

Area North Committee – 29 January 2014

Officer Report On Planning Application: 13/03399/COU

Proposal :	Change of use from agricultural to a mixed use of agricultural and contractors storage yard. (GR 349295/131379)
Site Address:	Land Os 3038 Part, Somerton Road, Compton Dundon.
Parish:	Compton Dundon
WESSEX Ward (SSDC Members)	Cllr Pauline Clarke Cllr David Norris
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	10th October 2013
Applicant :	Mr G A Doble (Civil Engineering) Ltd
Agent: (no agent if blank)	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon TA14 6QR
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO AREA NORTH COMMITTEE

The report is referred to Committee as the officer recommendation is contrary to County Highways Standing Advice in relation to development taking access onto a classified highway.

SITE DESCRIPTION AND PROPOSAL





This site is located in open countryside on the west side of the B3151 to the south of Compton Dundon. It is an open yard with three large buildings erected originally for agricultural use, including an open, wet-grain and general storage building along the western side; a dry grain storage building along the north; and a general purpose agricultural storage building on the east side, nearest the highway. The site is currently used mostly for the storage of machinery and equipment used in connection with a civil engineering contracting business, although grain is stored in the dry grain store, and the site is also used in connection with a farming operation.

Retrospective permission is sought for the use of the site as a storage yard for the contracting business as well as the existing agricultural use.

Amended drawings were supplied by the applicant at the request of the Highways Authority, showing the extent of visibility splays that could be achieved along the B3151.

HISTORY

- 08/02510/FUL The erection of a building for the storage of wet grain and farm implements and the retention of raised ground levels and hardstanding areas - permitted with conditions
- 04/00956/FUL Erection of grain store and farm implement shed. Approved September 2004. Only the grain store has been constructed.
- 03/03345/AGN Notification of intent to erect a grain store. Planning permission required.
- 03/03341/AGN Notification of intent to erect a farm implement store. PP required.
- 03/01966/AGN Erection of grain store and farm implement shed and retention of earth bund. Withdrawn.
- 03/01552/AGN Erection of grain store. PP required.
- 03/01551/AGN Erection of farm implement store. PP required.

02/00804/COU COU from agricultural holding to contractor's storage area. Refused June 2002.

01/00868/FUL Erection of poultry shed and implement store, provide hardcore area and earth bund and retention of hay container (revised application of 00/0617/FUL). Refused May 2005.

Various planning applications and enforcement investigations have taken place at the site. Non-agricultural uses have been investigated on site.

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 decisions 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 South Somerset Local Plan.

The policies of most relevance to the proposal are:

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

ST3 - Development Areas
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 EC3 - Landscape Character
 EP1 - Pollution and Noise
 EP2 - Pollution and Noise
 EP3 - Light Pollution
 ME4 - Expansion of Existing Businesses in the Countryside
 ME5 - Farm Diversification

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
7. Requiring good design
11. Conserving and enhancing the natural environment

Policy-related Material Considerations

South Somerset Sustainable Community Strategy

Goal 1 - Safe and Inclusive
 Goal 2 - Healthy and Active
 Goal 3 - Healthy Environments
 Goal 5 - High Performance Local Economy
 Goal 8 - Quality Development
 Goal 11 - Environment

Somerset County Council Highways Standing Advice, June 2013.

CONSULTATIONS

Parish Council: *Compton Dundon Parish Council considered this application at their meeting on 4th September 2013 where it was RESOLVED to RECOMMEND REFUSAL on the grounds that:*

- i) the application for change of usage bore no resemblance to the actual operation on site.*
- ii) the noise, dust, odour, and timing of operations bore more resemblance to a B2 usage location*
- iii) there was a historic disregard for conditions of usage and served Notices*
- iv) specific highways access issue exist.*

Highways Authority: The Highways Authority has not responded to amended plan details submitted on 23 October, indicating the visibility splays that can be achieved. However, in an earlier response, an objection was raised on the basis that adequate visibility splays could not be provided, and that proposal would be unable to provide safe access, and would be prejudicial to highway safety.

At the time of writing, a further request for any comments has been sent to the Highways Authority. Any comments will be tabled at the Committee meeting.

SSDC Area Engineer: No comment.

