

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee      7<sup>th</sup> December 2005  
**AUTHOR/S:** Director of Development Services

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### **S/2006/05/F - Melbourn**

#### **Use of Land for Wholesale Distribution of Building and Landscape Supplies and Siting of Steel Container Units (Retrospective), Clunchpits, 1 London Road for P W Norbury**

**Recommendation: Delegated Refusal**  
**Date for Determination: 15<sup>th</sup> December 2005**

Members will visit the site on Monday 5<sup>th</sup> December 2005.

#### **Site and Proposal**

1. The site lies in the countryside adjacent to the village framework for Melbourn at the south western end of the village. It is accessed along a single width dirt track that is also a public right of way. To the north and west lies the Grinnel Hill Pocket Park.
2. The site lies to the rear and side of a bungalow, currently the applicant's home, and was until recently a woodyard.
3. A modern agricultural style building sits to the rear of the site which is used for the manufacture of timber products such as pallets and fencing. Much of the site has been hard surfaced with concrete, various structures have been erected such as loading bays and aggregate bays and the use is currently part wholesale distribution and retail sales of timber products and building supplies, such as aggregates, and landscape supplies. A number of storage containers (in excess of 30) are being let out and used to store retail products for other businesses and domestic storage for rent.
4. The business employs 8 people.
5. The full planning application, received on 20<sup>th</sup> October 2005, retrospectively proposes to address some, but not all, of the elements referred to above, namely the use for wholesale distribution of building and landscaping supplies and the siting of the storage containers. It does not address the retail sales of goods nor the structures and hardstandings that have been erected without planning permission (the building to the rear has consent) nor the use of the storage containers.
6. Part of the application site has encompassed a small section of land that was previously part of the residential curtilage of the bungalow and thus represents a change of use. This area is what was the rear end of the garden that abutted the woodyard and 'squares off' what was a diagonal boundary.

#### **Planning History**

7. In May 2002 a Lawful Development Certificate was issued. It stated the following was lawful:  
  
"Use as a timber yard for storage and wholesale distribution of timber in the form of cord, logs, tree trunks, tops, brush, chippings, sawdust and sawn timber,

manufacturing of timber pallets and timber fencing and recycling of timber together with ancillary processing uses of shredding, screening of root material (including ancillary storage of soil and stones arising from that process) and sawing (for manufacturing and recycling purposes) and stationing on the site all requisite plant, machinery, vehicles and equipment incidental thereto”

8. In February 2002 planning permission was granted for an open sided machinery storage building to the rear of the site.
9. In February 2004 planning permission was granted to allow the open sided building to be enclosed.

### **Planning Policy**

10. Cambridgeshire and Peterborough Structure Plan 2003 Policy P1/2 – Environmental Restrictions on Development states (in part) that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
11. South Cambridgeshire Local Plan 2004 Policy EN1 states that the District Council will seek to ensure that the local character and distinctiveness of the Landscape Character Areas are respected, retained and wherever possible enhanced. It states: “Planning permission will not be granted for development which would have an adverse effect on the character and local distinctiveness of these areas.”
12. South Cambridgeshire Local Plan 2004 Policy EN3 states: “In those cases where new development is permitted in the countryside the Council will require that (a) the scale, design and layout of the scheme (b) the materials used within it, and (c) the landscaping works are all appropriate to the particular ‘Landscape Character Area’, and reinforce local distinctiveness wherever possible”.

