

## Item No. 08

<b>APPLICATION NUMBER</b>	<b>CB/15/04844/FULL</b>
<b>LOCATION</b>	<b>Land Adjacent to Unit 22 Pulloxhill Business Park, Greenfield Road, Pulloxhill</b>
<b>PROPOSAL</b>	<b>Change of Use: of grassed area to storage for machinery/plant and parking for Unit 14 Pulloxhill Business Park.</b>
<b>PARISH</b>	<b>Pulloxhill</b>
<b>WARD</b>	<b>Westoning, Flitton &amp; Greenfield</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Jamieson</b>
<b>CASE OFFICER</b>	<b>Debbie Willcox</b>
<b>DATE REGISTERED</b>	<b>16 December 2015</b>
<b>EXPIRY DATE</b>	<b>10 February 2016</b>
<b>APPLICANT</b>	<b>Bellcross Homes</b>
<b>AGENT</b>	<b>CMYK (Planning and Design)</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Councillor Jamieson for the following reasons:</b> <ul style="list-style-type: none"><li>• <b>Noise and floodlight impact on nearby properties including the occupants of the other industrial units;</b></li><li>• <b>Overcrowding of the industrial site, with vehicles forced to park throughout the industrial estate;</b></li><li>• <b>The industrial estate was meant to be a village industrial estate, this is the continuation of a trend to a larger and busier estate not in keeping with a village;</b></li><li>• <b>Increased traffic through the villages of Pulloxhill and Greenfield. Particularly vans with trailers. There have already been two incidents in the village including a trailer crash by the school;</b></li><li>• <b>The activities have led to parking issues within the estate;</b></li><li>• <b>Industrial estate is designed on small industrial units with internal activity not external activity. This has created conflicts;</b></li><li>• <b>Concerns regarding adequate treatment of water run off from vehicle washing and also rain. Loss of greenspace within the industrial estate.</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Approval</b>

### **Summary of Recommendation**

The proposed change of use of the application site would support a local business in accordance with Section 3 of the National Planning Policy Framework and Policy CS11 of the Central Bedfordshire Core Strategy and Development Management Policies (North). The change of use of this site would not have a detrimental impact on the amenity of the occupiers of neighbouring dwellings or a significant detrimental impact on the character and appearance of the area. The impact of the proposal on the highway network is considered to be acceptable. The proposal is therefore

considered to be in accordance with the National Planning Policy Framework, policies CS11, CS14 and DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (North) and the Central Bedfordshire Design Guide.

**Site Location:**

The application site comprises an open area of land to the south west of No. 22 Pulloxhill Business Park, which is a commercial estate located on Greenfield Road to the south of Pulloxhill. To the immediate north of the commercial estate are the dwellings in Maple Close. The site is located in the south east section of the commercial estate and is thus separated from Maple Close by the single storey commercial units on the north west side of the commercial estate. There are open fields to the south and east of the application site.

The site was originally set aside for car parking, but doesn't appear to have ever been used for this purpose and is currently open scrub land.

**The Application:**

The application seeks planning permission to level and hard surface the application site and to change its use from amenity land to storage (B8) and ancillary maintenance uses to allow the occupiers of unit 14 to utilise the land for the storage, cleaning and light maintenance of plant and equipment which are hired out to the construction and utilities industry.

The company are currently utilising an area of land adjacent to Unit 14 for this purpose, without planning permission. Should planning permission be granted for the current application, the applicant has stated that these activities on the land adjacent to Unit 14 would be relocated to the land adjacent to Unit 22, which is the subject of this application.

The proposal has been revised during the course of the application process. Originally, the application included the land adjacent to Unit 14 as well as the land adjacent to Unit 22.

