

Area North Committee – 28 March 2012

## Officer Report on Planning Application: 11/05143/COU

<b>Proposal :</b>	Change of use of redundant agricultural building to be used for the renovation and repair of pre-war and classic cars and the associated storage and distribution of spare parts.(GR: 333457/123753).
<b>Site Address:</b>	Lower Listock Farm, Listock Lane, North Curry
<b>Parish:</b>	Fivehead
<b>ISLEMOOR Ward (SSDC Member)</b>	Cllr Sue Steele
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	15th February 2012
<b>Applicant :</b>	Mr Michael Wheller
<b>Agent: (no agent if blank)</b>	Mr Clive Miller Clive Miller And Associated Ltd Sanderley Studio, Kennel Lane, Langport TA10 9SB
<b>Application Type :</b>	Other Change Of Use

### REASON FOR REFERRAL TO COMMITTEE

This application is before the committee, at the request of the Ward Member with the agreement of the Area Chair, to enable the comments of the highway officer to be debated.

### SITE DESCRIPTION AND PROPOSAL



The proposal seeks permission for the change of use of a section of an existing agricultural building to be used for the renovation and repair of pre-war and classic cars and the associated storage and distribution of spare parts. 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. No physical alterations are proposed to the building.

## HISTORY

11/02173/COU	Change of use of two sections of a cubicle building from agricultural to the storage of funeral vehicles (retrospective) - Application permitted with conditions 31/10/2011
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

**SSDC ENVIRONMENTAL PROTECTION UNIT** - No objection subject to safeguarding conditions.

**SCC RIGHTS OF WAY** - No objections

**PARISH / TOWN COUNCIL** - No objections. The necessary fire precautions should be in place as all the buildings shown on the plan are linked.

### COUNTY HIGHWAY AUTHORITY -

*"The previous application (11/05143/COU) was granted consent by Committee, despite a highway objection. As the LPA will be aware, every application is assessed on its own merits and this application in terms of location, and access to the highway, is predominantly identical to that of 11/05143.COU, therefore the issues raised are equally applicable.*

*Notwithstanding this it is noted that visibility splays can be secured at the junction of the unclassified highway and the A378, therefore this element of the highway safety issue can be omitted or at least dealt with by condition, as per the previous application.*

*However the proposal is still considered to be unsustainable; it derives access onto a county route in addition the unclassified highway leading to the site, is narrow and poorly aligned with limited passing places.*

*This application will result in an increase in traffic using this road and will result in additional conflicting traffic movement on this stretch of highway.*

*Therefore refusal is still recommended for the following reason:*

- *The proposal would set a precedent for development and would also lead to an increase in traffic along a road that is restricted width and alignment and would lead to additional conflicting traffic movements to the detriment of highway safety. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000).*

*I am aware that consent has previously been granted, and if the LPA or Committee are minded to grant consent, I would seek conditions are imposed (prior to commencement/occupation), for a travel plan and a scheme of passing places to be incorporated/provided along the unclassified highway, utilising highway land and land adjoining the highway that is within the blue line of the application site."*

**AREA ENGINEER** - No comment

## **REPRESENTATIONS**

One letter received from the occupier of a neighbouring property. The letter is neutral but points out a minor inaccuracy in the application, which has been subsequently corrected.

## **CONSIDERATIONS**

### **Previous scheme**

An application for a farm diversification in the form of the storage of a number of funeral vehicles at the site was considered last year. The Area North Committee, despite the objections to the scheme from the County Highway Authority, approved this scheme on the grounds that the change of use 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.

### **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 will foster growth in the need to travel contrary to policy ST3 as it will involve travel movements from employees, deliveries, and customers.

Whilst the proposal is not in accordance with policy ST3, it is 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 policy ME5 can outweigh ST3 in this circumstance, and 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. This could include a suitable condition to restrict the use to the activities proposed.

### **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 one main objection to the proposal. They note the visibility splay improvements that were secured as part of the last scheme at the site, but still have an objection over the suitability of the unclassified highway leading to the site, which they state is narrow and poorly aligned with limited passing places. The highway authority recommend refusal of the scheme, but in the event of an approval recommend that a condition is imposed to secure a travel plan and a scheme of passing places to be provided along the unclassified highway.

In regards to the proposed passing place condition, extensive negotiations have taken place and it has become clear that a scheme that incorporates passing places that would

be to the satisfaction of the highway authority, and legally secured in the manner proscribed by the highway authority, would be prohibitively expensive and could take some time. As such, the applicant could not accede to the request by the county authority for a scheme of passing places to adoptable standard, and the imposition of a condition to impose such a scheme on any permission issued would not be appropriate.

The applicant has offered the revocation of the existing permission for the business at a different site. They argue that such a revocation renders the highway objections null and void as the proposed site compares very favourably with the existing site in terms of highway safety considerations. However, it is not clear how such a revocation could be secured, and in any case, for the business to have a permission at the existing site the highways aspects of the scheme must have been considered to be satisfactory by the committee making the decision. As such, the applicant's offer of a revocation amounts to the trading of a permission considered to be safe in highways terms by the decision makers, for a permission considered to be unsafe by the county highway authority. Therefore, such an exchange cannot be considered to outweigh the highway safety concerns.

The applicants have argued that the proposed use would create a very limited number of vehicle movements as there are only 4 employees, there will only be 2-3 deliveries per week in small vans, and there are usually only customer visits of perhaps 2-3 per week. However, whilst these numbers are relatively modest, they would be impossible to satisfactorily limit through the use of planning conditions, and the numbers of employees, deliveries, and customers could potentially fluctuate significantly. This is unlike the previous permission at the site where the number of funeral vehicles stored at the site could be strictly controlled through a planning condition, and a maximum number of vehicle movements could be easily predicted.

### **Conclusion**

Notwithstanding the lack of impact on visual and residential amenity, and the support of the principle of the scheme, it is not considered that there is any justification to override the advice of the highway authority, and the recommendation must be for refusal of the scheme for a reason similar to that outlined by the county highway authority in their consultation response.

### **RECOMMENDATION**

Application refused for the following reason:

### **SUBJECT TO THE FOLLOWING:**

01. The proposal would lead to an increase in traffic along a road that is restricted width and alignment and would lead to additional conflicting traffic movements to the detriment of highway safety. The proposal is therefore contrary to policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted April 2000).