

## **Item No. 10**

<b>APPLICATION NUMBER</b>	<b>CB/18/02439/FULL</b>
<b>LOCATION</b>	<b>Grange Nurseries, The Green, Beeston, Sandy, SG19 1PG</b>
<b>PROPOSAL</b>	<b>Erection of a new building/extension for storage this is a revised version of CB/18/01299/FULL</b>
<b>PARISH</b>	<b>Sandy</b>
<b>WARD</b>	<b>Sandy</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Maudlin, Smith &amp; Stock</b>
<b>CASE OFFICER</b>	<b>Donna Lavender</b>
<b>DATE REGISTERED</b>	<b>25 June 2018</b>
<b>EXPIRY DATE</b>	<b>20 August 2018</b>
<b>APPLICANT</b>	<b>Bulldog Steel Fabrications</b>
<b>AGENT</b>	<b>DLP Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Ward member call in (Cllr Maudlin) on the following grounds:</b> <ul style="list-style-type: none"><li>• <b>Amenity impact by the intensification of the use</b></li><li>• <b>Impact on the character and appearance of the area</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>

### **Site Location:**

The site consists of a steel fabrication and welding business known as "Bulldog" which has been in operation for approximately 30 years and is located within the village of Beeston. The site lies to the north edge of Beeston Green and backs onto the open countryside. The surrounding development consists of open countryside and residential properties fronting onto the Green. The site falls outside any defined settlement envelope and falls within Flood Zone 2 but is not located within any other designation.

### **The Application:**

Permission is sought for the erection of a storage unit triangular in shape measuring 17 metres in depth at its maximum, 9 metres in depth at its minimum and 40 metres in width with a mono pitch roof design. The unit is covered on each side except from an opening on the eastern portion of the southern elevation to allow access into the building.

Additional parking provision has been provided to account for additional employment generation.

### **RELEVANT POLICIES:**

## **National Planning Policy Framework (NPPF) (July 2018)**

2- Sustainable Development

6 - Building a strong & competitive economy

8 – Promoting healthy communities

9 – Promoting sustainable transport

11- Effective Use of Land

12 - Achieving well designed places

14 – Meeting the challenge of climate change, flooding and coastal change

15 – Conserving and enhancing the natural environment

16 – Conserving and enhancing the historic environment

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

CS4: Linking Communities - Accessibility and Transport

CS11: Rural Economy & Tourism

CS14: High Quality Development

CS15 - Heritage

CS16: Landscape & Woodland

DM3: High Quality Development

DM4: Development within & beyond settlement envelopes

DM12: Horticultural & Redundant Agricultural Sites

DM13 - Heritage in Development

DM14: Landscape & Woodland

## **Central Bedfordshire Local Plan - Emerging**

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

SP2: Sustainable Development

SP6: Settlement Hierarchy

EMP3: Employment proposals within and beyond the settlement

EMP4: Rural & Visitor economy

T2: Highway Safety & Design  
T3: Parking  
EE4: Trees, Woodlands and Hedgerows  
EE5: Landscape Character and Value  
CC3: Flood Risk Management  
HQ1: High Quality Development

### **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

### **Relevant Planning History:**

There is extensive history in respect to various extensions and permissions on this site however only those relevant to the determination of this application have been included herein:

**Application Number    CB/18/02189/LDCE**

Description                      Lawful Development Certificate Existing -This application has been submitted to lawfully establish an existing use for general open storage of items associated with the steel fabrication business (non-military equipment) with the activity currently and continuously being undertaken in excess of 10 years on part of the site.

Decision                              Lawful Development Existing - Approved

Decision Date                      26.07.18

**Application Number    CB/16/05614/LDCP**

Description                      Lawful Development Certificate Proposed: Use of land and buildings for general metal working operations including the repair and welding of agricultural implements and machinery and the repair and welding of plant equipment together with industrial metal working fabrication and ancillary operations including the open storage of items/equipment/materials and parking of vehicles associated with, and ancillary to, the lawful use.

Decision                              Approved

Decision Date                      27.01.2017

**Application Number    CB/16/01369/FULL**

Description                      Retention of three existing buildings B, C & D, retention and completion of partially constructed building E and associated works

Decision                              Full Application - Granted

Decision Date                      05/08/2016

Application Number              **MB/98/00407/LDC**

Description Certificate of lawful use: use of land for the repair of agricultural machinery and general metal working operations class B2.

Decision Appeal Allowed

**Application Number MB/99/01851/FULL**

Description Full: extension to existing workshop and associated car parking and landscape.

Decision Full Conditional Approval, subject to a s106 agreement to limit hours of operation, limitations on storage locations and height restrictions on storage.

**Application Number MB/04/00396/FULL**

Description Full: Demolition of existing office and stores and erection of a steel framed side extension to existing building.

