

## AGENDA ITEM NO: 8/3(a)

<b>Parish:</b>	Dersingham	
<b>Proposal:</b>	Change of use from builders merchant to mixed use builders merchant and haulage yard for overnight parking of 2 HGV's	
<b>Location:</b>	The Old Station Yard 67 Station Road Dersingham Norfolk	
<b>Applicant:</b>	Semba Trading Ltd	
<b>Case No:</b>	16/00832/CU (Change of Use Application)	
<b>Case Officer:</b>	Mr C Fry	<b>Date for Determination:</b> 4 July 2016 <b>Extension of Time Expiry Date:</b> 11 August 2016

**Reason for Referral to Planning Committee** – The views of Dersingham Parish Council is contrary to the Officer recommendation and called in by Councillor Bubb.

### Case Summary

The application site lies within an area designated as Built Environment Type D according to Local Plan Proposals Maps for Dersingham.

Dersingham is classified as a Key Rural Service Centre according to Policy CS02 of the Local Core Strategy 2011.

The site is the former Dersingham Railway Station and associated goods yard.

The proposal seeks retrospective consent for the change of use from builder's merchant to mixed use builders merchant and haulage yard for overnight parking of 2 HGV's.

### Key Issues

Principle of Development and Planning History  
Impact upon Visual Amenity  
Highway Safety  
Ecology and Wildlife  
Other Material Considerations

### Recommendation

**APPROVE**

### THE APPLICATION

Principally, the site lies within an area defined as Built Environment Type D according to Local Plan Proposals Maps for Dersingham. Dersingham is classified as a Key Rural Service Centre according to Local Development Framework Core Strategy.

The site is the former Dersingham Railway Station. The platform still remains and the goods yard has been used for the stationing of building materials for a number of years.

There are two distinct levels to the site. The eastern side of the site is on the upper level, being the former platform. The central to western side of the site is on lower land (former railway line). The boundary to the site consists of level hedging. The site is separated from the neighbouring properties to the east by a footpath.

The area has a mixed character. Residential properties are located to the east of the site and to the west and north are industrial premises and uses. A recent planning permission has been granted for the erection of a new garden centre to the northwest of the site, although this has yet to be implemented.

The proposal seeks full planning permission for the site to be a mixed use of builder's merchant and HGV station yard. The majority of the site will be retained as a builder's merchant. The change of use for the stationing of the HGVs is towards the centre rear of the site and adjacent to the eastern boundary.

## **SUPPORTING CASE**

The application has been supported with a Planning Statement:-

- The site is currently used as builder's merchants. Prior to this the site has been generally used for storage, when it was a goods yard in association with the railway station. The site stocks bulk materials ready for delivery. The operators of the site have 2 large delivery vehicles retained on site. Deliveries to and from the site occur throughout the day between 08:00 and 16:00 hours.
- The applicant currently parks up 2 other HGV's at the yard overnight (in addition to the 2 delivery vehicles). This occurs up to 4 times a week.
- The vehicles enter or leave around 07:00 and 17:00.
- The applicant has part ownership of the vehicles and the vehicles are occasionally used by the applicant for the delivery of bulk materials to and from the site, but this is not the sole use of these vehicles.
- The Local Planning Authority has investigated the potential unauthorised use, reference 15/00400/UNAUTO. For clarity, the use of the builder's merchant/yard is not in question and this use would not alter.
- The proposal does not seek to change the use of the whole site to haulage yard, nor increase the number of HGV's currently parked overnight at the site. This parking of the HGV's is the subject of the Local Authority's enquiry and the purpose is to regularise this use, if such an approval was forthcoming, the proposal could be conditioned to limit the use.
- The pre-application, site visit confirmed the general location of the parked vehicles would be acceptable in principle.

## **PLANNING HISTORY**

05/01577/F: Application Permitted: 26/10/05 - Construction of shed

2/00/1352/F: Application Permitted: 23/01/01 - Continued use of land for storage of building materials

2/99/0709/F: Application Permitted: 06/09/99 - Continued use of land for storage of building materials

2/98/0311/F: Application Permitted: 16/06/98 - Continued use of land for storage of building materials

2/95/1042/CU: Application Permitted: 13/02/96 - Extension to existing yard for storage of building materials (revised proposal)

## **RESPONSE TO CONSULTATION**

**Dersingham Parish Council: OBJECTION** on disturbance to neighbouring properties and the amount of extra traffic at all hours as already being witnessed. The council would like to point out that our local garden centre has planning permission in a nearby location and if they decide to build it would put even more strain on the roads, neighbouring properties etc. and would make this area very dangerous with the amount of traffic involved. The vehicles if using Station Road have to go by the Village Recreation Ground which is always busy with children.

