

Committee Report

Item 7C

Reference: DC/20/00154

Case Officer: Daniel Cameron

Ward: Battsford & Ringshall.

Ward Member/s: Cllr Daniel Pratt.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Full Planning Application - Change of use of site for use as a builder's yard in conjunction with adjacent development site on a temporary basis for no more than three (3) years.

Location

Land North of B1078, Great Bricett

Expiry Date: 08/05/2020

Application Type: FUL - Full Planning Application

Development Type: Change of Use

Applicant: Mrs Bridges

Agent: Mr Lee French

Parish: Great Bricett

Site Area: 1,700 m²

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): Yes

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

The ward member has requested that the application come before planning committee due to the number of neighbour representations received in response to the application particularly noting concern about the perceived implications of the use of the building with regards to pollution (noise, light and odour) and its impacts on the amenity of the surrounding residential development (Appendix 1).

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
GP01 - Design and layout of development
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
CL18 - Alternative uses for buildings in the countryside

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Town/Parish Council (Appendix 3)

Great Bricett Parish Council Initial Comments

Great Bricett Parish Council object to this application. In particular they note the retrospective nature of the application. They also note a high fence that has been erected around the site.

Great Bricett Parish Council Additional Comments Following Amendment to Description of Development

The Parish Council support this application but feel that it should be for a maximum of 2 years, or on completion of adjacent development should that be sooner.

National Consultee (Appendix 4)

N/A

County Council Responses (Appendix 5)

Highways

SCC's perception is that the proposed change of use would not have a detrimental impact on the highway network at this location. Therefore, SCC does not wish to restrict the grant of permission of DC/20/00154 under highway safety grounds.

Rights of Way Department

No response.

Internal Consultee Responses (Appendix 6)

Enforcement

It is confirmed that there is an enforcement case related to this application. Further detail on this issue will be given within this application.

Officer's Note: The enforcement points will be further detailed within this report.

Environmental Health - Noise/Odour/Light/Smoke

The use proposed should, by virtue of the use class, be compatible with nearby residential use, and I therefore have no objection to the principle of the development.

However, I would recommend that that, in order to safeguard amenity, hours of operation should be agreed by negotiation with the applicant. I would suggest that hours of 08.00 - 18.00hrs Monday - Friday, with reduced hours at weekends/public holidays (if needed) would be suitable.

I note there is a large roller door on the façade facing an area of approved residential development. This will present an opportunity for the escape of noise from within the building and I would therefore recommend a condition be attached to the effect that the door is to remain shut at all times save for access and egress. I would also recommend that a condition be attached to require that all work and storage is to take place wholly within the building, in the interests of protecting nearby amenity.

I would also recommend that a condition be attached to require that no noisy external plant, such as air conditioning/ mechanical ventilation/refrigeration plant or similar noisy plant shall be installed until such time as a written scheme (to include details of all plant to be installed including precise acoustic specification, as well as a noise assessment taking account of all such plant, to include details of the current existing background level, to be based on methodology as given in British Standard BS4142:2014 (['Methods of rating and assessing industrial and commercial sound']) has been submitted to and approved by the LPA, in order to allow the likelihood of loss of amenity to be determined at the nearest dwellings.

I would also recommend a condition be attached to prohibit the installation of external lighting until such time as a lighting assessment to take account of all lighting on the site - details to include luminaire type, operating hours, position, height, aiming points, lighting levels and a polar luminance diagram (based on the vertical plane and marked with 5, 1 and 0 lux contour lines), has been submitted to and approved by the LPA.

Environmental Health - Noise/Odour/Light/Smoke Additional Comments Following Amendment to Description of Development

Thank you for your consultation on the above application. I note the change of proposed use from the original application and have no objection. However, I have the following comments to make I would recommend that, in order to safeguard amenity, a condition is added to any permissions granted restricting the hours of operation from the yard. I would suggest the following conditions:

- No vehicle connected with the works to arrive at the yard before 07:30 or leave after 19:00(except in the case of emergency). Hours of use to be restricted between 08:00 and 18:00 Monday to Friday, 09:00-13:00 Saturday with no working of any kind permitted on Sundays or any Public/Bank Holidays. This shall include any maintenance on any plant including that used on the adjacent site.
- No materials produced as a result of operation of the builders yard and the associated adjacent development shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site during the lifetime of this permission.
- Any external lighting associated with the use as a builders yard shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation. Reason – To minimise detriment to nearby residential amenity.

