

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 March 2015

AUTHOR/S: Planning and New Communities Director

Application Number: S/2046/14/FL

Parish: Gamlingay

Proposal: Change of Use to Haulage and Distribution Depot

Site address: 12 Potton Road, Mill Hill

Applicant: Kevin Hall, Halls Distribution

Recommendation: Refusal

Key material considerations: Principle, residential amenity, and highway safety

Committee Site Visit: 3 March 2015

Departure Application: No

Presenting Officer: Paul Sexton

Application brought to Committee because: The Local Members have requested that the matter be referred to Planning Committee for the reasons outlined in the report.

Date by which decision due: 18 September 2014

Site and Proposal

1. This full application registered on 1 September 2014 proposes the change of use of land and building at 12 Mill Hill, Gamlingay to a haulage and distribution depot. The site, which covers 0.35ha of land, is part of a larger area of land formerly used as a scrapyard. The land slopes slightly from the road.
2. Access to the site will be via the existing entrance to the former scrapyard from Potton Road, to the south of the building.
3. To the north of the site is a detached bungalow, and land and buildings which formerly comprised the site used by Cambridge Recycling. The boundary with the bungalow is planted. To the south and west is the remainder of the former scrapyard site. Opposite the site is agricultural land.

4. Halls Transport is currently located on the Green End Industrial Estate in the centre of Gamlingay, but needs to relocate due to the potential redevelopment of that site.
5. The applicant states that there are currently 11 staff employed. The area of the site for which change of use is sought was formerly used for empty skip containers, public and employee parking, entrance to offices and weighbridge. The building was used for the storage of machinery and equipment. Halls Distribution currently operates 9 HGV's (Rigid – non articulated) up to a gross weight of 18 tonnes. The Company transports mostly for local companies in and around Gamlingay for 08.00 deliveries.
6. The application seeks operating hours 24 hours a day, 7 days a week. However, the Company states that its normal traffic movement is from 05.00 hours until 18.00 hours, although there can be occasional movements outside of these hours. The Company is of the view than the noise from passing traffic will be closer to the neighbouring property than the parking of the lorries, and that traffic movement will be less than Cambridge Recycling due to the nature of its business, as vehicles will be off site delivering for most of the day.
7. On average the applicant expects there will be around 25 HGV vehicle movements a day to and from the site, and 25 car movements. Activities that would normally take place on the site would be the completion of vehicle inspections (all major work to vehicles is carried out off-site). HGV chassis washing is carried out off-site.

Planning History

8. There are a number of historic applications that relate to the former use of the site as a scrapyards.

Policy

9. **National Planning Policy Framework**
10. **South Cambridgeshire Local Development Framework Development Control Policies**
 - DP/1 – Sustainable Development
 - DP/3 – Development Criteria
 - DP/7 – Development Frameworks
 - ET/5 – Development for the Expansion of Firms
 - NE/8 – Groundwater
 - NE/15 – Noise Pollution
 - NE/16 – Emissions
 - TR/1 – Planning for More Sustainable Travel
 - TR/2 – Car and Cycle Parking Standards.
11. **Draft Local Plan**
 - S/3 – Presumption in Favour of Sustainable Development
 - S/7 – Development Frameworks
 - CC/8 – Sustainable Drainage System
 - E/16 – Expansion of Existing Businesses in the Countryside
 - T/2 – Planning for Sustainable Travel
 - TI/3 – Parking Provision

Consultation by South Cambridgeshire District Council as Local Planning Authority

12. **Gamlingay Parish Council** – recommends approval. “Request to consider condition on the application to include landscaping/bund/fence to reduce noise and impact of intensification of use of the site on property 12 Mill Hill (noise and fumes) – adjacent residential property.”
13. **Environmental Health** – comment that as stated in response to the pre-application submission, the bungalow to the north of the site is extremely close to the site and its entrance. It will therefore be subjected to noise from lorry movements, which will be of particular concern early in the morning. Similarly lighting levels and noise from yard activities, starting engines, etc. would need to be addressed so as to prevent unacceptable nuisance to the occupiers of the bungalow.
14. It is unlikely this noise will be able to be attenuated sufficiently by physical barriers and consequently the only viable solution would be to restrict working times.
15. If approval is to be granted conditions should be imposed restricting the hours of use to between 08.00 hours and 18.00 hours Mondays to Saturdays, 08.00 hours and 13.00 hours on Saturdays, with no working on Sundays or Bank Holidays. Details of any external lighting should be submitted for approval.
16. **Local Highway Authority** – no objection.
17. **Environment Agency** – following the receipt of a desk top ground contamination study has no objection, subject to conditions for contamination risk assessment and remediation, surface water drainage, and pollution control.

Representations

18. The occupiers of **12 Mill Hill** object on the following grounds:
 - i. Increase in traffic on an already busy road, where visibility is restricted. Further development already planned nearby will add to this. Slowing down of HGV's to access the site will cause a hazard, particularly in dark winter months.
 - ii. There is no street lighting or footpaths.
 - iii. Impact on health from noise and fumes of from HGV's within 20 feet of the living room window. The application seeks 24 hour working, 7 days a week. Windows will not be able to be opened. Other uses in the area already start up early and finish late, but this will be much closer.
 - iv. Concern as to whether haulage use will involve chemicals or waste.
19. Councillors Sebastian Kindersley and Bridget Smith strongly feel that permission should be granted for the business to run on the site for 24 hours per day for the following reasons.
20. Mr Hall's business employs 18 people, 16 of whom live in the village and 2 of whom are retained fire officers, who can only carry out their duties if they are working in the village.