## **NCC Highways: NO OBJECTION**

**Environmental Health and Housing - Community Safety Neighbourhood and Nuisance: NO OBJECTION** concerns in relation to noise regarding the proximity of the lorries to residential properties.

Noise complaints have been received in the past from the proposed activity

The ideal solution would be to situate the lorries further away; however the elongated nature of the plot restricts this possibility.

Due to the fact complaints about this use, the restrictive nature of the site in terms of ability to maintain distance from residential properties and the possible unsociable hours needed for the HGV lorries to be in use; a condition restricting the HGVs leaving the site to between the hours of 07:30 to 19:00 hours Monday to Friday and 07:30 to 17:00 Saturdays and at no time on Sundays, Bank or Public holidays unless otherwise agreed in writing by the Local Planning Authority would be appropriate.

The noise from engine vehicles idling can be covered under a statutory nuisance issue.

## **Environmental Health and Housing – Environmental Quality Team: NO OBJECTION**

## **REPRESENTATIONS**

**35** Letters received objecting to the application:-

- Unsuitable road access
- Noise
- Pollution
- Should be in an industrial area
- Volume of traffic will greatly increase
- Dust caused
- Hazardous materials have been transported
- The weight of the vehicles caused maintenance issues
- Affect a bus route
- An alternative access directly on the bypass would be more suitable

**4** signature petition from residents in Alexandra Close

- Emergency Services could be blocked from entering Alexandra Close from HGV's being parked up waiting to gain access to the yard
- Increase damage to "Station Road" from the HGV's
- HGVs will use the footpath on Station Road when cars are parked on the roadside
- No turning area for HGVs
- No mention to the type of contents that the trailers would hold
- "Richardson's Trailer and Heavy Equipment" are now trading from the site

1 letter received supporting the application:-

- 2 full-time employment and 1 part-time employment post generated
- Support local business in the local area.

## **NATIONAL GUIDANCE**

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## **PLANNING POLICIES**

The King's Lynn and West Norfolk Local Plan (1998) contains the following saved policies that are relevant to the proposal:

**4/21** - indicates that in built-up areas of towns or villages identified on the Proposals Map as Built Environment Type C or D development will be permitted where it is in character with the locality.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

## **OTHER GUIDANCE**

Dersingham Parish Plan

## **PLANNING CONSIDERATIONS**

The main planning considerations in regard:-

- Principle of Development and Planning History
- Impact upon Visual Amenity
- Highway Safety
- Ecology and Wildlife
- Other Material Considerations

### **Principle of Development and Planning History**

The site lies within an area defined as Built Environment Type D according to Local Plan Proposals Maps for Dersingham.

Dersingham is classified as a Key Rural Service Centre according to the Local Development Framework Core Strategy. Generally, development that is appropriate in scale and nature could be supported in principle subject to satisfying other material considerations.

The proposal seeks retrospective planning permission for the change of use of the existing builder's merchants to a mixed use involving the retention of the builder's merchants and the stationing of 2 HGV vehicles in association with Richardson's Haulage. This is in addition to 2 HGV vehicles that are used in association with the Builders Merchants.

From planning enforcement investigations it has been documented that the builder's merchant's complex has been used for the stationing of vehicles overnight. 2 of the HGV's are not being used in connection with the builder's merchants and these 2 vehicles enter and leave the site between the hours of 05:00 and 19:00 - 7 days a week.

The regularisation of the activity requests that these 2 HGV vehicles are allowed to be stationed overnight 4 times a week with vehicular movements being allowed between the hours of 07:00-17:00.

The applicant's agent is fully aware that what is being applied for is a reduction in current use and accordingly acknowledges that should vehicular movements take place outside agreed timings, then potentially enforcement action could be taken.

### **Impact upon Visual Amenity**

Third Party representation raise issues of the Haulage Yard element of the application being a use out of character with development in the locality.

The site is the former Dersingham Railway Station. It has been used as builder's merchants for a number of years. Access to the site is from Station Road.

The site has two distinct levels. The old station platform is on the eastern side of the site on higher land and the western side is the lower track level.

The site is well screened from the west by overgrown hedging and scrub land. Hedging and scrub and the closed boarded fencing of the properties in Broadlands Close forms the eastern boundary.

The southern element of the site contains building waste materials and is unmade.

The site that has been demarcated on the plans for the siting of the HGV vehicles would cause little detrimental impact upon visual amenity taking into account the boundary treatment and the mixed character of the area.

