



JOINT AREA COMMITTEES IN SOUTH SOMERSET
Officer Report On Planning Application:
09/02309/FUL

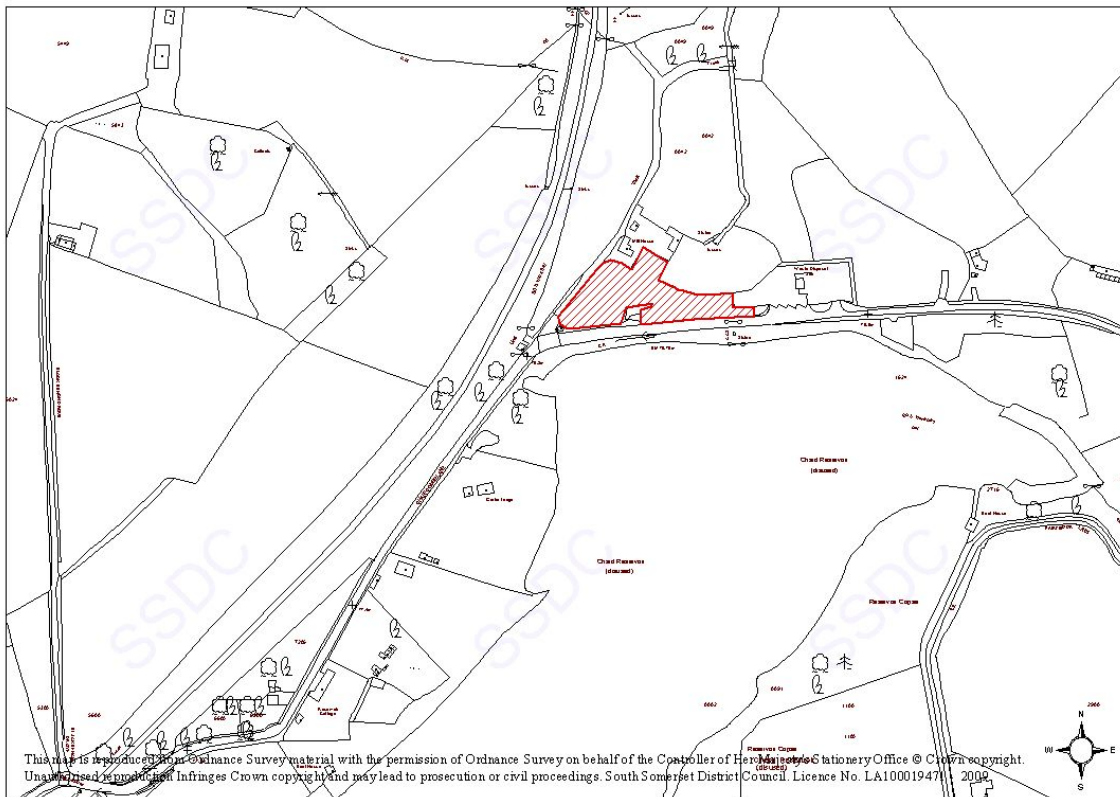


Proposal :	Change of use of premises from a general depot to a gravel/sand merchant. (Use class sui generis). (GR 333941/110309)
Site Address:	Chaffcombe Depot Chaffcombe Road Chard
Parish:	Chaffcombe
Ward : (SSDC Member)	WINDWHISTLE: Robin Munday (Cllr)
Division (SCC Member)	ILMINSTER: Kim Turner (Cllr)
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	29th July 2009
Applicant :	Mr P Biggenden
Agent: (no agent if blank)	
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

The application is before the Joint Area Committee as the proposal involves SSDC as the landowner. There has been an objection and as such, this application may not be dealt with under delegated powers.

SITE DESCRIPTION AND PROPOSAL



The site is located on the north side of Chaffcombe Lane, to the north east of Chard. There is a householder waste recycling centre to the east of the site and Chard Reservoir on the opposite side of the lane, to the south. The site currently comprises a large yard, two brick barns, which are joined by a metal sheet clad extension, a former house and a small

outbuilding containing historic waterwheel and turbine. There is a residential dwellinghouse immediately to the north of the site, which was once part of the site but more recently separated.

A watercourse runs to the east but the site is outside of any flood risk zones 2 or 3, as designated by the Environment Agency. There is an area of the site to the east of the barns, which falls within a historic landfill site, the majority of which is on adjoining land. The site is currently unoccupied but the last use was as a Council depot. At the time various activities took place, with the buildings on site being used for general storage and as workshops. Council refuse vehicles were also kept on site while not in use.

The application is made to change the use of the site from a depot (sui generis) to a sand and gravel merchants with on-site storage and distribution, which is also a sui generis use.

HISTORY

No relevant history. Most recent use was as a council depot.