### **Consultation**

13. **Melbourn Parish Council** recommends refusal. ‘Inappropriate development of commercial activity in rural area, with poor access.’
14. The **Environment Agency** objects to the considerable amount of the site that has either been hard surfaced or built on. This will accelerate surface water run off and increase the risk of flooding to existing property. A flood risk assessment should be submitted.
15. The **Local Highway Authority** comments that the access road to this site forms a junction with Back Lane at the point where Back Lane meets the High Street. Vehicles entering the access have potential to conflict with vehicles negotiating the Back Lane/High Street junction. It is not clear from the submitted application what the increase in traffic is likely to be (or indeed is) over and above that which was generated by the lawful use. Additional details are requested in respect of the aforementioned but the initial view of the Local Highway Authority is that a scheme for improving the junction of the access road with Back Lane should be investigated.
16. The **Chief Environmental Health Officer** notes that the application is retrospective and confirms that there have been no complaints registered in respect of the intensification of use at this site. However officers have been involved in investigations in relation to the burning of waste on site, this issue has now been passed on to the Environment Agency. In respect of this Authority’s contaminated

land strategy there are ongoing investigations involving land adjacent this site and which comprises the only vehicular access to the development. This investigation involves contaminants in the surface of the track, which may be disturbed by the movement of heavy vehicles, and increasing the number of vehicles would also increase the risk to harm of human health. Cambridgeshire County Council should be consulted about the suitability of this track for access by heavy vehicles in its current state.

17. The **Ecology Officer**  
Comments are awaited.

18. The **Ramblers Association**  
Three concerns are expressed:

- (a) “access to the site, from London Way, is extremely poor and is shared with a well used Public Byway.
- (b) the impact of increased traffic on the surface of what is essentially a single vehicle width rural track, which is shared by walkers and general public.
- (c) it is already impossible for two vehicles to pass safely and pedestrians suffer accordingly, and we fear that the suggested increase in the volume of traffic will only add to the danger to walkers using the track”.

“More detailed objections may follow”.

19. Countryside Services Team  
Comments are awaited.

### **Representations**

20. A letter has been received from a planning consultant objecting to the application on the following grounds:
21. **Procedural Points** – concern that the terms of the application do not reflect its purpose or intentions of the applicant. The applicant’s agent states that the activities must remain a wholesale operation for trade supplies only. This is not a correct interpretation of the lawful use which permits use as a *timber yard* and *wholesale distribution*, which neither imports nor implies any retail (or other) trade supplies use. The applicant’s advertisement in the Royston Crow gives the true intentions, which is a full retail operation that is open to all members of the public and this point should be clarified. A full retail use in the countryside would be entirely contrary to policy.
22. The layout plan submitted falls far short of the expected standard and omits areas for parking, turning, vehicle storage and manufacturing areas on site. Without this information the application cannot be properly judged.
23. It appears that the extent of the operation currently goes beyond that shown on the application plan (and the LDC) as there is an additional area on the north side being used to store logs, tree trunks and other such items. Unauthorised expansion of the site is objected to and should be properly investigated.
24. The Council’s Ecology Officer has advised that there is evidence of badgers on the Grinnel Hill Pocket Park, which lies immediately to the north of the application site.

Given the statutory protection afforded to badgers and their habitats this application should not proceed until an appropriate survey and, as necessary, mitigation measures are put in place. The absence of a survey is a reason to refuse permission, by itself.