### **Impact upon Neighbour Amenity**

The shape of the site and the existing use as builder's merchants limits the available space for the stationing of HGVs.

There is no doubt that neighbours will experience some noise from engines starting, engines sitting idle for long periods and the general noise involved in the moving of HGV vehicles. The Environmental Health and Housing - Community Safety Neighbourhood and Nuisance team have considered that provided the noise associated with the HGV's on the site can be controlled through the use of planning conditions, then they would not object to the application.

At present Semba Trading has no planning condition imposed upon it as a builder's merchant that restricts vehicular movements to certain times of the day.

As part of this application, Richardson Transport, who currently operates from the site without the benefit of planning permission, wish to regularise and reduce their operations to station 2 HGVs 4 nights a week between the hours of 17:00-07:00.

As the proposal has applied for a mixed use of both builder's merchants and Haulage yard, the opportunity to review the timing of HGV movements associated with Semba Trading has presented itself.

The Environmental Health and Housing – Community Safety Neighbourhood and Nuisance team recommend that HGVs movements associated with the both Semba Trading and Richardson Transport need to be restricted to 07:30 and 19:00 Monday to Friday and 07:30-17:00 on Saturdays in order to protect neighbour's amenity. Whilst the hours allowed for the moving of HGVs on the site put forward by the Environmental Health team are different to that that proposed by the applicant i.e. an additional ½ hr restriction of movement recommended by the team, the applicant does not object to the additional ½ hr restriction. Additionally the applicant does not object to the restriction being applied to HGV movements in association with both of his businesses. This condition is considered to be reasonable and enforceable and adequately addresses the issue of noise and general disturbance.

Should HGV engines be left idling then statutory nuisance investigations can be carried out by the Environmental Health – Community Safety Neighbourhood and Nuisance team.

### **Highway Safety**

A number of third party representations are concerned about highway safety issues and the maintenance of Station Road as a result of additional HGV movements; additionally they also raise issues about the HGVs affecting a bus route, however the highway officer has no objection to the proposal.

An alternative access to the site to serve the HGVs, as suggested by a third party representation, is not considered to be necessary or reasonable to request in this instance as the highways officer has no objection to the proposal.

### **Ecology/Wildlife**

The site is within the buffer area of the Dersingham Bog, however the existing use and proposal is not considered to cause a detrimental impact upon the SSSI.

There would be no detrimental impact upon the nearby County Wildlife site.

### **Other Material Considerations**

The site is to the south of Dersingham Footpath 16 and Bridleway 2 these are not materially affected by the proposal.

The site lies within flood zone 1 the least restrictive flood zone 1.

Third party objectors raise issues about pollution from the HGV's exhaust system, the dust created from HGV movements on the site and the effect of upon their health and well-being. Given the low number of the HGV movements that is associated with the operations of Semba trading and Richardson Transport, the Environmental Health – Environmentally Quality team has no objection to the proposal. According to the Environmental Quality team there would need to be over 100 HGV movements a day to have a material effect upon air quality.

The potential movement of hazardous materials is no reason to object to the application.

### **CONCLUSION**

Members will need to consider whether the stationing of HGVs on the site is considered to be acceptable. It is your officer's opinion that the use the site for the overnight stationing of HGV vehicles, to the scale stated in the Planning Statement is considered to be acceptable. Should the use of the site intensify and/or lorry movements on the site take place outside of the permitted hours 07:30-19:00 hours Monday to Friday and 07:30-17:00 on a Saturday and at no times on a Sunday, Bank Holiday or Public holiday, then planning enforcement will investigate any complaints made.

There are no outstanding issues that cannot be adequately addressed by way of condition and the application is recommended for approval subject to the following conditions.

### **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - Site Plan dated 23rd February 2016 received 3rd May 2016.
- 1 Reason For the avoidance of doubt and in the interests of proper planning.

- 2 Condition HGV movements in the blue and red land as shown on "Location Plan SEM01.01.01 Rev A dated 23rd February 2016 shall be restricted to between 07:30 and 19:00 hours Monday to Friday and 07:30 to 17:00 hours on Saturdays. No HGV movements shall be carried out beyond these hours or on Sundays, Bank or Public Holidays unless otherwise approved in writing by the Local Planning Authority.
- 2 Reason In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.
- 3 Condition There shall be no more than 4 HGVs stationed on the blue and red land as shown on "Location Plan SEM01.01.01 Rev A" at anyone time.
- 3 Reason For the avoidance of doubt and in the interests of proper planning.