**RELEVANT POLICIES:**

**National Planning Policy Framework (2012)**

**Core Strategy and Development Management Policies (November 2009)**

CS11 Rural Economy and Tourism

CS14 High Quality Development

DM3 High Quality Development

**Development Strategy for Central Bedfordshire (June 2014)**

*At the meeting of Full Council on 19th November it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our web site as material considerations which may inform further development management decisions.*

## Supplementary Planning Guidance

Central Bedfordshire Design Guide: A Guide for Development (2014)

### Relevant Planning History:

Application Number CB/15/03668/FULL  
Description Change of use of grassed area to storage for machinery/plant for five years for unit 14. Retrospective.  
Decision Application withdrawn  
Decision Date 23/11/2015

Application Number MB/03/00879/FULL  
Description Construction of grassed mound in conjunction with the construction of units 22-23  
Decision Planning permission granted  
Decision Date 01/07/2003

Application Number MB/87/00863/FULL  
Description Removal of Condition 10 (Hours of Working)  
Decision Planning permission granted  
Decision Date 23/07/1987

Application Number MB/85/0343B/OA  
Description Erection of Light Industrial and Storage Buildings  
Decision Outline permission granted  
Decision Date 10/08/1986

### Consultees:

Pulloxhill Parish Council We have significant concerns about the nuisance caused  
(Comments on the original application) to nearby residents by activities taking place on this site.

There is insufficient detail provided for us to fully assess the impact of this proposal, particularly there are no details of the materials to be used or boundary treatments; there are no details and there is no mention of the hours of operation of the site. We are concerned that the surface water run-off will be managed via a soak away which increase the risk of flooding of the allotments and subsequent run-off of surface water onto Greenfield High Street. We also note that no further plans are submitted with the application to clarify any of the issues. The application states that the site is to be used by Industrial Unit 14, however, the application seems to distances itself from the activity of that Industrial Unit as there is no statement of employee numbers. The application is inconsistent as the application is stated as being for storage of machinery/plant and for parking but there is no statement of existing and proposed parking spaces. We can only assume that it is the intention for the whole area to be used for "storage" of plant and machinery.

This application does not seem to reflect the actual activity taking place. We would not expect “storage” activity to create noise and other nuisance to neighbours and particularly during unsocial hours. We are further concerned that any activities beyond “storage” may cause contamination of water and land arising from the industrial activities and seek assurance that cleaning, maintenance and other activities relating to the plant and machinery are undertaken in suitable conditions.

Pulloxhill Parish Council welcomes socially responsible and environmentally friendly industry and the employment provided. Pulloxhill Industrial Estate has been in existence and operating for many years, but only recently have there been complaints of nuisance arising from activities on the Industrial Estate. We ask that the planning officers and planning committee ensure that our concerns are fully addressed and mitigation measures put in place as necessary and particularly that nuisance to residents is minimised.

Pulloxhill Parish Council  
(Comments on revised  
application)

To be reported on the Late Sheet.

Pollution Team  
(Comments on the  
revised application)

This application follows detailed discussions with the applicant with regard to the relocation of the current operations at Pulloxhill Business Park. This is to mitigate the impact of noise on local residents from the existing site and in principal I am satisfied with the proposal subject to appropriate conditions. This decision is also based on the fact that I do not believe, given the context of the surrounding area, that we would have a reasonable chance of defending any appeal.

The proposed site for the operations is located a considerable distance from the residential properties which are currently affected by noise. In addition the units located in between the proposed site and the residential properties currently operate as a distribution depot 24hrs a day with HGV movements, loading and unloading with forklifts and other associated activities. The noise attributable to such will not differ significantly from that proposed with this application.

With regard to the proposal it is my understanding that a 2m acoustic fence (relative to the yard height which is elevated rather than the internal business park roads which are lower) will be constructed along the boundary of the site, possibly extending along other boundaries to further reduce any potential noise emissions. I

understand that such would not necessarily require planning consent and therefore it would be necessary to secure through a condition. A similar acoustic treatment should also be applied to access gates to prevent noise spill during operations.

Without prejudice to any decision you shall make I therefore recommend the following conditions:

- Within 4 weeks of the permission hereby being granted the applicant shall submit for approval in writing, details of the acoustic boundary treatment, to include any relevant boundary fence and access points. The applicant thereafter shall install any such agreed treatments within 4 weeks of the approval of such being granted and thereafter any approved details shall be maintained in accordance with the scheme whilst the use remains.
- Within 4 weeks of the permission hereby being granted the applicant shall submit for approval in writing a noise management plan, detailing the managerial practices and operations which will be implemented in order to monitor noise and respond to complaints. The agreed scheme shall thereafter be implemented and maintained in accordance with the approval.
- Within 4 weeks of the permission hereby being granted the applicant shall submit for approval in writing a lighting scheme. The applicant thereafter shall implement any scheme within 4 weeks of the approval of such being granted and thereafter any approved details shall be maintained in accordance with the scheme whilst the use remains in operation.