B: Representations

At the time of writing this report at least 13 letters/emails/online comments have been received. It is the officer opinion that this represents 13 objections. A verbal update shall be provided as necessary.

Views are summarised below:

- The barn was originally built without planning permission.
- A number of pieces of heavy machinery are being stored around the site.
- A high fence has been erected around the site.
- Doubt as to whether the end use will be light storage as described.
- Recent works have been undertaken to improve the dirt track that previously served the stables.
- They have also extended the concrete pad that surrounds the building.
- This development will not sit comfortably with the existing residential character of the area.
- Large vehicles would have difficulty accessing the site and will create hazards on the highway while they do.
- The applicant has a history of ignoring planning requirements and conditions.
- A permanent builders yard here is not conducive to the surrounding residential amenity.
- Concerns over privacy and amenity at the closest residential dwellings to the site.
- Site vehicles parking on and blocking the driveways of adjacent houses.
- Concern over visibility splays to the access onto the road.
- Concern about whether use will truly be temporary.
- Concern about what happens with the site after the temporary use comes to an end.
- History of non-compliance with planning conditions and enforcement previously.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: DC/18/05447	Outline Application (some matters reserved)- Erection of up to 4 No. Bungalows with detached garages and access.	DECISION: GTD 28.03.2019
REF: DC/19/04166	Application for reserved matters for the Appearance, Landscaping, Layout and Scale relating to DC/18/05447 - Erection of up to 4 No. Bungalows with detached garages and access.	DECISION: GTD 18.11.2019
REF: DC/20/00194	Discharge of Conditions Application for DC/18/05447- Condition 4 (Archaeological Works), Condition 6 (Levels) and Condition 7 (Refuse Bins and Collection Areas)	DECISION: GTD 18.03.2020
REF: DC/20/00215	Discharge of Conditions Application for DC/19/04166 - Condition 4 (Landscape Maintenance and Management) and Condition 12 (Access to be Surfaced in Bound Material)	DECISION: GTD 05.03.2020
REF: 0903/10	Installation of vehicular access over land	DECISION: REC

REF: 1324/08	Proposed retention of existing machinery/feed barn building together with proposed modification works & landscaping works. Use of land for the keeping of horses.	DECISION: REF 27.08.2008
REF: 0571/08	enf. - retention of building with amendments	DECISION: REC
REF: 1030/03	Change of use of land and erection of stables building and machinery/feed barn.	DECISION: GTD

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The site is located to the north of the B1078, a short way to the east of the main hub of the village of Great Bricett and to the rear of a run of four residential properties that face onto the B1078. The site is composed of an existing barn and is accessed via an existing track located adjacent to western end of the run of dwellings.
- 1.2 At present, the barn is separated from the B1078 by some fields. Previously these were utilised for the keeping of horses in association with the barn. Two planning permissions now exist on the fields for the development of a total of nine residential dwellings, which are now under construction.
- 1.3 The barn was originally built following the purchase of the land and initial planning permission in 2003 for the change of use of the land for equestrian purposes and the erection of a stable building also providing machinery and feed storage. In 2005 a series of enforcement complaints began relating to the use of the building particularly for business activities involving the parking of large vehicles at site. Council officers were unable to obtain evidence of this at the time despite undertaking a number of visits.
- 1.4 In 2007, enforcement action was taken against the barn on a number of grounds. These included the change of use of the building, the building not conforming to the agreed plans, and the erection of a play area. Correspondence to the owners of the site at the time noted compliance with the action with regards to the use of the building and the play area. An application to regularise the barn as built was submitted in 2008. This was refused.
- 1.5 Officer notes from the time indicate a difficulty in having the building removed from the site due to complications around the ownership of the barn. This situation continued until 2012. Enforcement officers at the time noted that as the building had been in place for some time and the difficulties in finding the legal owner it was not considered expedient to take action in the public interest.
- 1.6 Complaints continued to be made regarding the use of the barn. Investigation undertaken in 2013 found the barn was in use as a stable and no breach was found. Further questions on why the barn had remained on site in breach of the previous enforcement notice was also made and the previous decision on the matter was replayed.
- 1.7 In the light of the above, and given the period which has elapsed since the enforcement notice was served, the partial compliance with the notice and bearing in mind that the Council has previously not sought demolition of the barn it is considered that the use of the building as a stable, although