25. **The Application** – The current applicant is different from the person that obtained the LDC and the use is not consistent with the historical one, which was no more than a logging yard with some manufacture of logs pallets and fence posts. Inconsistencies in the applicant's determination of the lawful use exist in the information concerning vehicle movements, which at over 400 a week is 25% higher than that authorised by the LDC.
26. It appears from the advertisement in the Royston Crow that the applicant misunderstands the meaning of 'wholesale distribution', which does not authorise retail use, whether it be to the trade or the public.
27. The previous applicant also sought to use the site as a goods vehicle operating centre, however the LDC expressly made no allowance for such use. The present applicant cannot benefit from lawful HGV vehicle movements as a basis to permit this use.
28. The applicant should be asked to clarify his intentions in relation to the wholesale use or more particularly should cease forthwith any form of retail activity which is not only in breach of the LDC but outside the terms of the current planning application.
29. **Site Location** – The means of access to the site, from London Way, is extremely poor and is shared with a Public Byway. It is evident that the additional activity at the site is having a detrimental impact on the fabric of the surface of London Way, mainly unbound material in the form of a single vehicle width rural track, which is shared by walkers and general public. It is impossible for two vehicles to pass safely and pedestrians suffer accordingly.
30. The expansion of the commercial operation and associated vehicle movements also have a detrimental impact on the use and enjoyment of Grinnel Hill Pocket Park which adjoins the northern boundary of the site.
31. The expansion, not only by the additional 25% movements but also additional noise, dust, fumes in association with the movement of building and other construction materials within the site seriously impinges on the quiet enjoyment of the Pocket Park and users of the Public Byway.
32. The container storage element of the proposal has absolutely no association with the historical use of the land and the movement and storage of materials in these containers adds further to the harm.
33. The widening of the range of materials and goods sold from the site extending into general retail goods and timber products not associated with the former logging yard including a range of garden furniture, hot tubs etc, has no association with the lawful use and has significantly and materially changed the character of the land use in a location which is poorly suited to it in environmental and traffic terms.
34. **Development Plan** – The site lies well outside the village framework and is therefore in the countryside. The site is served off a single width unmade track which is also a Public Byway. Public transport and extended travel options are non-existent.

35. The development is not required to maintain or sustain the rural economy or the employment base of Melbourn. The land use the subject of the application is not an employment generating use and is not contemplated by the Local Plan as being appropriate in an isolated rural location such as this. There are no employment policies in the Local Plan that support the application.
36. Even if there were, the development has an adverse impact on the environment of the area, by consolidating a non-conforming use, causing problems with traffic, pollution or other damage to the environment. The proposal does not demonstrate how it conforms to Policy EN1 in terms of how the character and distinctiveness of this Landscape Character Area is protected and retained or enhanced. In fact it has adverse effects on the area. In addition the applicant has not demonstrated the extent to which he mitigates or satisfies the provisions of Policy EN3 in relation to development in the countryside and its appropriateness to the this area.
37. It should be remembered that the logging yard arose from unlawful development that became lawful as a result of the LDC and not as a result of the grant of planning permission. If the Authority were presented with this proposal today permission would be refused out of hand. The current application should be refused on the grounds that it is inappropriate to this landscape character in relation to the scale of development and siting coupled with the significant visual impact of stored materials and containers in the countryside; inappropriate built commercial/retail development out of character in this isolated rural location; the absence of any landscaping that could mitigate the adverse impact of this development and; traffic generation that is a 25% increase over that anticipated through the LDC, along with associated retail vehicle movements and the detriment to safety this causes.
38. The application is also contrary to the provisions of Policy EN8 in that it is detrimental to the enjoyment of Grinnel Hill Pocket Park by reason of noise and disturbance from activities on the site, dust and other intrusion, excessive and substantial vehicle movements on inappropriate roads and, as previously stated, potential adverse impact on badgers and their habitats.
39. The use would set an undesirable precedent.
40. The letter includes a copy of the advertisement from the Royston Crow referred to above and photographs of the site.
41. In addition to requesting the application be refused the letter asks that enforcement proceedings be undertaken to bring about the cessation of the use.

### **Applicant's Representations**

42. The applicant would like to make the following general observations:
43. "This site has been in continual use for storage, distribution and manufacture of timber products over many years as confirmed in the Lawful Use Certificate issued by South Cambridgeshire District Council in May 2002. This use included the stationing on site of all requisite plant, machinery, vehicles and equipment incidental thereto.
44. Prior to ... occupation the site was in a very unkempt condition characterised by abandoned vehicles, derelict plant and heaps of spoil which had built up over many years.
45. ...[the] business consists of the manufacture and wholesale distribution of timber products including pallets, fencing, decking etc., mainly associated with the building

trade and the additional bulk building products now available to trade customers do not, in our view, constitute an unreasonable extension of the lawful activity on site.

46. [The applicant] has acknowledged that the activities on site must remain a wholesale operation for trade supplies only”.