Whilst I would typically expect conditions to be dealt with prior to commencement of the use of the site, given that the current operations are detrimental to the amenity of residents, I have requested that approval is dealt with within 4 weeks of any approval being granted to allow the business to relocate in a timely manner and reduce impact on residential amenity from current operations.

Highways Officer  
(Comments on the revised application)

The proposal is acceptable; please include the supplied conditions and notes to applicant in any permission issued.

**Other Representations:**

Neighbours  
(Comments on the

Object to the proposal on the following grounds:

- The grassed area adjacent to Unit 14 was set aside for

original application)  
12, 16, 24, 28, 30, 32,  
36 and 38 Maple Close,  
2 Beech Close, 33 High  
Street, Units 15, 16 &  
22, Unit 17, Units 19 &  
20 Pulloxhill Business  
Park

- landscaping and should be used as such;
- The use of the land adjacent to Unit 14 is causing noise problems to residents of Maple Close starting in the early hours of the morning and going on until after midnight, seven days a week. The noise is generated by the running, moving, maintenance and washing of the machinery it hires out and is a deep rumbling which prevents nearby occupiers from sleeping and can be felt as well as heard;
  - The yard on the land adjacent to Unit 14 is lit up at night and light overflows into the rear gardens and houses of occupiers in Maple Close;
  - There is no drainage on the site of the land adjacent to Unit 14, however, machinery is washed on the site and the water runs off the site into the gardens of Maple Close. This may be polluting the surrounding land;
  - The activities include paint spraying the equipment, which results in particles drifting into the gardens of Maple Close;
  - The business generates high levels of heavy traffic through the village and in close proximity to the local school;
  - The alterations made to the site adjacent to Unit 14 has led to earth being piled up against the rear fences of properties in Maple Close;
  - An external storage area is not in keeping with the existing Business Park, which is reasonably well landscaped and a place where tenants operate their businesses inside controlled environments;
  - The business park was never intended as an industrial estate and this would allow it to be used as an industrial estate;
  - The use of the site adjacent to Unit 14 has used an existing landscaping area and these activities have had a detrimental impact upon the appearance of the Business Park because of mud on the road and the loss of landscaping. If the operations are relocated to the site adjacent to Unit 22 there would be mud on the road all over the Business Park.
  - The loading of the machinery onto vehicles sometimes blocks the roads on the Business Park;

Neighbours (Comments  
on the revised  
application)  
30 Maple Close

Generally in support of the revised application, however, would like conditions put on restricting operating and delivery / collection hours overnight and at weekends and would like to ensure that the existing site adjacent to Unit 14 is returned to landscaping.

The revised application is still under consultation; the consultation period closes prior to the committee meeting

and further responses will be reported on the Late Sheet.

### **Determining Issues:**

The main considerations of the application are;

- 1. Background**
- 2. Impact on Neighbouring Amenity**
- 3. Impact on the Character and Appearance of the Area**
- 4. Drainage and Contamination**
- 5. Highway Considerations**
- 6. Other Considerations**

### **Considerations**

#### **1. Background**

- 1.1 The agent has provided the following information on the business: Electro Services Ltd was formed in 1987 and is a family business with its head office on Pulloxhill Business Park and has other depots throughout the UK. The Pulloxhill branch has 25 employees. The business hires machinery and plant to utilities and construction companies including National Grid, Anglian Water, Amey and Balfour Beatty. The workshop hours are 7am - 6.30pm Monday to Friday and 8am to 12 noon Saturdays, but deliveries are made outside these hours as necessitated by customers.
- 1.2 The business has been operating a depot without planning permission on the land adjacent to unit 14 since early 2014. Machinery is delivered to and collected from the site and is stored, cleaned and maintained on the site. The Council's Environmental Health Team have monitored the noise pollution that arises from these activities to the occupiers in Maple Close and have issued a noise abatement notice. Officers from the Environmental Health Team and the Planning Team identified the site adjacent to Unit 22 as being a site from which these operations could take place without harming the amenity of the occupiers of Maple Close by way of noise, light and dust pollution and requested that the applicants submit a planning application to relocate these activities to this site.
- 1.3 A previous application, reference no. CB/15/03668/FULL was submitted for the use of the land adjacent to Unit 14 for these purposes, but was withdrawn as officers advised that planning permission was unlikely to be granted for that site. This application was originally submitted for the change of use of both sites, however, officers advised the applicant that this was unacceptable and the application was subsequently amended to just include the site adjacent to Unit 22. Enforcement action by the Council's Environmental Health Team and the Planning Enforcement Team is in abeyance pending the outcome of the Development Management Committee's decision on this application.
- 1.4 Planning permission was granted for the Business Park in 1985. The planning permission included light industrial (B1) and storage and distribution (B8) uses. The proposed use of the site is B8. Originally the planning permission was granted with a condition that stated that no activities should take place between the hours of 6pm and 8am Monday to Saturday and at any time on Sundays and Bank Holidays. However, planning permission reference no.