21. There are reducing numbers of sites in the village suitable for B1, B2 or B8 operations. Green End, which is currently suitable is about to lose this allocation when the long expected housing development application is received. The new employment site at Station Road has already been deemed as unsuitable for B1, B2 or B8 use. It is believed that there is considerable interest from existing businesses at Green End on relocating to this site as well, but they are all waiting to see what happens in this case.
22. All Mr Hall's lorries have night time limiters on the audible beepers which stop them working when the lights are on. The lorries are not large and consequently not noisy.
23. Mr Hall's business is currently operating from a central village location in the heart of the residential development with no operating hours restrictions. Neither he nor the Parish Council have ever received any complaints about noise.
24. Gamlingay is about to lose its main employment site. Already many of the businesses at Green End are being forced to relocate outside of the village. This is a disaster from the point of view of local employment, sustainable transport options, and the economy of the village. Surely we should be doing everything in our power to retain rural businesses.

Planning Considerations

25. The key issues for consideration in this case are the principle of development (including the relocation of an existing business), residential amenity, and highway safety.

Principle of development

26. The site is classified as brownfield land, and has previously been in commercial use. The principle of the re-use of the land and building for alternative commercial use is therefore acceptable subject to the consideration of the other matters outlined above. The site is well screened from Potton Road.
27. Officers recognise that Halls Distribution is an established local company, and is seeking relocation from its current village centre site due to the likely redevelopment of that area of land. Officers are keen to try and find a suitable site for the company to relocate to within the Gamlingay area, due to local employment involved, however any specific impacts of the operation in the new location still need to be duly considered.

Residential amenity

28. The applicant sought pre-application advice from officers regarding the potential for the use of this part of the land and building as a haulage depot. At that stage Officers highlighted the concern about the proximity of this part of the site to the adjacent bungalow, and the potential impact on the amenity of the occupiers of that property.
29. In assessing the impact of the proposed use on residential amenity officers have had regard to the fact that the site is part of the larger area of land which was previously used as part of the scrapyards, and accept that the occupiers of the adjacent bungalow would have been likely to have experienced a level of disturbance as a result of that use, and others in the immediate area.

30. Officers concern with the current proposal, which is reflected by the comments from Environmental Health, is that the concentration of HGV's in the area to the north of the existing building, between it and bungalow, with the hours of operation requested by the applicant, will have an adverse impact on the occupiers of that property.
31. Due to the constraints of the site, HGV's will be parked in the area immediately adjacent to the bungalow. Although the applicant is seeking 24 hours, 7 days a week operation, he states that the more typical hours of operation are between 05:00 hours and 18:00 hours. Officers are concerned that vehicles starting up, running, and leaving the site in the early hours of the morning, when background noise levels will be lower than at other times of the day, will adversely impact on the amenity of the occupiers of the adjacent bungalow, leading to an unreasonable level of disturbance. This might then lead to possible complaints which Environmental Health may be obliged to investigate, and which may then impact on the operations of the Company.
32. The Environmental Health Officer has indicated that it is unlikely this noise will be able to be attenuated sufficiently by physical barriers and consequently the only viable solution would be to restrict working times. This possibility has been put to the applicant, but has been rejected, as clearly such restriction would severely impact on the existing operations of the Company. Restricting hours of vehicle movement is therefore not an option in this case.
33. The neighbour has also raised concerns re fumes and lighting levels. The Environmental Health Officer has not raised a specific concern regarding fumes and lighting of the site/yard could be satisfactorily controlled by way of an appropriate condition.

Highway safety and parking

34. The Local Highway Authority has not objected to the proposed use. The existing site access will have served the previous scrapyards use, and has appropriate kerb radii. Adequate visibility splays can be provided either side of the access, although there will need to be some trimming back and maintainance of the front boundary hedge to achieve the required dimensions. This could be secured by condition. No highway safety concerns have been made in respect of the lack of street lighting and footpaths.

Other matters

35. The applicant has addressed the initial concerns regarding contamination which were raised by the Environment Agency, and it is content that any further investigation/remediation works could be controlled by condition.

Conclusion

36. Given that the application is for the relocation of a local company, officers would like to be able to support the proposal. However, notwithstanding the support of the parish council and the two local members, officers consider the potential impact on the occupier of the neighbouring bungalow, particularly as a result of the hours of activity on the site, and proximity to the site, is a serious constraint. This cannot be mitigated by conditions such that the business would be able to operate successfully or be acceptable to the applicant.

Recommendation

37. The application is refused for the following reason:
- (i) The use of the land and building as a haulage and distribution depot will have an unreasonable adverse impact on the amenity of the occupiers of the adjacent bungalow to the north, by increased noise and disturbance. The applicant seeks use of the site 24 hours a day, 7 days a week, although states that the normal operating hours will be between 05.00 hours and 18.00 hours. Given the proximity of the site to the bungalow, the noise and disturbance from the starting up and manoeuvring of HGS's, particularly in the early morning hours will have an unreasonable adverse impact. As a result the proposal is contrary to the aims of Policies DP/3 and NE/16 of the adopted Local Development Framework 2007.

Background Papers

Where the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Plan Proposed Submission July 2013
- South Cambridgeshire Supplementary Planning Documents
- National Planning Policy Framework 2012
- Planning File References: S/2046/14/FL

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