

**BENTLEY - STATION GARAGE, OLD STATION YARD, BENTLEY HALL ROAD.**

Erection of vehicle body repairs shop and vehicle body parts storage area with associated vehicle parking area. Alterations to existing vehicular access.

Applicant: Mr T Gulliver

Case Officer: Richard Collins

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**A panel of Members inspected this site on 30 May 2006 in order to assess the environmental impact of the development upon the Special Landscape Area, residential amenity, access arrangements, vehicle parking and historic barn at the request of the Local Member.**

SITE

1. The application site is located to the east of the A12 slip road for Capel St Mary and comprises an area of land measuring approximately 0.27 hectares with a frontage onto Bentley Hall Road of 75 metres and a depth of 40 metres. The land currently contains various vehicles, containers, skips, caravans, tractor, hardstanding, and telegraph poles. An existing gated access to the site is located in the north-east corner.
2. Immediately to the west of the site is an existing vehicle MOT workshop building (B/98/01647/OUT and B/00/01360/RES refers) owned by the applicant. The land to the north and south comprises agricultural land, with residential properties and Bentley Autos located to the east.
3. The site is located outside of the any defined built-up area boundaries and is therefore located in the countryside for planning policy purposes. Part of the site is located within a Special Landscape Area.

PROPOSAL

4. This planning application seeks outline planning permission for the erection of vehicle body repairs shop and vehicle body parts storage area with associated vehicle parking area and alterations to the existing vehicular access. The applicant has reserved all matters for future consideration except the means of vehicular access, which is included as formal details with the application.

PLANNING HISTORY

5. 2005 – Planning permission granted for the Variation of Conditions 06 and 09 of PP B/98/01647 to allow vehicle sales (up to 3 ½ ton) and Condition 08 to allow parking for more than 18 vehicles (B/05/01888/FUL refers). This application refers to the site next door in the ownership of the applicant.
6. 2001 – Planning permission granted for the Submission of details under OPP B/98/01647/OUT – the siting and design of the building, parking layout and the landscaping of the site for a vehicle MOT workshop (B/00/01360/RES refers). This application refers to the site next door in the ownership of the applicant.

7. 2000 – Outline planning permission granted for Outline erection of a vehicle MOT workshop (B/98/01647/OUT refers). This application refers to the site next door in the ownership of the applicant.
8. 2000 – Planning permission granted for Renewal of PP B/96/01249/FUL – continued use of land for containerised composting of organic waste (pp expired 31/12/02) (SCC application) (B/99/01577/FUL refers).
9. 1996 – Temporary planning permission granted for Use of land for containerised composting of organic waste (pp expired 31/12/99) (SCC application) (B/96/01249/FUL refers).
10. 1994 – Advertisement consent refused for the erection of five 48 sheet advertisement hoardings for a period of three years (B/94/0388/A refers).
11. 1973 – Application for Established Use Certificate for storage of vehicles, contractors plant and goods refused (W/7057/4 refers).
12. 1972 – Application for Established Use Certificate for coal depot refused (W/7057/3 refers).
13. 1968 – SCC Application for use of land as storage depot for road materials and gritting machine – no objections (W/7057/1 refers).
14. 1966 – Outline planning permission refused for petrol filling and service station (W/7057 refers).

## POLICY

### **PPS1 (Delivering Sustainable Development)**

15. The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources. Those with national and international designations should receive the highest level of protection.
16. Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:
  - Making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
  - Contributing to sustainable economic development;
  - Protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
  - Ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
  - Ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

#### **PPG4 (Industrial, commercial development and small firms)**

17. The planning system should operate on the basis that applications for development should be allowed, having regard to the development plan and all material considerations, unless the proposed development would cause demonstrable harm to interests of acknowledged importance. Development control should not place unjustifiable obstacles in the way of development which is necessary to provide homes, investment and jobs, or to meet wider national or international objectives. Nevertheless planning decisions must reconcile necessary development with environmental protection and other development plan policies.