Decision Full Conditional Approval

**Parish/Town Council:**

Sandy Town Council *(Verbatim)*: They resolved to object strongly to this application as the industrial development is incongruous within Beeston.

Members felt it would represent overdevelopment of the site in what is essentially a rural setting.

When the existing buildings were built they were outside the settlement envelope in breach of the Local Plan at the time. The current large industrial buildings are clearly visible from Sandy and adversely affect the open vista.

The new CBC Call for Sites map shows that this area is in a flood plain.

Members expressed concern that were this application to be granted and bearing in mind the nature of the applicants business a significant increase in the number of traffic movements would result, especially HGV's adding to the already disproportionately high number of such movements to and from at least two other commercial sites in the locality causing disturbance and creating noise and atmospheric pollution to residents in the locality. Members urged that were CBC minded to grant consent that consideration be given to putting in place a restriction on the number of daily vehicle movements to and from this site.

**Internal Consultees:**

CBC SuDs	Details required on flooding potential and mitigation.  Further to receipt of FRA, no further concerns subject to the imposition of a condition to secure a SuDs scheme.
CBC Trees & Landscape	No Objection
CBC Archaeology	No Objection
CBC Highways	No Objection, subject to the imposition of a condition to secure parking provision in perpetuity.
CBC Conservation	No Comments to raise
CBC Pollution	No Comments to raise

**External Consultees:**

Internal Drainage Board	Consent would be required from the board to discharge into the existing watercourse under the boards control.
Beds Fire & Rescue	Scheme to secure fire hydrants required to be secured by condition.

**Other Representations:**

Neighbours x 2	<p>Objects on the following grounds in summary:</p> <ul style="list-style-type: none"> <li>• Applications are often retrospective</li> <li>• S106 is in place which prevents this development</li> <li>• Planning statement is inaccurate</li> <li>• Lack of need for said building</li> <li>• Adverse noise impact</li> <li>• Nature of the use of the buildings for hobby or storage not associated with the business should not be permitted</li> <li>• Adverse visual intrusion</li> <li>• Site Location plan supplied includes land not within the applicants ownership</li> <li>• The references to the titles of the listing building is incorrect in the planning statement</li> <li>• Hours of operation are fixed in the s106 however whilst this is adhered to for the business, not for other activities</li> <li>• Employee numbers questionable</li> <li>• Previously approved storage buildings remain un-built and therefore questionable how this building is needed</li> </ul>
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- Lack of appropriate landscaping mitigation between the site and the existing residential property to mitigate harm
- No mention of the s106 nor the requirement for this area to be used for parking cars only.
- No south west- elevation of the building has been provided
- Green cladding would be preferred instead of the grey proposed
- Reduction of the height of the building to 4.5 metres is required to reduce loss of light on garden space
- Concerns over HGV movements
- Impact on the setting of the listed building
- Hours of operation should be included and s106 with limitations if any permission granted
- Area of land in close proximity recently had appeal refusal and concerned this building will be used for activities which were the subject of that appeal
- Use of the building should be restricted
- Noise impact and lack of assessment
- Additional landscape planted on boundaries should be provide in the interest of amenity protection
- Future alterations to the building should be restricted
- Lack of heritage impact consideration
- Unauthorised shipping containers should not be a material factor in the decision

### **Determining Issues:**

The main considerations of the application are;

- 1. Principle**
- 2. Affect on the Character and Appearance of the Area including the Historical Setting**
- 3. Neighbouring Amenity**
- 4. Highway Considerations**
- 5. Other Considerations**

### **Considerations**

#### **1. Principle**

- 1.1 The application site constitutes previously development land and the proposal would not result in development outside the developed site boundaries and as such would not conflict with policy DM4 of the Core Strategy for the North. Both the NPPF and Policy CS11 of the Core Strategy for the North affords significant weight to the need to support economic growth in rural locations through the planning system.

- 1.2 Paragraph 83 of the NPPF goes further to state that support should be given to the growth and expansion of all types of business within rural areas in order to promote and diversify the rural economy providing that the development proposals would not result in environmental implications and regard was had to sustainable development.
- 1.3 The planning statement provided with the current application identifies the purposes for the additional building, with a justification which includes the following:
- Storage of new materials on site to ensure the quality of the materials is retained
  - Vehicles used for handling materials can be secured and protected from the elements
  - Storage of waste materials unless they can be disposed of, off site
  - Buildings still to be erected on site related to the manufacturing of product not in relation to storage
  - Natural variations in business contracts which put different demands on space utilised for manufacturing and storage
  - More efficient and aesthetically acceptable use of the site
  - To prevent the hindering of internal movement in the site of deliveries/forklift etc
- 1.4 It is considered therefore that the principle of the development is deemed acceptable subject to other material considerations including visual, amenity, neighbouring amenity and highway impact which is considered in the consecutive paragraphs.

