

HOLTON ST MARY – HOLTON PLACE, SANDPITS LANE

Variation of Condition 5 attached to Planning Permission B/06/00095/FUL to allow:

- 1) Grain equipment to be cleaned down in a designated area
- 2) Minor washing of vehicles outside
- 3) Minor maintenance of vehicles and equipment outside
- 4) External parking of seed machines during normal working hours and overnight from July to October inclusive.

Applicant: Anglia Grain Services Ltd

Case Officer: Chris Tivey

SITE

1. The application site comprises a steel framed former agricultural building clad in blockwork and metal sheet cladding, situated to the North West of Holton Place at Bacon's Green.
2. Concrete hardstanding surrounds the building and access into the site is directly from the Bacon's Green junction. The access from Sandpits Lane at the front of the building was locked at the time of the Planning Officers site visit, by virtue of the requirements of Condition 7 to B/06/00095/FUL this access is for egress only.
3. The building is approximately 85 metres away from the nearest dwelling at Bacon's Green, with the north-east edge of the site encompassing the hardstanding and being approximately 48 metres away from the nearest property at Bacon's Green. New hedging has been planted to the boundaries of the site which over time will screen it visually from surrounding residential properties.
4. The site is outside of the built up area boundary of the village and is thus situated within the open countryside for the purposes of Development Plan policies.

PROPOSAL

5. An application to vary Condition 5 attached to Planning Permission B/06/00095/FUL has been made to allow:
 - 1) Grain equipment to be cleaned down in a designated area
 - 2) Minor washing of vehicles outside
 - 3) Minor maintenance of vehicles and equipment outside
 - 4) External parking of seed machines during normal working hours and overnight from July to October inclusive.
6. Condition 5 of that permission states "*All vehicles associated with the use shall at all times be parked/stored within the building. There shall be no repair work, cleaning or maintenance of vehicles or plant outside the building which shall at all times be kept clear.*"

7. The reason behind this condition was to enable the local planning authority to retain control over the development, in the interests of amenity and pursuant to policies CR01, CR29 and CR30 of the Babergh Local Plan Alteration No.2. That does not necessarily preclude the grant of planning permission, should an application be made such as this one, with each being assessed on its own merits.
8. In the supporting submissions the applicant's agent states that whilst Anglia Grain have now been operating at the site for approximately 1 year, they have been experiencing operational problems brought about by the requirements of condition 5.
9. The four elements of this proposal are as follows:

- 1) Cleaning of grain equipment

The applicant states that there is a need to use an air compressor from time to time to clean the surface and flooring of the grain cleaning equipment. This is carried out to remove any whole seeds to avoid cross contamination. Apparently this process takes approximately 10 minutes and it would be standard practice for this to be carried out on an area of hardstanding from which any grains or seeds can be swept up and appropriately disposed.

- 2) Vehicle wash down

This would be limited to washing down windscreens, mirrors, lights, number plates etc, with all major washing of vehicles e.g. to remove oil, being carried out at their Nayland site which has a bunded wash bay with oil interceptor.

- 3) Minor maintenance of vehicles and equipment

Minor maintenance has been defined by the applicant as matters such as checking the oil and water levels, refilling windscreen washers, checking wheel nut tightness and tyre condition, greasing and visual inspections.

All other significant maintenance involving welding or power tools would continue to be carried out within the building.

- 4) External parking of seed machine

The applicant states that in condition 5 is at odds with condition 8 of B/06/00095/FUL which states that:

“The area within the site shown on drawing no. TP/702-01 for the purposes of loading, unloading, manoeuvring and parking vehicles shall be provided for that use and thereafter that area shall be retained and used for no other purposes.”

10. The reason behind this condition was to ensure that sufficient space for the on-site parking vehicles was provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on street parking and manoeuvring would be detrimental to highway safety.

11. The application seeks permission to park two vehicles on an area of hardstanding behind the boundary hedge to Sandpits Lane. The ability to park two machines in the space defined on the application plan would reduce the need for awkward manoeuvring and the potential hazards for pedestrians walking past the front of the building. The machines referred to comprise rigid axle lorries, with curtain sides that conceal the seed cleaning equipment.
12. The applicant's agent states that this would also reduce vehicle movements when the machine's return back late at night during high season, and as all vehicles are fitted with audible reversing alarms to be able to park in the location proposed would reduce noise nuisance during such hours.
13. They state that no additional vehicles or vehicular movements are planned, in total six machines would be housed at the Holton site as per the original planning application, with the peak number of movements being during the period of July to September.

RELEVANT HISTORY

14. 2006 – Planning permission granted for the Change of use of agricultural building to use as a grain cleaning contractor's depot; alterations to existing vehicular access and erection of gates and 1.2 m high post and rail fencing (B/06/00095/FUL refers).
15. 2005 – Planning permission refused for the conversion and change of use of agricultural building to Class B1 business use (B/05/01408/FUL refers). The reason for refusal is as follows:

'...the forward visibility of vehicles wanting to turn right into Sandpits Lane from the B1070 to access the site is severely sub-standard and obscured by the hedge that surrounds the property 'Mayfields,' this hedge is not within the control of the applicant and so the visibility at this location cannot be improved, thereby this access is unacceptable in road safety terms'.
16. 1979 – Planning permission granted for an agricultural building for housing beef cattle (B/79/00999/FUL refers).