MB/87/00863/FULL removed this condition and thus there are no restrictions on operating hours or delivery times to the units on the Business Park.

## **2. Impact on Neighbouring Amenity**

- 2.1 The Pollution Team has been involved with bringing this application forward in an attempt to resolve the pollution problems that the operations of Electro Services Ltd on the site adjacent to Unit 14 are having on the occupiers of Maple Close and Beech Close. This includes light pollution from the high levels of lighting on the site and noise pollution from cleaning and maintenance operations, generators and the loading and unloading of plant and equipment. These activities have been subject to monitoring by the Pollution Team and the Pollution Team are of the view that, subject to the recommended conditions, the activities that are currently taking place on the site adjacent to Unit 14 could take place on the application site without causing noise and light pollution to the residential occupiers of Maple Close and Beech Close, or any other residential occupiers.
- 2.2 It is noted that the proposed site would provide a site that would allow the business to continue to function in Pulloxhill and to continue to provide employment to 25 local residents without the unacceptable levels of noise and light pollution that the residents of Maple Close and Beech Close are currently experiencing. The site would be located 140m away from the rear boundaries of the dwellings in Maple Close and the dwellings in Beech Close are further away still. The conditions suggested would require boundary treatment with acoustic properties, a noise management plan and a lighting scheme to ensure that noise and light pollution from the site is adequately controlled. The relocation of activities to the proposed site would also prevent pollution from dust, paint spraying and land contamination from reaching properties in Maple Close and Beech Close.
- 2.3 The business park as a whole currently has no restriction on operating and delivery hours and the Pollution Officer has noted that other units on the site operate 24 hours a day. In this context it is considered that the limited, mitigated impact of the proposal on the amenities of residential occupiers would not be sufficient to justify a refusal for the application.
- 2.3 It is noted that residents are seeking restrictions on the operating hours of the site. This would be controlled by the noise management plan, which would be scrutinised by the Pollution Team prior to the discharge of condition. It is considered that this would provide adequate protection to residential occupiers.

## **3. Impact on the Character and Appearance of the Area**

- 3.1 The application site currently comprises scrub land which is bounded to the road by a bund. The proposal would level the site and use it for open storage and associated maintenance of plant and machinery. The Pollution Team has recommended a condition requiring the erection of an 2m high acoustic fence and gate to the front of the site, which would mitigate views of the open storage from the surrounding area. It is considered that, subject to the installation and maintenance of the proposed fence and gate, the proposed change of use would not have a significant detrimental impact on the character and appearance of the area.



- 3.2 It is noted that the current use of the land adjacent to No. 14 has led to mud being spread on the roads within the business park. It is considered this is partially as a result of the rough surfacing and inadequate drainage that exists on the site. It is considered that the proper surfacing and drainage of the application site would be likely to significantly reduce the mud being spread on the roads within the industrial estate.
- 3.3 The proposal would allow the relocation of the activities from the land adjacent to Unit 14. It is noted that neighbours have requested that the land be reinstated to its former landscaped condition, which is considered would be an enhancement to the character and appearance of the area. Officers have requested through the agent that the site be reinstated to landscaped amenity land. It is not possible to impose a condition controlling the reinstatement of the area of land as that site is not located within the red line of the revised application. However, the Local Planning Authority has powers of enforcement which will be considered if appropriate.

