

Area North Committee – 26 October 2011

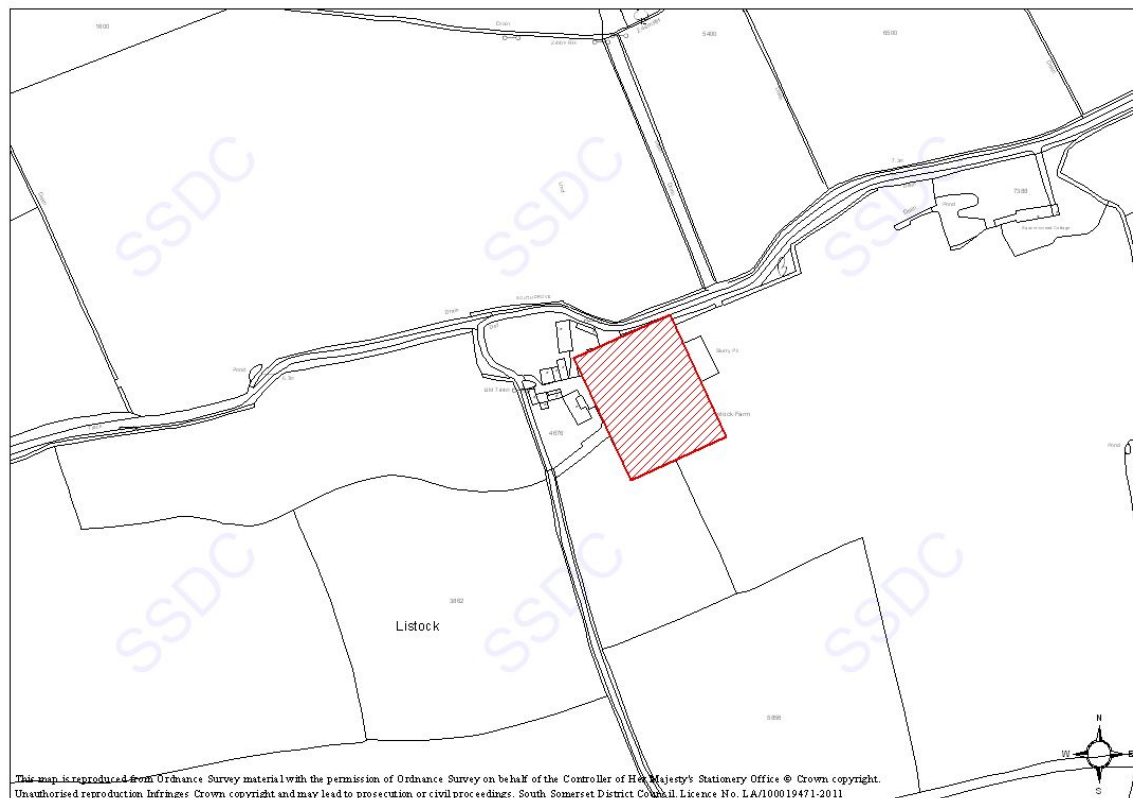
Officer Report On Planning Application: 11/02173/COU

Proposal:	Change of use of two sections of a cubicle building from agricultural to the storage of funeral vehicles (retrospective) (GR: 333457/123753)
Site Address:	Lower Listock Farm, Listock Lane, North Curry
Parish:	Fivehead
ISLEMOOR Ward (SSDC Member)	Ms Sue Steele (Cllr)
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date:	9th August 2011
Applicant:	Mr Michael Wheller
Agent: (no agent if blank)	
Application Type:	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Area North Committee, as the recommendation for approval is contrary to the recommendation of the Highway Authority, who recommended refusal on highway safety grounds.

SITE DESCRIPTION AND PROPOSAL



The proposal seeks retrospective permission for the change of use of two sections of an existing agricultural building to the storage of funeral vehicles. The site consists of a large agricultural building of modern design set within an existing farmyard. The building is located close to various agricultural buildings and open countryside. The building is not located within a development area as defined by the local plan. The proposed use consists of the storage of funeral vehicles that are used as reserve vehicles by a number of separate funeral directors.

HISTORY

08/03128/AGN - Notification to erect a portal framed barn for the storage of crop and machinery - Permission not required 14/08/2008

05/03284/AGN - Erection of portal frame building for the storage of miscanthus and machinery - Permission not required 05/01/2006

05/02891/AGN - Install roof over existing slurry store - Planning permission is not required 05/12/2005

03/02127/AGN - Erection of portal building over existing silage pit for the storage of agricultural machinery and crops - Application permitted 07/08/2003

94/00945/AGN - Notification of intent to erect an agricultural building for general storage purposes - Permission not required 12/10/1994

78941 - Erection of an agricultural building - Conditionally approved 02/10/1967

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review, and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan (Adopted April 2006):

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy ME5 - Farm Diversification

National Guidance
PPS1 - Sustainable Development

South Somerset Sustainable Community Strategy
Goal 3 - Healthy Environments
Goal 4 - Services and Facilities

CONSULTATIONS

SCC RIGHTS OF WAY - No objections

SSDC ENVIRONMENTAL PROTECTION UNIT - No objections

TAUNTON DEANE BOROUGH COUNCIL - No observations

PARISH / TOWN COUNCIL - No comment

COUNTY HIGHWAY AUTHORITY - Raise objections on the grounds that the proposed use is an unsustainable location and, as the agricultural use will continue on the adjoining land, will foster growth in the need to travel. They did note that it must be a matter for the Local Planning Authority to decide whether the re-use of the agricultural building and/or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

A second objection raised on the grounds the proposal will derive access directly from a National Primary or Country Route without demonstrating that any special need for and benefit of the development would warrant an exception.

