

Area North Committee – 27 February 2013

Officer Report On Planning Application: 12/04265/FUL

Proposal :	Use of land, building and containers for storage in connection with a civil engineering business and improvement of existing vehicular access (GR: 341936/120612)
Site Address:	Land At Hill View, Lower Burrow, Kingsbury Episcopi.
Parish:	Kingsbury Episcopi
BURROW HILL Ward (SSDC Member)	Cllr Derek Yeomans
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	24th December 2012
Applicant :	Mr N Elliott
Agent: (no agent if blank)	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon TA14 6QR
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of the Ward Member with the agreement of the Area Chairman to enable the comments of the highway authority to be fully debated.

SITE DESCRIPTION AND PROPOSAL



The proposal seeks permission for the use of land, building and containers for storage in connection with a civil engineering business and for alterations to the existing vehicular access. The property is a collection of agricultural buildings and an agricultural yard located to the rear of a single storey detached house constructed from reconstituted stone. The agricultural buildings are predominantly constructed of concrete and profile sheeting. The site is located close to various residential properties and open countryside. The proposed access alterations involve the demolition and rebuilding in a different position of an existing natural stone retaining wall. The site is not located within a development area as defined by the local plan.

HISTORY

12/01853/AGN - Erection of an extension to existing agricultural building - Planning permission is required 25/05/2012

93/01259/AGN - Notification of intent to erect extensions to an agricultural building - Permission not required 14/04/1993

92/01213/AGN - Notification of intent to erect an agricultural building - Permission not required 08/05/1992

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

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 EC3 - Landscape Character

Policy ME5 - Farm Diversification

National Planning Policy Framework

Chapter 3 - Supporting a Prosperous Rural Economy

Chapter 7 - Requiring Good Design

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

CONSULTATIONS

Kingsbury Episcopi Parish Council - No objections

County Highway Authority - Recommends refusal as site is located outside of the defined development area and would foster growth in the need to travel contrary to government advice. She notes that the applicant has stated that the use will be low key, but comments that this cannot be effectively controlled or enforced once permission has been granted. Additionally a precedent could be set for further "new" development in what is an unsustainable rural location.

She goes on to state:

"In terms of the detail it is proposed to utilise an existing access from/onto an unclassified highway, which is considered to be substandard by the Highway Authority. Visibility for vehicles emerging is restricted, with visibility being in the region of 2m x 3.5m in each direction currently, which is commensurate with speeds on the adjoining highway being less than 5mph which from personal observation they are not. Whilst it is proposed to improve visibility to the east only to approximately 8.5m this is not considered sufficient. Splays based on co-ordinates of 2.4m x 33m² would be appropriate in this location which is commensurate with speeds of 25mph. The Applicant does not own/control the land in the other direction to enable any improvements to be made this side of the access.

The approach roads leading to the site are narrow, poorly aligned with limited passing places and the junction of Palmers End Lane and Burrow Way to the south east is also restricted in terms of visibility.

Therefore in addition to the location issue, I have highway safety issues with regard to this new development proposal, and I am concerned that if consent is granted (for this non agricultural activity), that it would be difficult for the LPA to resist any further expansion which could lead to additional traffic in this location. This proposal if allowed will incrementally increase the risk to the safety of road users in this location, both at the access to the site and the junction."

She notes that there is sufficient site on space to provide adequate turning but concludes that the application should be refused for the following reasons:

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 motorcar and foster a growth in the need to travel, contrary to advice given.
2. The proposal is 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, since the existing access, by reason of its severely restricted visibility in both directions is considered unsuitable for use in connection with the development proposed.
3. The proposal is 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, since the increase in the use made of the sub-standard junction of Palmers End Lane and Burrow Way such as would be generated by the proposed development, would be prejudicial to highway safety.

Area Engineer - No comment

Landscape Architect - He notes little increase in the current development footprint and therefore raises no substantive landscape issues. He notes desire to site two storage containers and advises that the containers should be dark coloured and the hedge along the west boundary is allowed to draw-up to reduce the view of the site from properties to the west and southwest.

REPRESENTATIONS

One letter of support has been received from the occupier of a neighbouring property.