not in full accordance with the originally approved plans would no longer be the subject of enforcement proceedings and should be considered the accepted use of the building on the site.

2. The Proposal

- 2.1 The original proposed development would see the existing barn being repurposed to serve as a storage space for the adjacent housing development for the duration of those developments before changing use to provide an office with accompanying storage space thereafter. The application description was then amended during the application process to reduce confusion and simplify the scope of the proposed development to simply seek temporary change of use of the building to serve as a builders yard during the development of the adjacent housing developments.
- 2.2 Total site area is 1,700m² and the footprint of the barn would be unchanged from that which currently exists.
- 2.3 Access to the site would remain as existing with parking provided around the building. Suffolk Guidance for Parking requires one space per 30m² of office space and one space per 150m² of storage. Given the internal dimensions of the barn, the three parking spaces within the site are considered to be sufficient.

3. The Principle of Development

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.
- 3.2 It is also of note that provision of temporary buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being carried out in connection with a granted planning permission is permitted development under Part 4, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. This means that similar temporary development on the adjoining housing sites could be undertaken without the ability for the Council to impose conditions to control it.
- 3.3 Local Plan policy CL18 is partially applicable. It covers the conversion of agricultural buildings in the countryside to non-residential uses. It requires that the appearance of the building be appropriate to its surroundings and that the proposed use does not create adverse impacts for nearby residential amenity, the safety of the public highway, and impacts on wildlife sites. Given the building is existing and would not be modified as a result of the works it is not considered that this policy is offended, subject to the consideration of the relevant requirements, detailed below.
- 3.4 It is considered that the principle of development in this case turns on the following issues mainly stemming from Local Plan policies H16 and H17. These are, one, whether the proposed temporary use would lead to unacceptable impacts on the residential amenity of the surrounding residents including from disturbance or pollution that might arise. Two, whether the proposed use would lead to severe impacts on highway safety and three, whether the proposed use would have negative impacts on wildlife sites.

4. Nearby Services and Connections Assessment of Proposal

- 4.1 The application site is located close to Great Bricett, identified as a countryside village within Core Strategy policy CS1 and benefits from both a Parish Church and Village Hall. The 111/111A bus service operates within the area, with stops at both Wattisham Airfield as well as Great Bricett Village Hall with four daily services operating between Ipswich and Hitcham.

5. Site Access, Parking and Highway Safety Considerations

- 5.1 The Highway Authority have been consulted on the proposed development and have not raised any objections on the grounds of highway safety. The NPPF is clear at paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is considered that this has been shown with regards to the application at hand.
- 5.2 Information taken from Crashmap.co.uk showing reported collision information for the past ten years show no incidents along the stretch of the B1078 that passes along the site frontage which is relatively straight with good visibility.
- 5.3 Sufficient parking is provided on the site to meet the requirements of the Suffolk Guidance for Parking. That being said, there is insufficient information provided with regards to type of vehicles that would be accessing the site. This is particularly important given the public representations regarding large vehicles accessing the site or parking whereby it might obstruct the B1078 or neighbouring driveways.
- 5.4 Given that the Highways Authority have not raised an objection on this basis, it would not be reasonable to consider refusing the application on this basis, especially when the Council would not be able to demonstrate that impacts would be severe. That being said, conditions to control the types of vehicles accessing the site as well as their hours of access (both for vehicles delivering to the site and works vehicles) would offer control to this aspect of the development.