SSDC Landscape Officer: *The application does not seek additional building form, hence in landscape terms, there is no spatial change to the plot and its contents. I note the plot to be defined by hedging, and providing this is retained and maintained, then I have no landscape issue with this proposal.*

SSDC Economic Development Officer: Initial comment: *The site of this application opens onto an A class road [note: this is incorrect: it is a B Class road], which for the moving of heavy plant has advantages. Also, the applicant's current yard is in the middle of Compton Dundon, accessed through the village onto the main road at a junction which is not the easiest to negotiate. It appears from the documents that I have read that the plant business formulates the lions share of the total business, with agriculture contributing less than 5% to the total turnover. This leads me to consider that this application is possibly not so much a farm diversification scheme, more the extension of an existing business operating in the locality. Does that have an economic bearing on my response to this application - probably not. The site has been the subject of various enforcement notices initially as there was a concern it was being used for non-agricultural purposes. Subsequently, an application was approved for the development of a building for grain storage which has now become redundant, hence this COU application. As there has been a number of changes in the business plan for this business in a relatively short space of time, I consider it would not be unreasonable to request from the applicant a statement of intent for the continued growth of this business. I would also appreciate an indication if the site of this application is intended to replace the yard in the middle of the village, or be additional to it.*

Subsequent to these comments, the applicant submitted further details, in response to which the following comments were made:

From an economic perspective, answers to the questions I raised have been answered and I am comfortable with the proposed development.

SSDC Environmental Protection Unit: The site has been visited. No concerns from an

environmental protection perspective have been raised, but would recommend that any permission is subject to conditions including:

- no burning of material on site
- no crushing of stone or screening on site
- no servicing of vehicles on site

The issue of storage of crushed stone and soil has been brought to the attention of the Environment Agency, as some of the activities may require licensing under waste regulations.

REPRESENTATIONS

Four letters of objection have been received, raising the following concerns:

- the historic use of the site raises concerns, and it would appear the site is currently used for a wide range of non-agricultural activities, including storage and industrial work;
- the submission documents do not accurately reflect either the history or the current activities;
- activities on the site have led to nuisance complaints in respect of noise, smoke, etc;
- there is a history of contraventions of planning control, and a further permission is unlikely to restrict this;
- there are highway safety issues with the road access;
- the applicant is unlikely to limit activity on site to what has been applied for, given past history;
- the site currently produces excessive noise, particularly associated with a crusher, and this proposal would increase the problem;
- burning of material on site currently causes amenity problems;

CONSIDERATIONS

Principle of Development

The site is in open countryside, where development is strictly controlled and limited to that which benefits economic development, maintains the environment, and does not foster growth in the need to travel (Policy ST3 of the Local Plan). Subject to compliance with other plan policies and considerations, the principle of establishing a contractor's yard in this locality is not ruled out, depending on the balance of assessment of the issues raised by this policy, and the general advice on sustainability of development in the NPPF.

Visual and Landscape Impact

The site is well contained, as noted by the Landscape Officer, who raises no objections to the proposal. No built development is proposed, and it is not considered that approval of a change of use to permit storage on the site would result in any harmful visual or landscape impact.

Impact on Amenity

The site has been inspected by the Council's EPU Officer, who raises no objection.

Concerns have been raised about activities not encompassed by the proposal - i.e. noise from crushing, and smoke. However, given the relative distance of neighbouring residential properties, the nearest of which is 70m away to the north, it is not considered that activities associated with storage of contracting equipment would warrant a refusal of the application on the basis of noise nuisance.

For the sake of clarity, and in the interests of amenity, it is proposed that conditions be imposed restricting the conduct of any activities on the site other than storage, as suggested by the EPU Officer.

Highway Safety

The Highways Authority objected to the proposal on the basis that it had not been demonstrated that adequate visibility splays could be provided. The applicant has supplied additional information, but no response has been received from the Highways Authority.

The splays that can be provided, from inspection on site and comparison with the road record supplied by Highways, would appear to be as follows:

To north, speed limit 50 mph: full extent of land owned by applicant: 110m

To south, speed limit 40 mph: highway land: 120m (taking into consideration curve of road, this amount is increased beyond the 120m)

The Highways Officer's initial comment referred to a 60 mph limit towards the north of the site. This is incorrect: the speed limit changes at the site entrance to 50 mph.