One letter of objection has been received from the occupier of a neighbouring property. Concerns were raised in the following areas:

- Concern over the impact of extra vehicle movements on noise volume.
- Concern over the impact of extra vehicle movements on Lower Burrow, which is already in a poor condition.
- Concern over the use of the site for engineering purposes and resulting noise emissions and airborne pollution.

CONSIDERATIONS

Principle of Development

The site is outside of the defined development area and as such is subject to policy ST3 of the South Somerset Local Plan, which seeks to strictly control development to that which does not foster growth in the need to travel, benefits economic activity and preserves the environment. Whilst the proposal arguably benefits economic activity it does not preserve the environment and does foster growth in the need to travel. As such the proposal is contrary to policy ST3 of the South Somerset Local Plan. However, this needs to be balanced against policy ME5 of the local plan which supports farm diversification schemes. It is considered that the proposal is modest in scale and consistent with the farm diversification policy. As such, on balance, the principle of the scheme in this location is considered to be acceptable.

Visual Amenity

The SSDC Landscape Architect was consulted as to the impact of the proposal on the surrounding landscape. He raised no concerns with the proposal provided that the impact of the proposed containers is minimised by using a dark coloured paint, and by allowing the existing hedging to grow up. As such, it is not considered that the proposed use will have an adverse impact on the character of the surrounding landscape. It is not considered that the proposed physical alterations to the access would have an adverse impact on the character of the area.

Residential Amenity

The occupier of a neighbouring property has raised a concern that the proposed use will generate additional noise from increased traffic. Whilst, the proposal is likely to generate additional vehicle movements above and beyond the existing agricultural use, it is not considered that the impact on amenity from noise generated is likely to be any worse.

The neighbouring occupier has also raised a concern regarding the use of the site for

engineering purposes and the resultant impact on amenity from noise and airborne pollution. However, the proposal does not include any significant engineering use, instead seeking permission for storage in association with an engineering use. As such, it is not considered that there will be any significant impact on amenity from noise or airborne pollution. The application does mention the use of the existing farm workshop on occasion to repair a piece of equipment. However, this is described as *de minimus* and as such does not form a part of the application. If engineering was carried out above and beyond a *de minimus* level then it could be the subject of separate enforcement action.

The proposal is therefore not considered to cause demonstrable harm to the residential amenity of neighbouring occupiers.

Highways

The highway authority was consulted as to the impact of the proposal on highway safety. They raised a number of objections to the scheme.

Firstly, they have raised a concern regarding the location of the proposed use in terms of fostering growth in the need to travel. However, as discussed above, the benefits of farm diversification are considered, in this case, to outweigh the harm of the growth in the need to travel.

Secondly, the highway authority are concerned that the existing vehicular access to the site is substandard in terms of visibility and, as the applicant does not control sufficient land, cannot be brought up to the standard required. They have described the visibility as being severely restricted in both directions and any increase in use of the access will therefore have an adverse impact on highway safety.

Finally, the highway authority has raised a concern regarding the junction of Palmers End Lane and Burrow Way, which they also consider to be restricted in terms of visibility. Therefore, again, any increase in vehicular movement associated with the site will have an adverse impact on highway safety.

It is noted that the occupier of a neighbouring property has raised a concern regarding the impact of the proposed use on the condition of the road. However, this has not been raised as a concern by the highway authority and should not, therefore, constrain the development.

Conclusion

It is not considered that the benefits of the scheme through appropriate farm diversification are sufficient to outweigh the harm to highway safety as outlined by the highway authority. As such the application should be recommended for refusal.

RECOMMENDATION

Refuse for the following reasons:

01. The proposal is contrary to policy 49 of the Somerset and Exmoor National Park Joint Structure Plan and policy ST5 of the South Somerset Local Plan, since the existing access, by reason of its severely restricted visibility in both directions is considered unsuitable for use in connection with the proposed use.

02. The proposal is contrary to policy 49 of the Somerset and Exmoor National Park Joint Structure Plan and policy ST5 of the South Somerset Local Plan, since the increase in the use made of the sub-standard junction of Palmers End Lane and Burrow Way as would be generated by the proposed development, would be prejudicial to highway safety.
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