6. Design and Layout

- 6.1 The external appearance of the barn would be unchanged from the existing and would not be considered to conflict with Local Plan policy GP01.

7. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 7.1 The application site does not form part of a specific landscape designation, although does sit within the wider countryside outside of Great Bricett. The building has the appearance of a modern agricultural building and is not therefore seen as an alien presence within it. Core Strategy policy CS5 requires that the historic and environmental dimensions of the landscape as a whole be protected and conserved. Given the building is already in place, it is considered that this objective is achieved. The use of the site overall as a builders yard in association with the neighbouring residential development would not significantly impact the landscape, being viewed as part of the overall construction area.
- 7.2 With regards to biodiversity the barn is of modern construction and appears in good order such that is not considered that it would be open to access to birds or bats for nesting or roosting. It is therefore considered that the application would have no impacts on biodiversity through the proposed change of use to the building.

8. Land Contamination, Flood Risk, Drainage and Waste

- 8.1 The land is not known to be subject to potential contamination, however, the use of the building to store potentially hazardous materials is noted and could serve to create risks to public amenity. Storage of building materials is not usually associated with creating a pollution risk to the public and producers, handlers, carriers and disposers of hazardous materials are subject to a strict duty of care as well as best practice guidance and a permit regime overseen by the Environment Agency.
- 8.2 The site is located within Flood Zone 1, at the lowest risk of flooding from fluvial and pluvial sources and no specific assessment of risk is required for development within this area. The barn would remain at its current dimensions so there would also be no increase in the amount of runoff water that would be created.

9. Heritage Issues

- 9.1 There are no listed buildings or conservation areas noted close to the application that may otherwise be adversely affected by it.

10. Impact on Residential Amenity

- 10.1 Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings while saved policy H16 requires that development not materially reduce the amenity or privacy of adjacent dwellings.
- 10.2 The barn itself is at a lower elevation than the nearby properties facing onto the B1078 and would also be screened by the existing fences and landscaping at the rear of their gardens, so impacts around loss of light and loss of privacy are not considered to be material to the application at hand.
- 10.3 The use of the barn is more concerning, especially if this were to give rise to noise and other harmful disturbances. Consultation with the Council's Environmental Health team shows that they do not consider the use to be one that would be harmful to residential amenity although do note potential impacts arising from light and noise pollution owing to the proposed use.
- 10.4 In considering the impacts of the application, they recommend use of conditions to adequately restrict storage of goods to within the building itself, any noise generating external plant machinery (air conditioning, extraction, etc) be subject to a noise assessment to ensure that it does not exceed background levels of noise and that external lighting only be allowed in line with an agreed scheme. Restrictions on the hours of operation would also serve to protect residential amenity, and a condition is proposed accordingly.

PART FOUR – CONCLUSION

11. Planning Balance and Conclusion

- 11.1 The key considerations within this report as outlined in paragraph 3.3 are clear in so far as both the NPPF and the Council's own policy requires that consideration be given to impacts on residential amenity, highways and wildlife.
- 11.2 With regards to residential amenity, the Council's Environmental Health Team consider the use to be acceptable in principle given its temporary nature and direct link to the two adjacent housing developments. Conditions to control various additional aspects of the development that would

otherwise create potential amenity issues at nearby residential properties are noted. It is also noted that the permanent creation of a builder's yard is likely to lead to impacts that would likely mean that an application on these grounds is not supportable, however a condition is proposed for the temporary use associated with the adjacent development.

- 11.3 The Highway Authority have not found any issues that would result in the application having a severe impact on the safety of the public highway. Parking is delivered on site in accordance with the adopted standards of the Council. Further, additional conditions could be applied given the misgivings voiced within the public representations on the application.
- 11.4 The barn is not thought to give opportunity for the nesting or roosting of birds or bats within it and the impact of the building is already in place on site. Given the compliance with planning policy displayed within the application and ability for any potentially harmful aspects of the development to be controlled via planning condition, the recommendation to Committee is to grant planning permission subject to conditions.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to grant full planning permission:

- (1) That the Chief Planning Officer be authorised to grant Planning Permission subject to conditions which for clarity are produced below in full and those as may be deemed necessary by the Chief Planning Officer:

ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: TIME LIMIT ON USE

The period of this permission shall expire two years following the date of grant of this permission or at the point at which the adjoining housing developments (approved under ref: DC/18/04774 and DC/18/05447) are completed for all practical purposes (whichever is the earlier) at which date the use hereby permitted shall be ceased and removed.

