the Local Planning Authority. A similar condition was imposed on the previous application and the details were submitted and approved. The condition on this application will therefore require that the delivery to and from the site of vehicles be carried out in strict accordance with the scheme approved.

The Highway Development Control Officer is satisfied that since the opening of the Ridgmont bypass Station Road is relatively lightly trafficked and the use would not have a significant adverse impact on highway safety.

The objection letter received and supporting information submitted by the neighbouring residents relates to what they consider to be continued breaches of planning conditions on the site and the lack of enforcement action. The last

case opened by the Council's Enforcement Team was in November/ December 2011. This case included a number of alleged breaches namely, the installation of security lights, parking of vehicles on the highway, storage of a car transporter on site and the erection of a flag pole. These issues were all investigated by the Enforcement Team and where it was considered there had been a breach of planning control the issues were dealt with through negotiation with the applicant. The case was closed in November 2012 and according to our Enforcement Team there have been no further issues reported. Given the evidence submitted in support of the objection letter, and the previous enforcement case it can be seen that there appear to be some outstanding issues in relation to the operation of the site. The principle of the development is considered acceptable however, there do appear to have been issues in relation to the operation of the site, therefore, it is not considered appropriate to grant permanent permission at this time. However, it is considered appropriate to grant a further three year temporary consent which would enable the situation and impact on highway safety to be reviewed prior to the consideration of a permanent permission.

Recommendation

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 This permission is limited to a period expiring on 31 March 2017 when the use shall be discontinued unless before that date the Local Planning Authority has granted permission for its continuation.

Reason: To allow the Local Planning Authority to review the use when the permission expires.

- 2 Within one month from the date of this permission a scheme detailing the method for the delivery and removal of vehicles to and from the site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that no car transporters or other vehicles for the delivery of cars shall be used to deliver cars to the site. All delivery and removal of cars to and from the site shall thereafter be carried out in strict accordance with the approved scheme.

Reason: In the interests of highway safety and residential amenity.

- 3 Activity on the site shall only take place between the hours of 9am to 5pm Mondays to Fridays. Activity of Saturdays between 9am and 5pm shall be restricted to site maintenance only involving hedge cutting, drain clearing and grass mowing, and not activity at all on Sundays and Bank Holidays.

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

- 4 No members of the public shall be permitted to visit the site and no sales shall take place from the land hereby permitted, either to traders or customers, nor shall it be used for the collection of goods by retailers or consumers.

Reason: In order to maintain control over the future use of the site in the interests of the general amenities of the area and/or highway safety.

- 5 The site shall be used for the storage of motor vehicles only. No washing, car repairs or other works to vehicles other than charging batteries and changing tyres shall be permitted to take place on the site.

Reason: In the interests of residential amenity.

- 6 No more than 20 motor car vehicles shall be permitted to be stored on the site at any one time.

Reason: To protect the amenities of nearby residents and in the interests of highway safety

- 7 No vehicles other than private motor cars shall be stored on the site.

Reason: In the interests of visual amenity.

- 8 Notwithstanding the information within the application, details of external lighting on site shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this application. If no details are submitted within the required time period the external lighting shall be removed from the site until the required details have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring properties and highway safety.

- 9 Within one month of the date of this permission, a plan shall be submitted to and approved in writing by the Local Planning Authority showing an area of land which will be permanently left clear for the movement of vehicles within the site. The approved scheme shall be implemented and marked out on site within one month of written approval from the Local Planning Authority and remain as such for the life of the temporary consent.

Reason: To provide adequate on site parking and turning free from the public highway.

- 10 This consent relates only to the details shown on plan CBC/001, or to any subsequent appropriately endorsed revised plan.

Reason: To identify the approved plans and to avoid doubt.

Notes to Applicant

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. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. 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.