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,

Relevant Development Plan Documents

Regional Spatial Strategy:
VIS 2 - Principles for Future Development

Somerset and Exmoor National Park Joint Structure Plan:
STR1 - Sustainable Development
Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (Adopted April 2006)
ST5 - General Principles of Development
ST6 - The Quality of Development
EP5 - Contaminated Land
EP9 - Control of Potentially Polluting Uses

Policy-related Material Considerations:

Draft Regional Spatial Strategy for the South West (Proposed Changes July 2008):
SD1 - The Ecological Footprint
SD2 - Climate Change
SD3 - The Environment and Natural Resources
SD4 - Sustainable Communities
Development Policy C - Development in Small Towns and Villages
ENV1 - Protecting and Enhancing the Region's Natural and Historic Environment
ENV5 - Historic Environment

South Somerset Sustainable Community Strategy
Goal 5 - A competitive high performing economy that is diverse and adaptable
Goal 11 - Protection and Enhancement of Our Natural Environment And Bio-Diversity

CONSULTATIONS

Town/Parish Council:

No comments received.

SSDC Technical Services:

This site is crossed by a watercourse (partly culverted) and we would need to ensure that this is not affected by the development. The watercourse (River Isle) is designated as 'main river' and is therefore under the jurisdiction of the Environment Agency, whose drainage byelaws will restrict development within 8m of the watercourse.

Natural England:

No comment.

County Archaeology:

No objection on archaeological grounds.

Somerset Industrial Archaeological Society:

I write on behalf of SIAS with regard to the above application. By way of background, the Society was established in 1972 and acts as a non-statutory consultee for the local authorities in Somerset and other bodies such as English Heritage.

The former butter factory (later cider works) at Chaffcombe has had an interesting history as you can appreciate from the attached entry from D.W. Warren's Mills of the Isle published by SIAS in 2001.

Whilst the drastic alterations envisaged by the change of use are to be regretted, as a society we support in principle the re-use of industrial structures and sites. Our serious concern with this application is that in this redevelopment the historic waterwheel and turbine could be swept away without any regard as to their heritage significance.

The waterwheel, now well over a century old, is a rare example of a locally cast wheel (by Sparrows of Martock) and was the subject of early experimental electrical generation at the site. I attach an image showing the primitive governor and penstock mechanism.

SIAS would favour the retention of the wheel and associated equipment within its own housing as a planning constraint so that at some future date a considered decision can be made by all interested parties as to its long term care. I have copied in Roger Hagley, Senior Conservation Officer at Somerset Heritage (SCC) who may have a view on this matter. I have noted on the SSDC planning website a reference to the watercourse and potentially there may be an opportunity for some form of reinstatement/refurbishment in a more favourable economic climate than exists at present.

If there are any immediate, pressing issues which affect the vulnerability of the wheel etc. I would be grateful if you could inform the society as soon as possible.

Our stance on this application would therefore be one of conditional approval.

County Highway Authority:

(9th July 2009) In principle, the Highway Authority has concerns regarding the suitability of the site in sustainable transport terms. The site is located remote from the confines of any major settlement in an area that has very limited public transport services. There are also very limited pedestrian and cycling facilities connecting the site with the local settlements. As a consequence, the development, if approved, is likely to result in an increased reliance on the private motorcar and foster a growth in the need to travel, contrary to advice given in PPG.13 RPG10 and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted April 2000) and policy ST3 of the South Somerset District Local Plan.

In detail, the Highway Authority also has concerns regarding the standard of the approach roads and the means of access to the site. The approach roads, Chaffcombe Lane and Knapps Lane suffer from restricted width and poor alignment with several sharp bends where forward visibility is limited.

The means of access itself in its current form suffers from restricted visibility to the east due to the presence of vegetation that fronts the highway. However, it is noted from the block plan that the land to the east is within the control of the applicant and as such the Highway Authority is satisfied that the necessary improvements can be made. The Highway Authority also has concerns regarding the level of forward visibility achieved by vehicles approaching from the east wishing to turn right into the site due to the sharp bend in the road concealing oncoming vehicles from view.

As a result of the above the Highway Authority would have concerns regarding a proposal that is likely to result in a significant increase in the level of traffic movement to and from the site over and above the previous permitted use. In the additional information comment is made that the site was formerly used as general depot however limited information has been provided regarding the traffic generation of such a use. In order for the Highway Authority to fully assess the impact of the proposal on the surrounding highway network information relating to the traffic generation, including the type of vehicles used and employee numbers will need to be provided.

The Highway Authority also require this information for the proposed use so that a comparison can be made. As a result, based on the information currently submitted I am unable to provide a recommendation at this time.