A third objection was raised on the grounds that the junction of the unclassified highway with the A378 has restricted visibility primarily to the east. They noted that splays based on 2.4m x 215m (to the nearside carriageway edge), with no obstruction greater than 900mm, are considered appropriate in this location, and depending on land ownership it may be possible to improve visibility at the junction. However, they concluded that currently the junction is considered to be substandard, and therefore any increase in use is considered to be detrimental to highway safety.

They recommend three reasons for refusal:

1. The site is located outside the confines of any major settlement in an area that has very limited public transport services. The development, if approved, will increase the reliance on the private motor car and compromises sustainable development which is contrary to advice.
2. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000) since the proposed development derives direct access from a County Route and no overriding special need or benefit has been demonstrated to warrant an exception for the proposed development on this site.
3. The unclassified highway by reason of its restricted width, poor alignment and substandard junctions with the A378 is considered unsuitable to serve as a means of access to the proposed development. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, (Adopted April 2000) and ST5 of the South Somerset Local Plan.

AREA ENGINEER - No comment

REPRESENTATIONS

None received

CONSIDERATIONS

Principle of Development

The site is outside of any defined development area so the proposal is therefore subject to policy ST3 of the South Somerset Local Plan, which states that "...development will be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel." The proposal will benefit economic activity and will maintain the environment. However, it may foster growth in the need to travel contrary to policy ST3 as it involves the storage and use of a number of vehicles, which will have to travel to and from the site. That said, the vehicles do not serve a specific funeral director in a specific town and can be used by any funeral director from any town. Growth in the need to travel is therefore likely wherever the use is located, even within a defined development area. It is also noted that the proposal represents farm diversification in accordance with policy ME5 of the South Somerset Local Plan, by allowing the sensible re-use of an agricultural building now redundant for the agricultural enterprise currently carried out at the site. Therefore, on balance, it is considered that the principle of the proposed use at this location could be supported subject to the imposition of suitably worded conditions on any permission issued to ensure that the use remains of a scale consistent with the rural location and that growth in the need to travel is minimised.

Residential and Visual Amenity

There are no near neighbours to the farmstead, and as such it is considered that there will be no significant impact on residential amenity. The proposal does not involve any physical alterations to the building and as such it is not considered that there will be any significant impact on the character of the area.

Highways

The County Highway Authority has raised a number of objections to the scheme. Firstly they have objected to the principle of the proposal on the grounds of sustainability. However it is considered, for the reasons outlined above, that the location is acceptable in principle for this type of farm diversification.

Secondly they objected on the grounds that the proposed development derives direct access from a County Route with no overriding special need or benefit. However, the benefit of allowing a suitable farm diversification scheme is considered to be significant.

Finally they have objected on the grounds that the junction of the unclassified no-through road used by the site with the A378 is substandard as it does not incorporate the necessary visibility splays. However, the applicant has confirmed in writing that he owns the land and hedges to either side of the junction, and as such the use of a suitably worded condition on any permission issued could ensure that the necessary visibility is maintained at all times.

Conclusion

Notwithstanding the objections of the County Highway Authority, it is considered that the

application should be recommended for approval. The proposed change of use is considered to be acceptable in this location due to its compliance with the farm diversification policy of the local plan, will not have any significant impact on residential or visual amenity, and will not have an unacceptable impact on highway safety as the necessary visibility splays can be achieved via the use of a suitably worded condition on any permission issued.

RECOMMENDATION

Permission be granted for the following reason:

01. The proposed change of would have no adverse impact on the setting and appearance of the area, and would not to cause any undue harm to the amenities of local residents or highway safety, in accordance with the aims and objectives of policies ST5, ST6, ST3 and ME5 of the South Somerset Local Plan 2006 and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 01 June 2000.

Reason: To accord with the provisions of section 73A of the Town and Country Planning Act 1990.

02. There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4 metres back and parallel to the nearside carriageway edge for a minimum of 215 metres to either side of the junction of the unclassified road leading to Lower Listock Farm with the A378. Such visibility shall be fully provided within 1 month of the date of this permission and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

03. The premises shall be used for the storage of up to 14 hearses and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure that the use remains of a scale consistent with the rural location in accordance with policies ST3 and ME5 of the South Somerset Local Plan.