

## OFFICERS REPORT: DELEGATED APPLICATIONS

REFERENCE: 18/0834/FUL

**Date of Expiry of Application:** 16th November 2018

**Site Address:** Land Adjacent To 16 Brunel Road Manor Trading Estate Benfleet Essex SS7 4PS

**Applicant's Name:** Benfleet Scrap Limited

### **Site Description:**

The application relates to a site on the eastern side of Manor Trading Estate, which currently operates as a scrapyard. There are other industrial estate premises to the west and south, whilst to the north and east is undeveloped land.

### **Description of Proposed Development:**

Permission is sought for a 5m high wall formed of concrete panels close to the southern and eastern boundaries of the scrapyard. A buffer strip of 1.5m to 2.5m in width would be left between the proposed wall and the site boundary.

The planning statement explains that the wall is to replace existing structures and to be dual purpose in providing a screen and reinforcing security. The wall is already in place along the southern boundary and part of the east boundary, so the application is partly retrospective.

### **Relevant History:**

Permission was granted for use of the land for waste recycling and recovery and as a waste transfer station in 2002 (CPT/16/02/FUL).

**Local Plan Allocation:** Employment

### **Relevant Policies:**

National Planning Policy Framework (July 2018)

#### Local Plan

EC2 – Design

EC3 – Residential amenity

### **Consultation Responses:**

Environmental Health – There have been three complaints received this year about Benfleet Scrap, two of which were unsubstantiated, but the site has potential for noise issues due to the nature of the activity (i.e. scrap metal).

Neighbour notification – A lengthy objection from a planning consultant has been received on behalf of the owner of the adjoining land to the north and east. The general thrust of this objection is that Benfleet Scrap is not run in a very satisfactory manner, causes pollution of the environment and that the wall will have a greater visual impact than existing boundary treatment, cutting out views from and to the Green Belt.

### **Comments on Consultation Responses:**

The running of the scrap business is not a matter for consideration in the context of this application. The application before the local planning authority is for a boundary treatment and the considerations when dealing with this are the visual impact of the wall and its effect on any nearby residents.

If the business is causing environmental pollution, the adjoining landowner could report this to the Environment Agency.

### **Evaluation of Proposal:**

The main issues with this application are the visual impact of the proposed wall, taking into account its impact on the visual amenity of the Green Belt, and the impact on any nearby residents.

#### *Visual impact*

The proposed wall would be situated on land allocated for employment purposes and forming part of Manor Trading Estate. However, the site borders Green Belt land to the east, from where the proposed wall would be visible. Paragraph 3.15 of the now cancelled "Planning Policy Guidance 2: Green Belts" stated that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design. This statement does not appear in the National Planning Policy Framework (NPPF), which replaced the earlier series of Planning Policy Guidance Notes and Planning Policy Statements.

The council's Local Plan Policy EC2 contains a requirement for the appearance and treatment of spaces around buildings to be enhanced with appropriate hard and soft landscaping. This is in line with paragraph 127(b) of the NPPF. It is considered that a wall may be viewed as hard landscaping.

The proposed wall would not conflict with any of the five purposes of the Green Belt listed at paragraph 134 of the NPPF.

The wall would of course be visible from the adjoining Green Belt land. It is noted that an objection has been received on behalf of the adjoining landowner, on the basis that the proposal would have a greater visual impact than the original boundary treatment. However, the local planning authority notes that the land to the east was cleared of trees and vegetation earlier in 2018, which has opened up the boundary of Benfleet Scrap to view. If the boundary of this site is now visually prominent in views from the Green Belt, it is as a consequence of the clearance of the adjoining land.

Although there is no public access to the adjoining land, access was possible to the grounds of Hesten Lodge to the south of this land. A hedgerow has been retained along the northern boundary of Hesten Lodge, in spite of the recent land clearance, through which it was just possible to glimpse the eastern boundary of Benfleet Scrap. The local planning authority notes that part of the proposed wall has already been constructed, which is light grey in colour, being formed of concrete panels. The earlier boundary treatment, which remains along the northern section of the eastern boundary, is darker coloured. Although the proposed wall would be higher than former boundary treatments by between 1 and 3 metres, and would be light-coloured, it is not considered that the visual impact of this would be significantly greater than the old boundary treatments. The old boundaries are quite dilapidated in appearance and providing a new concrete panelled wall might be said to be a visual improvement, even though it would be taller than the boundary treatments it replaces.

The provision of higher boundary treatment may also serve to better screen the scrap, which the adjoining landowner finds visually offensive.

It is noted that the adjoining landowner fears that the provision of this wall may simply enable the scrapyard operator to store scrap to even greater heights, worsening the existing problems of scrap and pollutants escaping the site onto his land. However, there is no condition on the planning permission for use of the site for waste recycling and recovery and as a waste transfer station that limits the height to which scrap may be stored. While it may have been prudent to impose such a condition with the benefit of hindsight, the simple fact is that there is no planning mechanism to prevent the operator of the site storing scrap to the height he wishes, regardless of whether this application is approved.

Taking all relevant factors and representations received into account, it is not considered that there may be an objection to the proposal on the basis of its visual impact.

### *Impact on nearby residents*

Policy EC3 of the council's Local Plan seeks to resist proposals that would have a significant adverse effect on the residential amenity of the surrounding area by reason of noise. Paragraph 3.9 states that it is possible to negate some of the nuisances of new development by means of planning conditions requiring, *inter alia*, screening.

Policy EC3 is broadly consistent with paragraph 180 of the NPPF, which states at (a) that planning decisions should mitigate and reduce to a minimum potential adverse impacts from noise.

Whilst these statements in Policy EC3 and NPPF paragraph 180 are aimed at proposals for new development, there seems to be no reason why they should not also be applicable to existing development.

Paragraph 170(e) of the NPPF also states that planning decisions should prevent new and existing development from contributing to, or being put at risk from, *inter alia*, noise pollution.

This is not a proposal for new development likely to cause a nuisance as the scrapyard is an existing business. However, the local planning authority is aware that noise from the scrapyard can be heard at residential properties in Keswick Road, and at Hesten Lodge, a day centre. The provision of screening which has the potential to cut out or muffle some of the noise from the scrapyard would be in the spirit of Local Plan Policy EC3 and therefore from a residential amenity viewpoint it is welcomed. It would also be in the spirit of paragraphs 170 and 180 of the NPPF.

The wall would not be located in such close proximity to any nearby residential properties that there would be an adverse impact by way of dominance.

On the matter of whether any permission granted should be subject to conditions, it is not considered that any are necessary. While landscaping adjacent to the wall could be used to soften its visual impact, and indeed is suggested on the drawings and in the supporting statement, the local planning authority shares the view put forward in the representation on behalf of the adjoining landowner, that landscaping in this location would be unlikely to flourish.

A condition requiring the development to be commenced within the statutory time limit is not necessary as it has already commenced (it is partially retrospective in nature).

I have taken all other matters raised by interested parties into consideration, particularly those raised in the letter from Smart Planning dated 30<sup>th</sup> October 2018, but none are sufficient to outweigh the considerations that led to the following:

## **My Recommendation is Approval**

### **Informatives**

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Keith Zammit

9<sup>th</sup> November 2018