#### **PPS7 (Sustainable Development in Rural Areas)**

18. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling, in line with the policies set out in PPG13, *Transport*. Decisions on the location of other developments in rural areas should, where possible, give people the greatest opportunity to access them by public transport, walking and cycling, consistent with achieving the primary purpose of the development.
19. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its mineral resources and so it may be enjoyed by all. All development in rural areas should well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

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

20. The following policies provide the framework against which this application should be judged: -

#### **Suffolk Structure Plan 2001**

- Policy ENV3 (Design Standards)
- Policy ENV4 (Countryside protection)
- Policy ENV8 (Designated Landscapes)
- Policy CS1 (Distribution of New Development)
- Policy ECON1 (Expansion of existing employment uses)

#### **Babergh Local Plan Alteration No.2 (2006)**

*The policy references below relate to the adopted version of the Local Plan - the policy numbers in some cases differ from those in the second deposit draft. Where this is the case, the previous reference number is given in brackets*

- Policy CN01 (General Design)
- Policy CR01 (Landscape Quality)
- Policy CR04 (CR05) (Special Landscape Areas)
- Policy EM20 (EM12a) (Expansion of existing employment uses)

## OBSERVATIONS

21. Bentley PC – Refuse – Councillors fully support the points raised in the numerous letters of objection.
22. Copdock & Washbrook PC – No comments were made.
23. Capel St Mary PC – Refuse – The PC have been copied in on the letters of objection that have been sent and agree with the residents/businesses.
24. EA – Submit advisory comments.
25. Highways Agency – No objection.
26. CHA – To be reported verbally if available.
27. HoES (Commercial) – Advisory note regarding applying for permit under the Pollution Prevention and Control (England and Wales) Regulations 2000, as amended.
28. HoES (Residential) – I have some concerns about the proximity of a vehicle repair shop to Moyes Cottages. At this outline stage we have insufficient information to reliably assess potential loss of amenity.
29. Letters – 10 letters of objection received, summarised as follows: -
  - Highway safety concerns;
  - Proposed entrance on dangerous blind bend not used for 40 years;
  - Concern over pollution and noise;
  - Ample space in current building for proposed use;
  - Impact on SLA and local countryside character;
  - Devalue property;
  - High bund and row of trees never installed at Station Garage to help screen site;
  - Quality of life affected;
  - Concern over loss of mature trees on boundary of site;
  - Concerns over storage of paint and chemicals. Previous fires at Station Garage have resulted in call out of fire brigade;
  - Current building out of proportion to surrounding landscape;
  - Entrance to A12 has become hazardous;
  - Impact on wildlife;
  - Bentley Autos has served local community for 22 years – if this development is approved it is likely to result in the loss of 3 jobs; and
  - Current building not built as per plans. The building was meant to be smaller, lower and made of different materials. The present building should be pulled down and no consideration given to further applications.

## ASSESSMENT

30. The principal issues in the determination of this application are as follows:
  - Policy Considerations
  - Highway Considerations

- Residential Amenity
- Environmental Amenity

### **Policy Considerations**

31. Central to the assessment of this application (inter alia) are Planning Policy Statement 7 (Sustainable Development in Rural Areas) and Suffolk Structure Plan Policy ECON1 and Babergh Local Plan Alteration No.2 Policy EM20, which provide that an existing business should be permitted to expand provided in doing so, it does not cause problems of residential amenity, transport or the environment generally.
32. Policies CR01 and CR04 provide the criteria against which applications for development within the countryside and Special Landscape Areas are to be assessed.
33. In this case, the application site is situated partly within the SLA and approximately 280 metres from Capel St Mary built-up area boundary (as the crow flies). The site is also in close proximity to the A12, and approximately 25 metres from Moyes Cottages. The site is also next to the current vehicle MOT workshop within the ownership of the applicant. This application was approved under planning applications B/98/1647/OUT and B/00/1360/RES and relocated an existing business from Stratford St Mary. At this time the SLA was a proposed designation.
34. The site subject to this application was previously part of a former railway station yard, and has in the past been used under a temporary planning permission for containerised composting of organic waste. This temporary permission expired on 31 December 2002 (B/99/1557/FUL refers). The site is not known to be contaminated. The authorised use would revert back to being a railway station yard upon expiration of this permission.
35. It is considered that the proposed development is contrary to the Development Plan policies discussed in paragraphs 28 and 29 above, by virtue of the adverse impact of the proposal on residential and environmental amenity, as evaluated below.
36. The previous railway yard related uses of the site or the existence of the former composting facility ought not to lead the Council to grant planning permission for a permanent, substantially different and larger form of development on the application site. The previous composting use involved no permanent buildings or structures on the site.