Highways Standing Advice requires visibility of 120m in a 40 mph zone (which can be achieved to the south); and 160m in a 50 mph zone (which cannot be achieved to the north).

The accident record for the stretch of road passing the site reflects 5 accidents in the past 15 years, and only one within the last 5 years. This latter accident was on the curve 230m to the north of the site, and involved only one driver who lost control of his vehicle. No accidents have been recorded in this period involving this access point.

The visibility towards the south is considered acceptable, providing a clear view beyond the 120m limit required, well into the left curve of the highway. Towards the north, only 110m visibility can be achieved measured to the nearside kerb, which is the limit of land ownership by the applicant. However, at this point the highway curves to the left, offering an extended view of the far-side part of the carriageway, to a distance of around 160m. Whilst this is not perfect, given the relatively good accident record on this stretch of road, and fact that this access point has operated without accidents over the past 15 years, it is considered that the existing visibility is adequate, and does not raise a reason to refuse the application.

Concerns of Parish Council

The Parish has commented that the application does not relate to historic activities on the site. The current application is required, however, be considered on its merits, and taking into account what has been applied for. It is proposed to ensure that any new permission would have clear conditions, dealing with issues that have caused past concern (such as crushing materials, dust, etc). The highways concern raised by the PC has been dealt with in detail above.

Concerns of Neighbours

The concerns raised by local residents have been noted, and taken into account in making a recommendation that would enable clear decision making in the event of future breaches of planning control. As mentioned in the paragraph above, this application is assessed on its merits, in the light of what has been applied for. Application has not been made for the various activities causing concern, and conditions are proposed restricting the use of the site accordingly.

EIA Regulations

EIA not required.

Conclusion

The proposal seeks to provide storage facilities for a successful local business, employing a large number of people, whilst retaining some agricultural storage available for use of the existing farming operations of the applicant. Although issues have been raised relating to various activities that have taken place on the site, these are not activities under consideration in this application. From the point of view of what is actually being applied for, there is not considered to be any amenity reason for refusal of the application, subject to the imposition, and subsequent enforcement, of conditions relating to issues which have been causing concern in the past.

RECOMMENDATION

Grant permission.

01. The proposal provides necessary storage space for an existing local business benefitting local economic development, as well as diversification of any existing farming operation, which would maintain the environment and cause no demonstrable harm to residential amenity in accordance with the aims and objectives of the NPPF and Policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan, 2006.

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 13 August 2013.

Reason: To comply with Section 73A of the Act.

02. The subject land including any building(s) thereon shall be used for agricultural purposes or for a civil engineering contractor's storage yard, and for no other purpose (including any other purpose in Classes B1, B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To establish the scope of the permission and in the interests of safeguarding the character and amenity of the area, in accordance with the aims of the NPPF and Policy ST6 of the South Somerset Local Plan, 2006.

03. No burning of any materials, crushing of stone or concrete, screening, or servicing of motor vehicles shall take place on the subject land.

Reason: To safeguard the residential amenity of neighbouring residents in accordance with the aims of the NPPF and Policy ST6 of the South Somerset Local Plan, 2006.

04. No manufacturing, including carpentry, joinery or metalworking, shall take place on the subject land.

Reason: To safeguard the residential amenity of neighbouring residents in accordance with the aims of the NPPF and Policy ST6 of the South Somerset Local Plan, 2006.

05. No operational activity in connection with the contractor's yard, including manoeuvring of vehicles and equipment, access to and egress from the site and washing down of vehicles, shall take place outside the hours of 07h00 to 18h00 Mondays to Fridays; and 07h00 to 13h00 on Saturdays.

Reason: To safeguard the residential amenity of neighbouring residents in accordance with the aims of the NPPF and Policy ST6 of the South Somerset Local Plan, 2006.

06. At the access to the site there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splay shown on the submitted plan (drawing No 2086-03A received on 24 October 2013) along the entire frontage of the site, including the land edged blue on the plan.

Reason: In the interests of highway safety, and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, 2000, and Policy ST5 of the South Somerset Local Plan, 2006.

Informatives:

01. The applicant's attention is drawn to the conditions attached to planning permission 08/02510/FUL in relation to the grain storage building, which remain relevant.