#### **4. Drainage and Contamination**

- 4.1 No details have been submitted in regards to the proposed surfacing and drainage of the application site. It is considered that it is important to ensure that the site is properly surfaced and drained to prevent surface water flooding, minimise the potential for land contamination and to prevent mud being spread on the roads. As such, it is considered important to impose a condition requiring details of the surfacing and drainage be submitted and implemented within a short timescale.

#### **5. Highway Considerations**

- 5.1 The Council's Highways Officer has raised no objections to the proposal. While the local concerns in regards to the impact of the proposal on traffic flows within the village are noted, it is acknowledged that the current Business Park has unrestricted B1 (Light Industry) and B8 (Storage and Distribution) uses for the whole site. Heavy goods vehicle traffic is associated with B8 uses and there are no conditions on the earlier planning permissions which allow this to be controlled. In this context, it is considered that the impact of the proposed change of use of this small part of the Business Park on vehicle movements though the village would not be of enough significance to justify a refusal for the application.

#### **6. Other Considerations**

##### **6.1 Human Rights issues:**

The proposal raises no Human Rights issues.

##### **6.2 Equality Act 2010:**

The application makes no reference to the Equality Act 2010. Should planning permission be granted, it is considered appropriate to impose an informative advising the applicant of Electro Services Ltd's responsibilities under the Equality Act 2010.

#### **Recommendation:**

That Planning Permission be APPROVED subject to the following:

## **RECOMMENDED CONDITIONS**

- 1 The development hereby permitted 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 **The use of the site for storage (B8) and ancillary maintenance of plant and equipment shall not commence until details of a 2 metre high acoustic barrier fence and gates to be erected around the boundaries of the application site have been submitted to the Local Planning Authority and approved in writing. The approved acoustic barrier fence and gates shall be erected prior to the commencement of the use and shall be maintained thereafter.**

**Reason: The condition must be pre-commencement to prevent nuisance from noise from the proposed use to neighbouring occupiers. (Section 7, NPPF and Policies CS14 & DM3, CSDMP)**

- 3 **The use of the site for storage (B8) and ancillary maintenance of plant and equipment shall not commence until a noise management plan, detailing the managerial practices and operations which will be implemented in order to limit and monitor noise has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented once the use commences and maintained thereafter while the use continues on the site.**

**Reason: The condition must be pre-commencement to prevent nuisance from noise to neighbouring occupiers. (Section 7, NPPF and Policies CS14 & DM3, CSDMP)**

- 4 **The use of the site for storage (B8) and ancillary maintenance of plant and equipment shall not commence until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority for approval in writing. The approved scheme shall be implemented prior to the commencement of the use and shall be maintained thereafter.**

**Reason: The condition must be pre-commencement to prevent nuisance from light pollution to neighbouring occupiers. (Section 7, NPPF and Policies CS14 & DM3, CSDMP)**

- 5 **The use of the site for storage (B8) and ancillary maintenance of plant and equipment shall not commence until details of the surfacing and drainage of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include arrangements for surface water drainage to soak away within the site or discharge to an appropriate drainage system and into the highway. Any discharge into the main drainage system shall include appropriate oil, petrol and grit interception facilities. The surfacing materials should be stable**

**and durable. The approved scheme shall be implemented prior to the use commencing on site and maintained thereafter.**

**Reason: The condition must be pre-commencement to prevent any increase in flood risk, risk of pollution to land or water systems and the spread of mud and other deposits on the surrounding highway network.**

**(Sections 7, 10 and 11, NPPF, and Policies CS14 & DM3, CSDMP)**

- 6 The use hereby approved shall not commence until the junction of the proposed vehicular access with the access for Pulloxhill Business Park has been constructed in accordance with the approved details shown on drawing number 1550 / P / 100.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

(Section 4, NPPF)

- 7 **The use hereby permitted shall not commence until details of a turning space for vehicles within the curtilage of the site have been submitted to and approved in writing by the Local Planning Authority and the approved turning space has been constructed.**

**Reason: The condition must be pre-commencement to enable vehicles to draw off, park and turn outside of the highway limits thereby avoiding the reversing of vehicles on to the highway.**

**(Section 4, NPPF)**

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1550/P/100 Rev A, CBC/001.

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

## **INFORMATIVE 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.
2. The applicant's 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))

3. 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).
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Highways Help Desk tel: 0300 300 8049.
5. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.
6. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all vehicles leaving the site

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and 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) Order 2015.

**DECISION**

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