### **Highway Considerations**

37. Comment is awaited from Suffolk County Council Highways. A verbal update will be given at the meeting in this respect. However it is worth noting that a condition was attached to B/99/1557/FUL 'continued use of land for containerised composting of organic waste' by Suffolk County Council, that sole vehicular access to the site shall be via the existing means of access to Station Garage, as the access proposed in this current application was inappropriate by virtue of its proximity to nearby dwellings. Furthermore, when the application to allow vehicle sales at this site was considered (B/05/01888) the Highways Agency did not object but suggested that any further increase in traffic would cause concern. This is being clarified with the Agency and Members will be updated verbally.

## **Residential Amenity**

38. The proposed development will involve a building clearly visible from neighbouring properties and public viewpoints, by virtue of its siting within a relatively open site. Furthermore, the proposed development will result in a continuation of the yard area to the current building, and the alterations to the vehicular access and parking/turning areas in the absence of further details the Head of Environmental Services advises he has concerns that the development would lead to an unacceptable level of development and increase in activity, all in close proximity to neighbouring residential properties, which will inevitably lead to a detrimental impact upon the level of residential amenity that could reasonably be expected by those occupiers of neighbouring properties at Moyes Cottages. As such, the proposal is considered contrary to those protective Development Plan policies.

## **Landscape Impact**

39. The application site is situated partly within a designated Special Landscape Area, where development is strictly controlled, in the interests of protecting the character and appearance of such areas. This designation has occurred since planning permission was originally granted for the M.O.T. garage. The application site is open to public views, particularly from the north and south, and outside of the confines of the current operational area of the existing building. Due to the very nature of the proposal, which will necessitate further building(s) and hard-surfacing, and with regard to the relationship of this building work with the existing buildings and surrounding development, it is considered that the proposal will result in an incongruous form of development to the detriment of the environmental quality and appearance of the locality. Furthermore, the development of this site is likely to impede on the mature Beech trees, which are sited on the northern boundary of the site.

## **Other Issues**

40. Members of the Development Committee expressed an interest into the lawfulness of the Bentley Autos garage, located to the east of the application site. Having assessed the Council's planning records, an application was submitted for the building being used by Bentley Autos in 1984. The proposal constituted 'change of use from general storage to workshops for welding and general mechanical engineering work'. At the time of the application it was noted in the Officers committee report that the applicant intended to provide a service for those people in the area with metal goods requiring welding or repair, for example, agricultural or garden products or the welding of motor vehicles. It was considered that the proposal would not adversely affect the local environment and accordingly, planning permission was granted, subject to conditions including (inter alia) being personal to the applicant, no outside storage, and limited to the use being applied for and for no other commercial purpose. It would therefore appear that the activities being undertaken at Bentley Autos has the benefit of planning permission.
41. In addition to Bentley Autos, a building was erected at No.1 Moyes Cottages (next to Bentley Autos) without the benefit of planning permission for the storage of classic motor vehicles. A retention application was submitted to regularise this building and subsequently approved in 2001. In addition, officers have become aware of a further building being erected at this site, and this building is currently being investigated. Moreover, this site is currently the subject of enforcement action in relation to being deemed an untidy site.

42. Members also requested information as to the landscaping scheme approved on this site at Station Garage. A landscaping scheme was approved for additional tree planting to the western boundary of the site fronting the A12. An update will be made at the meeting as to whether this landscaping scheme has been carried out. In addition there has been mention of a bund. Officers cannot locate any information on the planning files with regards to any approved bunding.

#### RECOMMENDATION

Refuse (Planning Permission) – Contrary to policies ENV3, ENV4, ENV8, CS1, ECON1, CR01, CR04, EM20 and CN01 by virtue of the detrimental impact upon residential and visual amenity and character of the Special Landscape Area (and highway safety if appropriate).

#### DECISION

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