Within 28 days from the date at which this permission expires any material, equipment or hard landscaping resulting from, or used in connection with, the development hereby permitted shall be removed from the site in its entirety and in accordance with a scheme that shall have previously been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and because a longer permission would have to be carefully considered by the Local Planning Authority at the time at which any such proposal came forward, as well as to ensure that the site is returned to its previous state so that it does not suffer from any unacceptable longer term impact.

APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in

accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Reason - For the avoidance of doubt and in the interests of proper phased planning of the development.

ACTION REQUIRED WITHIN 3 MONTHS FOLLOWING DATE OF GRANT: DETAILS OF VEHICLES ACCESSING SITE

Within 3 months following the date of grant of this permission details shall be submitted to and agreed in writing with the Local Planning Authority that gives further detail on the type and size of vehicles required to access the site. Thereafter, no vehicle that does not meet with the agreed type and size of vehicle able to access the site shall access or egress the site.

Reason: To ensure that any delivery or works vehicle is able to utilise the existing access and to prevent vehicles that cannot utilise the access from doing so.

RESTRICTION OF USE OF SITE: VEHICLES TO ACCESS AND EGRESS IN A FORWARD GEARING ONLY

At all times, vehicles accessing or egressing the site must do so in a forward gearing.

Reason: In order to prevent vehicles reversing onto the main highway where to do so may obstruct the public highway and impact on the safety of its users.

RESTRICTION OF DEVELOPMENT: HOURS OF OPERATION AND DELIVERY

The use hereby permitted shall not OPERATE outside of the following times:

Weekdays: 08:00 – 18:00

Saturdays: 08:00 – 18:00

Sundays and Public Holidays: No operation at all.

No vehicle connected with the works shall arrive at the yard before 07:30 or leave after 19:00 (except in the case of emergency).

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

RESTRICTION ON DEVELOPMENT: NO EXTERNAL STORAGE OF GOODS

There shall be no outdoor storage of any materials including waste, goods, equipment including storage, plant, machinery or vehicles of any description on any part of the site outside of the hours of use for the building unless previously agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance of the site and to preserve and enhance the character of the area.

RESTRICTION OF DEVELOPMENT: ROLLER DOOR TO BE KEPT CLOSED

The roller door currently serving the building shall be kept closed at all times with the express exception of allowing for the delivery or removal of goods to or from the building to a vehicle. No other work shall be undertaken within the building when the door is open.

Reason: To ensure any resultant noise from the building is minimised during deliveries.

RESTRICTION OF DEVELOPMENT: NO EXTERNAL ILLUMINATION UNLESS BY AGREEMENT

No external lighting fixtures shall be constructed, installed or illuminated until details of all external lighting proposals have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, no lighting shall be constructed or installed other than in accordance with those approved details and shall only be operated during the hours of use of the building.

Reason: To reduce the risks of any undesirable effects of light pollution

RESTRICTION OF DEVELOPMENT: EXTERNAL PLANT

No external plant shall be constructed, installed, or operated until details of said plant and an acoustic survey compiled by a competent person shall have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, said survey shall ensure that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises and the assessment shall have been made in accordance with the current version of British Standard 4142. All recommendations within the survey for the control of noise shall be implemented in full and be retained thereafter in place on site for the duration of this planning permission.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

RESTRICTION ON DEVELOPMENT: NO BURNING ON SITE

No materials produced as a result of operation of the builder's yard and the associated adjacent development, or other materials brought onto the site shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site during the lifetime of this permission.

Reason: To protect the health and amenity of the surrounding residential dwellings and their occupants from pollution.