## **2. Effect on the Character and Appearance of the Area including the Historical Setting**

- 2.1 The Central Bedfordshire Design guide states that proposals should be visually distinctive and should be designed as a sensitive response to the site and its setting. This is iterated in policy DM3 & DM4 respectfully. Paragraph 83 of the NPPF states that support shall be given to new buildings for the expansion of rural businesses, providing that they are well designed.
- 2.2 Paragraph 127 of the NPPF goes further to state, that developments should whilst being functional should add to the overall quality of the area for its lifetime, by being visually attractive in terms design, layout and effective landscaping.
- 2.3 The existing buildings and that which is proposed, are of a steel framed construction similar to that of agricultural buildings and so far they have been painted greens or greys which are also distinctive of buildings on agricultural

holdings and either colour choice would be reflective of the character of the area and as such would be deemed acceptable.

- 2.4 Limited opportunities have been realised to provide additional landscaping along the boundaries shared with the open countryside and as such, whilst some landscaping remains, it would be beneficial to seek additional opportunities to lessen the impact on the prevailing character of the area which would result from a significant harsh edge. It is considered that there is space along the boundaries to facilitate the landscaping and if the scheme was otherwise found acceptable, this matter could be controlled through condition.
- 2.5 In accordance with Section 16 of the NPPF consideration should be given to the impact of the proposal on any historical assets. The site is in proximity to a listed building known as "The Grange". Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Council's Conservation Officer has considered the proposal and considers it less than substantially harmful to the historical setting and has not raised any objection to the proposal subject to additional screening being proposed between the site and The Grange, which could be secured through condition.
- 2.6 Paragraph 196 of the NPPF states that where proposals would result in less than significant harm to an historical asset, the harm should be weighted against the public benefits of the proposal. The Council's Conservation Officer, whilst acknowledges that the relationship between commercial development of this nature within this historic context is less than ideal, this site has a longstanding permission and additional benefits of containing the operations within the buildings is considered to be a fundamental benefit and would seek to better enhance the setting than the existing situation whereby storage is predominately outside. This is viewed as a public benefit that the scheme would bring.
- 2.7 It is considered therefore that the proposal would have no adverse impact on the character of the streetscape and therefore the proposal would conform with policy DM3, DM13 & DM14 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 12 & 16 of the NPPF.

### **3. Neighbouring Amenity**

- 3.1 A minimum separation of 22 metres is proposed between the storage unit and the closest existing residential properties which is a reasonable separation such to not afford an overbearing impact on these neighbouring residents.
- 3.2 Concerns have been expressed about the nature of the use of the building and potential noise and disturbance that would arise from its use on the amenity of the closest residents however the proposal would see storage inside a building and as such, any noise as a result of the movement of materials and so forth, would



be limited or more contained and therefore no concerns have been substantiated in that regard by the Councils Pollution Officer.

- 3.3 It is however acknowledged that the use of this section of the site for manufacturing of product could generate further impact on the local residents in terms of noise and as such, the proposal would be conditional on the use for storage of materials, equipment and lifting vehicles only in relation to the business to prevent un-necessary harm on the residential amenity and associated hours of operation.
- 3.4 In addition, the s.106 agreement attached to CB/99/01851/FULL on the site restricted hours of operation on the area of land to which this building is to be erected. These hours of operation are limited to 07:30 to 18:00 on Monday to Friday or 07:30 to 13:00 on Saturdays and 'no operation' on Sundays and Public Holidays. These would be carried forward on the proposed deed of variation which is considered in other considerations section of this report.
- 3.5 Therefore it is considered that the proposal would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and Section 12 of the NPPF.

#### **4. Highway Considerations**

##### **4.1 Access:**

No changes are planned or required to the existing access. The access is wide enough to facilitate the vehicles required to enter/exit the site uninhibited .

##### **4.2 Number of Movements**

The proposed use does not propose to materially increase or intensify the use of the site and as such no highway objection could be substantiated in this regard.

##### **4.3 Parking**

The application follows on from 18/01299/FULL and the application shows 17 parking spaces which is in line with the Councils parking guidance. As such there is no objection raised from a highway point of view but conditions will be imposed to ensure parking is provided and retained.

- 4.4 It is considered therefore that the proposal would not be prejudicial to highway safety and would be in accordance with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 4 of the NPPF.

#### **5. Other Considerations**

##### **5.1 Archaeology**

The proposed development site lies within the historic core of the settlement of Beeston, (HER 17132) and under the terms of the *National Planning Policy Framework* (NPPF) this is a heritage asset with archaeological interest. However,

the nature of the proposal (predominantly to retain four existing buildings) is such that there will be no impact upon any surviving archaeological remains. Consequently, the Councils Archaeologist has raised no objection to this application on archaeological grounds. As such, it is considered to conform with policy DM13 of the Core Strategy for the North and Section 16 of the NPPF.