(5th August 2009) In response to the additional information submitted by the applicant I have the following comments:

As you are aware the Highway Authority in its original response raised concerns regarding the suitability of the site in sustainable transport terms and the standard of the surrounding highway network to cater for any additional traffic. From the additional information it appears that the proposal is unlikely to result in this increase when compared to the traffic generation of the previous permitted use on the site and as a consequence it may be unreasonable for the highway authority to raise an objection to the proposal.

It should be noted that in the original correspondence concerns were raised regarding the level of visibility that could be achieved from the access to the east. Whilst the Highway Authority are satisfied that the proposal is unlikely to result in a significant increase in vehicular movements at this point, and therefore to insist upon it being conditioned may be unreasonable, I would strongly advise the applicant to cut back the existing vegetation so as to improve the level of visibility achieved in this direction.

SSDC Environmental Protection Unit:

After assessing the application, and based on information provided by the future site occupier at a meeting on the 29th June 2009, it was considered that there was the potential for detriment to the amenity of the neighbouring property, particularly from noise and dust. As such, conditions have been recommended to mitigate these potential impacts.

In regard to the potential start times, EPU still recommend 7am but recognise this is one of many material considerations. Therefore, it is up to officers to consider if the need to operate the business effectively outweighs this.

REPRESENTATIONS

One letter was received from the immediate neighbour, stating the following:

We have no objection to the above application. The only thing we ask is that the noise be kept to a minimum at all times. Also no music is playing from site worker etc because of the site being so close to our home.

CONSIDERATIONS

Principle of Development

The site, which consists of a large yard area and a number of brick buildings, is currently unused. It is located along Chaffcombe Lane, to the north east of Chard, and beyond defined development limits. It is however, a commercial site, the previous use of which was as a council depot. This was a sui generis use and the proposal is to change to another sui generis use, as a sand and gravel merchant.

The use is classified as sui generis, most likely due to the likelihood of potential noise and dust as a result of storage and distribution of materials and the associated movements from vehicles entering and leaving the site and moving about the site. There is no objection to the principle of the application from an economic perspective but consideration needs to be given to the potential for harm to residential amenity of neighbouring occupiers.

The site is relatively isolated with a householder waste-recycling centre immediately to the east. There is only one neighbour in the vicinity but they are immediately to the north of the site. This property, Sunshine Mill Cottage, was once part of the site but was separated, leaving it very closely related to the site.

Amenity Issues

Due to the type of activity taking place, it is likely that there will be the potential for detriment to residential amenity of the neighbours. The Council's Environmental Protection Unit have considered the application and have raised no objections. However, a number of conditions have been suggested that will limit the hours of working and ensure that controls are put in place to limit the risk of noise and air pollution emanating from the site. The neighbour, immediately adjoining the site has written in to raise no objection to the application but has requested that noise be kept to a minimum. The conditions proposed by Environmental Protection are considered appropriate to prevent significant harm being caused to residential amenity. While not objecting, the neighbour has requested that there be no music playing on site. It is not possible or reasonable to condition against the use of music equipment or a radio full stop so this does need to be considered as an objection. In response though, it would seem appropriate to add a condition to restrict the use of amplified equipment e.g. public address system, loudspeaker, audio equipment, etc outside of a certain time.

One of the conditions proposed by Environmental Protection relates to hours of operation, including vehicle movements and restricts this to no earlier than 7am Monday to Friday and 8am on Saturday. The applicant's have advised that it is essential for their business that their lorries are at the quarry for 7am, which means that they have to leave the site by 6.30am at the latest. While there is potential for some additional disturbance to residential amenity, this has to be balanced against imposing conditions that will detrimentally impact on the ability for the business to operate properly. Taking this into account, it is considered appropriate to amend the condition to allow vehicles to leave the site from 6.30am but to retain the proposed condition and times for all other operations, including lorries entering the site. It is noted that the previous use as a council depot had no time limits. At the time, refuse vehicles were parked on site overnight and would have been required to leave early in the morning. While there is no information of the exact time, it is noted that the earliest collection time at present is 7am, which implies that the vehicles have to leave prior to this time. Overall, it is considered that allowing vehicles to leave the site no earlier than 6.30pm is unlikely to cause any significant harm to residential amenity.

Contaminated Land

The Environmental Protection Unit also note that there is a limited potential for the land to be contaminated due to its proximity to the adjacent landfill site and have suggested a condition to carry out testing of the land prior to occupation. This is considered to be inappropriate at this stage as there is no operational development proposed by this application. It is also noted that delaying occupation of the site may be detrimental to the business as they need to leave their current site. There is likely to be a need for new buildings at some stage but these would require an application for planning permission so it is considered appropriate to attach any necessary conditions to any such future permission. Any tests carried out would then be able to inform any protection required for these buildings. It is noted that part of the site is within the landfill area but the applicant does not wish to develop this. As already mentioned, any development will require an application for planning permission so any contaminated land constraints can be considered at the time.