POLICY

PPS7 – Sustainable Development in Rural Areas.

17. PPS7 encourages planning authorities to support a wide range of economic activity in rural areas, however also taking account of sustainable patterns of development and sustainable communities in rural areas and their circumstances, needs and priorities.
18. National and local planning policies support the re-use and adaptation of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives.
19. There is an economic argument for retaining and re-using traditional rural buildings, and in addition it can help to protect the landscape quality and character of rural areas by retaining traditional buildings and minimising the need for new buildings. Re-use for economic development purposes will be the preferred use.

Please note that details or extracts of policies are no longer included in reports - see page 4 of these papers

20. The following policies continue to provide the framework against which this application should be judged.

Suffolk Structure Plan 2001

- ENV2 'Re-use of Rural Buildings'
- ENV4 'The Countryside'
- ENV5 'Pollution'
- ECON4 'Location of New Employment Development'
- CS6 'Rural Communities'

Babergh Local Plan (Alteration No.2)

- CR01 'Landscaping Quality'
- CR18 'Buildings in the Countryside'
- CR01 'Landscaping Quality'
- EM01 'General Economic and Employment'
- EN16 'Water Quality and Resources'

OBSERVATIONS

21. PC – Object to the application. They enclosed with their letter, copies of representations to them from local residents, all of whom have also written in to the District Council. The Parish Council state that these reflect the feeling of local residents in the village.
22. CHA – Do not wish to restrict the grant of permission.
23. EA – Comments to be verbally reported if available.
24. Environmental Health Manager – The existing use is constrained by condition so as not to cause loss of amenity to residential properties at Bacon's Green. Environmental Services have not received any recent complaints about Anglia Grain Services Ltd.
25. The proposals may cause loss of amenity (by virtue of noise) and give rise to complaints, it is difficult to quantify the exact level of activity (and thus potential for loss of amenity), but proposals 2,3 and 4 may be acceptable.
26. However the cleaning of grain equipment is a noisy activity (and dusty?) and likely to give rise to complaints. It is recommended that the company should set up a demonstration prior to the determination of this application so that the council may reliably assess the impact on residential amenity. In any event it is anticipated that there will be a need for restriction on hours of operation.
27. 20 letters of objection have been received from local residents. The issues and objections raised are summarised to this application are as follows;
- The applicant has disregarded the conditions previously laid down by Babergh Planning Committee. A skip, generator and piles of rubbish are still being stored outside the back of the barn, in full view of neighbouring houses

- The council saw fit to enforce conditions to the original application to ensure that the environment and quality of life for local residents did not suffer as a result of the development.
- Increased vehicle movements will add to the existing problem of traffic movements on the local roads and concern of the amount of movement of vehicles which will occur at unsociable hours when the seed machines are stored outside.
- Cleaning of the grain equipment will cause dust and noise and other pollutants.
- There will be no benefit to the village as a result of the proposed variations.
- The reasons behind imposing conditions to B/06/00095/FUL was to reduce noise dust and other disturbance to protect the amenity of residents; and to eliminate the visual eyesore from large vehicles parked close to the green. Removal of condition 5 would nullify these reasons.
- The council would not have imposed the restriction embodied in condition 5 if they had not been concerned about the effect of not doing so. The applicant could have appealed at that time. It is inappropriate for the agent to suggest to the Council that the applicant restricts activities that cause noise to between the hours of 08.00 to 20.00. If that were allowed the only time the residents could expect not to be bombarded with noise, would be after dark.
- Last summer residents had to put up with the use of the air hoses to clean vehicles, sand blasting on one occasion, grinding of metal and loud music.
- It is not understood why cleaning, minor washing and parking cannot take place in the barn as there is 650 square metres of floor space, this fact was very much emphasised by Anglia Grain to get their application through together with a floor plan to show where the lorries would be in the barn. They say they want to carry out minor washing and maintenance outside, but what is minor and who will monitor?

ASSESSMENT

28. The key issues in the determination of this application are whether or not the terms of Condition 5 to planning permission B/06/00095/FUL would be altered to such a degree that there would be a material loss of amenity to surrounding residential properties and a detrimental effect upon the character and appearance of the countryside. These two issues are inextricably linked.
29. Proposals for the re-use of redundant buildings in the countryside for employment related purposes are actively encouraged by Central Government and by a number of policies within the Development Plan.
30. In particular, Policy CR18 of the local plan states that proposals for converting such buildings to commercial uses will be permitted providing that a number of criteria are not adversely affected. These criteria include: landscape characteristics; and residential amenity.
31. The proposal involves a variation of a condition to an extant permission that allowed the change of use of an agricultural building to that of a grain cleaning contractors depot. Anglia Grain have been operating for approximately 12 months at the site.
32. It is clear from the representations received that the operation has raised a number of issues and have given rise to a perceived loss of residential amenity.
33. The applicant in the supporting statement to the planning application has set out what they wish to achieve from this application. They seek to vary condition 5 to enable:

- 1) Grain equipment to be cleaned down in a designated area
- 2) Minor washing of vehicles outside
- 3) Minor maintenance of vehicles and equipment outside
- 4) External parking of seed machines during normal working hours and overnight from July to October inclusive.