### **Planning Comments – Key Issues**

47. The planning application addresses some, but not all, of the activities on the site. The key issues in considering the planning application are the impact of the intensification of the use of the site on the visual quality of the countryside and on highway safety and the visual impact of the steel containers.

48. With regard to other elements on site that are not included within the application, the key issues are the impact of the intensification of the use of the site from the retail sale of goods and the letting of storage containers on the visual quality of the countryside and on highway safety and the visual impact of the additional buildings, structures and hardstandings together with the drainage implications of these.

### ***The planning application***

49. It is my view that none of the activities currently on site fall within the lawful use. The only possible exception would be the manufacture of pallets and other timber products specifically referred to in the Lawful Development Certificate, however this was intrinsically connected to the use of the site as a timber yard and not an operation in itself. The scale of this manufacturing, which is significant, has exceeded the associated use as part of a timber yard that was part of the previous use.
50. The proposal involves the wholesale distribution of building and landscape supplies which is a far broader activity than the lawful use, essentially a builders yard, and will intensify the use of this countryside site. The site previously contained largely tree trunks stacked in apparent random locations across the site and although heavy and bulky in nature the site retained a rural and informal appearance. I note that the applicant considers the tidying up of the site to be a positive factor, however it is my view that this proposal formalises the site to the detriment of the rural character of the surroundings.
51. The applicant has verbally stated that the level of vehicle movements is approximately double that of the lawful use. The access is of single width, not metalled and is a public right of way. I am concerned that the intensification of use will represent a danger to pedestrians using this right of way although the formal comments of the Local Highway Authority are awaited following its request for additional information, as are the comments of the Countryside Services Team. Clearly the LHA will have to assess the level of increased traffic movements when these are known and assess the impact to highway safety these will pose.
52. The steel containers are alien features in the landscape that detract from the visual quality of the countryside.
53. The applicant has put forward no justification for the proposal and I do not consider it to be appropriate or essential in this rural location. As such it is clearly contrary to Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003 and the Government’s overall aim of protecting the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources so that it may be enjoyed by all as expressed in Planning Policy Statement 7

***Issues outside the scope of the planning application.***

54. As stated above the application does not address all of the unauthorised works on site. There is a large building that has been erected on site to the rear of the bungalow's garden. Adjacent to this is a site office and sales counter. Several aggregate bays have been erected. A significant amount of concrete hardstanding has been laid and there is a retail use which will further intensify the use of the site. The visual impact of the building operations are unacceptable in this rural location and the further intensification of a retail use served off this inadequate access will further impact on highway safety and the character of the surroundings more generally. The use of the storage containers for other businesses and for residential storage will further exacerbate the above problems.
55. Unresolved concerns of both the planning proposal and the other issues/activities include the ecological impact, the drainage implications, particularly of run-off from the hardstandings, and the precise impact on highway safety are likely to form reasons for refusal. However, at this stage I find this proposal wholly unacceptable and would recommend Members grant delegated powers to refuse the planning application and grant authority to instigate enforcement proceedings to ensure the removal of the unauthorised structures, hardstandings and storage containers and to cease retail and letting uses along with the wholesale distribution of building and landscape supplies.
56. Additional storage is occurring outside of the site but the applicant has assured officers that within 3 months this will be moved to within the site.

**Recommendation**

57. A. Delegated powers of refusal be granted for the reasons given above and subject to the comments of the Local Highways Authority, the Ecology Officer and the Countryside Services Team.
- B. In addition that authorisation be given to instigate formal enforcement action to secure the removal of unauthorised structures, hardstandings and storage containers and to secure the cessation of the unauthorised uses of land within a period of 6 months of the Notices coming into effect. If the Notices are not complied with within the specified period, that prosecution proceedings be authorised subject to a reconsideration of material circumstances at that time.

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files reference S/2166/02, S/2584/03, S/2006/05
- Planning Policy Statement 7

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