Other Issues

The Somerset Industrial Archaeological Society, a non-statutory consultee, have referred to a small building on site that contains the remnants of a locally cast water wheel, which is over a century old, and associated turbine subject of early experimental electrical generation. The Society are in favour of its retention and, whilst not objecting have expressed an interest if it is in danger of demolition. An application was made to have this structure and the building listed but this was ultimately unsuccessful. The proposal does not include the demolition of any buildings on site, as the application is made for a change of use with no operational development. Despite the presence of equipment of local historical importance, the building is not listed and the proposed development is not considered to put this at risk.

The County Highway Authority had some concerns regarding the standard of the approach roads and means of access but after considering additional information relating to the most recent use as a council depot, it was considered unreasonable to raise any objection or impose any conditions as the proposed use is unlikely to lead to a significant increase in vehicle movements than were associated with the depot use. It is advised that the applicant cuts back some existing vegetation at the access but this cannot be conditioned.

Conclusion

Overall, the proposal is considered to provide an acceptable commercial re-use of the site, satisfies highway safety concerns and is not considered to cause any unacceptable harm to the residential amenity of the occupiers of the residential properties in the vicinity. Therefore, the recommendation to members is to grant planning permission for the proposed change of use.

RECOMMENDATION

Grant permission with conditions

The proposed change of use is considered to be an acceptable form of commercial development, respects the character of the area and is not considered to be detrimental to highway safety or cause any unacceptable harm to residential amenity, in accordance with the aims and objectives of policy VIS 2 of the Regional Spatial Strategy, policies STR1 and 49 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EP5 and EP9 of the South Somerset Local Plan 2006.

SUBJECT TO THE FOLLOWING:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990.

2. All Plant and machinery shall be fitted with effective silencers, details of which shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented before the development hereby permitted is first commenced and thereafter fully maintained.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policies ST6 and EP9 of the South Somerset Local Plan 2006.

3. All loaded vehicles under the control of the site operator shall be sheeted when entering or leaving the site and effectively cleaned if necessary. Details of a management plan to ensure that vehicles are effectively cleaned shall be submitted to and agreed in writing by the Local Planning Authority. Such approved management plan shall be implemented before the development hereby permitted is first commenced and thereafter fully maintained.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policies ST6 and EP9 of the South Somerset Local Plan 2006.

4. Measures shall be taken to prevent the raising of dust from any part of the site. Details of a management plan including preventative measures shall be submitted to and agreed in writing by the Local Planning Authority. Such measures shall include the use of a water bowser or similar apparatus, use of wind break fencing when necessary and details of temporary cessation of all relevant operations, if necessary, to prevent the transmission of dust to areas outside any part of the site. Such approved management plan shall be implemented before any part of the development hereby approved is first commenced and thereafter fully maintained.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policies ST6 and EP9 of the South Somerset Local Plan 2006.

5. No fuel, oil lubricant, paint or solvent on site shall be stored and contained other than within properly constructed bunds capable of containing at least 110% of the total volume of materials stored, in the event of spillage. Details of any such bunds shall be submitted to and agreed in writing by the Local Planning Authority prior to construction.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policies ST6 and EP9 of the South Somerset Local Plan 2006.

6. No operations, including lorry movements (other than lorries leaving the site) and deliveries, shall be carried out at the site except between the hours of 07.00 hrs and 18:00 hrs Monday to Friday and 08:00 hrs and 13:00 hrs on Saturdays. No lorries shall leave the site prior to 06.30 hrs Monday to Saturday.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policies ST6 and EP9 of the South Somerset Local Plan 2006.

7. No operations, including lorry movements and deliveries, shall take place on Sundays or bank holidays.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policies ST6 and EP9 of the South Somerset Local Plan 2006.

8. No manufacturing, fabrication or other industrial process shall take place outside the confines of the buildings on the site.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policies ST6 and EP9 of the South Somerset Local Plan 2006.

9. There shall be no burning of any produce of material whatsoever on the site other than in a properly installed incinerator within a building.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policies ST6 and EP9 of the South Somerset Local Plan 2006.

10. The development hereby permitted shall not commence until provision for storage of refuse and other waste materials has been provided in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall thereafter be fully implemented and maintained.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policies ST6 and EP9 of the South Somerset Local Plan 2006.

11. No system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated in any building or otherwise on any part of the subject land other than between the hours of 08.00 hrs and 18.00 hrs Monday to Saturday.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policies ST6 and EP9 of the South Somerset Local Plan 2006.

Informatives:

1. The applicant is advised that the use hereby approved is for the use of the site as a sand and gravel merchants only. Any other proposed use on or within the site will require a formal application for planning permission.