34. The precise details of each of these elements have been covered in the proposal section above, they will however be discussed below, in reverse order.

External parking of seed machines during normal working hours and overnight from July to October inclusive.

35. It is a given that the applicant can operate up to six seed cleaning machines from this site in accordance with the previous grant planning permission.
36. They state that in order to improve the efficiency of their operation and to reduce the need to shunt and reverse lorries (with reversing alarms) during evening hours that two of their vehicles should be allowed to park on the existing area of hardstanding as shown on their site layout plan.
37. Whilst it is clear that Members felt that it was necessary to impose condition 5, in accordance with the Officer recommendation it is important to determine what harm there would be in parking two of the seed machines during normal working hours and overnight from July through to October.
38. With any form of commercial operation one would not normally expect every vehicle, associated with the use to be parked at all times within a building. Historically, in its agricultural incarnation and indeed if it ever reverted back to such a use, the external parking of agricultural vehicles and machinery would not be controlled by the local planning authority.
39. Over time the recent hedge planting will mature which will soften the visual impact of the site and vehicles parked thereon and therefore it is considered that this element of the application would not give rise to material loss of amenity either to surrounding residential properties or upon the character of the countryside.

Minor maintenance of vehicles and equipment outside

40. The applicant has defined minor maintenance as checking oil and water levels, refilling windscreen washers, checking wheel nut tightness and tyre condition, greasing and visual inspections with all other significant maintenance involving building or power tools to be carried out within the building.
41. Is difficult to describe such activities as being potentially harmful particularly bearing in mind that they are unlikely be carried out on a daily basis. Provided that any activities are not over and above what one would expect to be simple checks are carried out within the barn is element of the application is also considered acceptable.

Minor washing of vehicles outside

42. As described above, this would be limited to washing down windscreens, mirrors, lights, number plates etc, with all major washing of vehicles e.g. to remove oil being carried out at their Nayland site which has a wash bay with oil interceptor.
43. However, power washers are notoriously noisy when in use and for washing down the elements as described it is considered that use of a simple bucket, sponge and watering would suffice. Therefore it is recommended that a condition be applied to ensure that there be no external use of power washers in the interests of protecting the residential amenities of the area.
44. In addition one has to be conscious of the fact that there may be traces of fungicide on the seed cleaning equipment and without an appropriately bunded area akin to what the applicant has at their Nayland site, such an operation should be prohibited in order to protect groundwater from pollution.

Grain equipment to be cleaned down in a designated area

45. And finally, and perhaps the most controversial element of the application is the request to allow the applicant to blow the seed cleaning machines down with an air compressor in the open air.
46. Environmental Health acknowledge that cleaning of grain equipment could be both a noisy and dusty activity likely to give rise to complaints. Many of the representations received claim that such activities have taken far in excess of the 10 minutes suggested by the applicant's agent and therefore it is considered that a precautionary approach should be taken.
47. Due to the time of year ie. pre-harvest season it may currently be difficult for the applicant to demonstrate precisely the full extent of the effects of blowing down the site cleaning equipment with its associated noise and dust generation.
48. As touched upon previously when considering the minor washing down of vehicles, there is also a concern that dust containing fungicides could be blown out of the machines and indiscriminately spread over the surrounding countryside and residential properties.
49. Therefore it would not be prudent to allow this element of the application to be approved without a full and thorough assessment being carried out by the Environmental Health department. In reality it is most likely that this could take place no earlier than July and therefore Item 1 of the development description is considered objectionable until such a time that Environmental Health are satisfied that this would not be a harmful activity.
50. The applicant has been asked to remove this element from the application and any response will be reported to Members at the meeting. Otherwise permission should be refused on the likely harm caused by the cleaning of equipment.
51. In view of the above and having regard to the relevant Development Plan and its policies, the following recommendation is made:

REASONS FOR APPROVAL

Subject to the imposition of additional conditions and having regard to relevant policies in the Development Plan, it is considered that the proposal would not adversely affect the landscape characteristics and biodiversity of the area, and would not reduce the amenities enjoyed by occupants of the neighboring properties.

RECOMMENDATION

- A. Subject to written confirmation from the applicant that item 1. of the development description is omitted from the proposal that the CPCO be authorised to grant planning permission subject to conditions covering the following:
- The external parking of two seed machines shall be restricted to the area as highlighted on the site layout plan TP/702-03
 - Minor washing and maintenance shall be restricted to those activities as set out in the applicant's supporting letter dated 9th March 2007.
- B. Otherwise the CPCO be authorised to refuse planning permission on the grounds that insufficient evidence has been advanced to demonstrate that the cleaning of grain equipment would not give rise to an unreasonable loss of amenity to surrounding residential properties.

DECISION