## 5.2 **Flood Risk**

The Environment Agency flood maps show the site falling within Flood Zone 2. Paragraph 99 of the NPPF states that where new development is brought forward in areas which are vulnerable to Flood Risk, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure. Sequential tests are requested for development to a site within a Flood Zone 2 & 3 area however these tests are impractical to existing established sites whereby it would be impractical to suggest that there are more suitable alternative locations for that development elsewhere. Furthermore the applicant has justified the need for this development in this location and the Environment Agency has not requested the need for greater investigation of this matter.

Sequential testing is not required for extensions below 250 sqm and as this site has a pre-existing use it would be unreasonable to apply such testing. Furthermore consideration of the locations of the extensions have been included in the Flood Risk Assessment and it has been concluded that the siting of the extensions have not resulted in a greater risk to flooding elsewhere. The Councils SuDs Officer is satisfied with these results. No concerns have been raised by the Internal Drainage Board in this regard, subject to permission being sought from the Board for any discharge of water into any watercourse they maintain. As such it is considered that the proposal accords with the Councils adopted SuDs guidance and the section 14 of the NPPF.

## 5.3 **S106 agreement**

The planning permission related to extensions on the original site under reference CB/99/01851/FULL was subject to a s.106 to restrict hours of operation on the site and to limit storage locations and heights. This s106 remains valid and as such, if this scheme is found to be acceptable, a deed of variation would be required to the s.106 to update the locations or reinforce restrictions on further outside storage. Outside storage locations are considered still necessary to restrict, due to the restricted nature of the size of the site, such that any additional storage would limit operations or internal accessibility and movement and/ or would lead to further impact the setting of a Listed Building. The hours of operations restriction would also need to be updated in the agreement to include the additional storage unit.

## 5.4 **Human Rights and Equality Act issues:**

Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would

be no relevant implications however an informative to advise of the responsibilities of the applicant could be attached to any approval.

**Recommendation:**

That Planning Permission be APPROVED subject to the completion of a Deed of Variation and 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 All external works hereby permitted shall be carried out in materials to match as closely as possible in type and texture, to those of the existing buildings on the site and shall be painted black or dark green and be thereafter retained.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match the existing building in the interests of the visual amenities of the locality.

(Policy DM3 of the Core Strategy for the North and Section 12, NPPF)

- 3 **No development shall commence until a detailed surface water drainage scheme, to manage surface water run off from the development for up to and including the 1 in 100 year event (+40%CC), and a maintenance and management plan for the scheme has been submitted to and approved in writing by the Local Planning Authority. The discharge rate from the development will be limited to the equivalent 1 in 1 year rate, or an appropriate rate as agreed by the Bedford Group of Internal Drainage Boards. The final detailed design will be based on the agreed drainage Strategy (Ref: RAB1892B, 2018) and DEFRA's Non-statutory technical standards for sustainable drainage systems (March, 2018), and shall be implemented and maintained as approved. Maintenance will ensure the system functions as designed for the lifetime of the development.**

**Reason: This condition is pre-commencement to ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with section 14 of the NPPF and its supporting technical guidance.**

- 4 The building hereby approved shall be used for the storage of materials, product and machinery used in association with the storage and

manufacturing of products in relation to the business and for no other purpose.

Reason: To ensure the Local Planning Authority retains full control of the future use of the building to prevent future limitations on storage for the pre-existing business and in the interest of amenity protection.  
(Section 12, NPPF)

- 5 Before the development is brought into use, the proposed development shall be carried out and completed in all respects in accordance with the access siting and layout illustrated on the approved plan No. BE5008-9 Rev A and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 2015, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.(Policy DM3 of the Core Strategy and section 9 of the NPPF)

- 6 The building hereby approved shall not be brought into use, until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping.  
(Policy CS14 of the Core Strategy for the North and Sections 12 & 15, NPPF)

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers D02 (Site Location Plan), PL03 Rev A (Site Layout Plan), PL04 (Block Plan), PL05 (Floor Plan), PL06 (Elevations), Planning Statement & Flood Risk Assessment V 1.0.

Reason: To identify the approved plan/s and to avoid doubt.

## **INFORMATIVE NOTES TO APPLICANT**

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
2. 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.
3. The Internal Drainage Board advises any direct discharge to the nearby watercourse will require the Board's prior consent. Please contact the Internal Drainage Board at Vale House, Broadmead Road, Stewartby, Bedford. MK43 9ND - Telephone (01234 767995) - E-mail [contact@idbs.org.uk](mailto:contact@idbs.org.uk)
4. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.
5. 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))

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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