

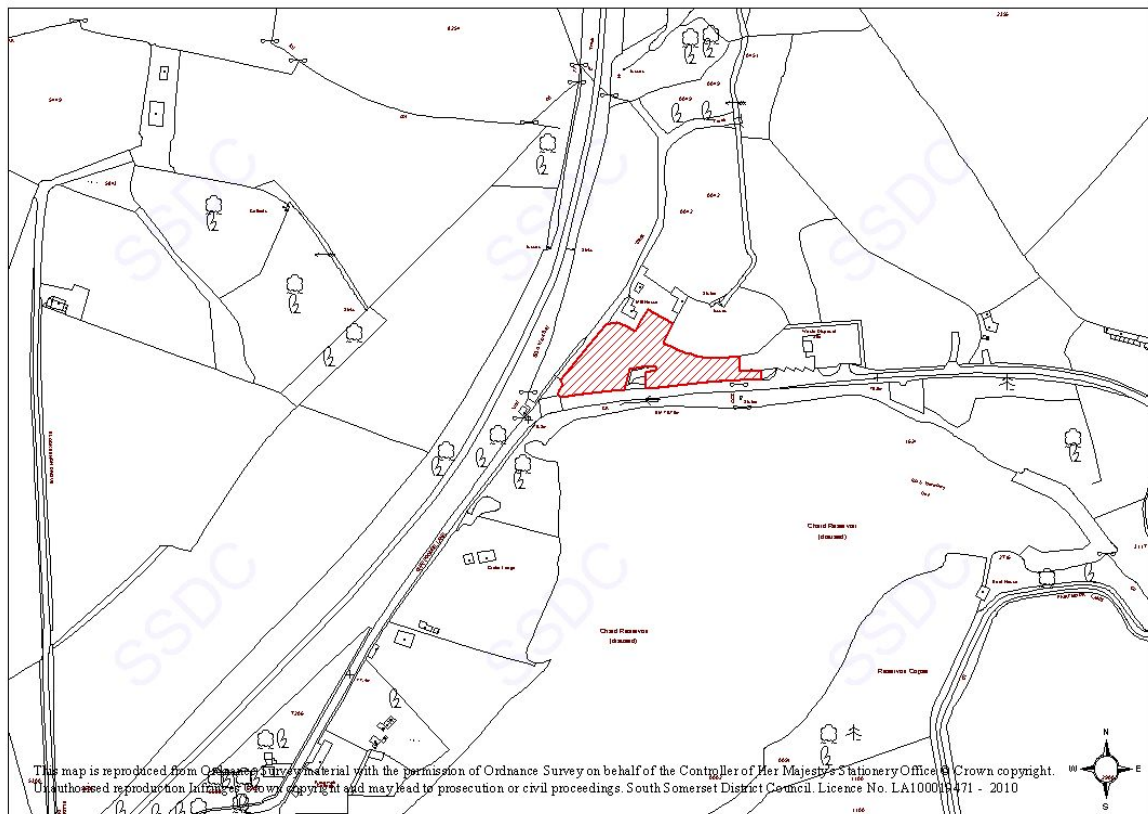
Officer Report On Planning Application: 09/04801/FUL

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| Proposal: | The erection of a vehicle store/workshop, dry materials stores, temporary office accommodation building and portable WC (retrospective) (GR 333941/110309) |
| Site Address: | Chaffcombe Depot Chaffcombe Road Chard |
| Parish: | Chaffcombe |
| Ward: | WINDWHISTLE - Cllr Robin Munday |
| Recommending Case Officer: | John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk |
| Target date : | 15th February 2010 |
| Applicant : | P J Dearden (Chard) Ltd |
| Agent: (no agent if blank) | Paul Rowe The Nook Lyddons Mead Chard Somerset TA20 1HD |
| Application Type : | Minor Other less than 1,000 sq.m or 1ha |

REASON FOR REFERRAL TO COMMITTEE

The application is before 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 Chaffcombe Lane, opposite Chard Reservoir. Permission was recently granted for change of use of the site from its former use as a Council depot to a

sand and gravel merchant. The site formerly comprised a large yard, two brick barns, joined by a metal sheet clad extension, a derelict former house and a small outbuilding containing historic waterwheel and turbine. One of the two brick barns and the former house have been removed, leaving the other barn and the building containing the historic waterwheel. 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. The east of the site falls within a historic landfill site, the majority of which is on adjoining land. No development is proposed within this area.

The application is made for the provision of a vehicle store/workshop, dry materials stores, temporary office accommodation building and portable WC. The temporary office and WC have already been provided on site along with a gravel hopper. The other development proposed are the erection of dry store bays around the remaining brick building and the provision of a large vehicle and equipment store on the footprint of the recently demolished former house, which was in a dilapidated state. This building is proposed to be 15.25m by 18.3m and 6.5m in height. It is proposed to be constructed using coated corrugated sheeting, colour to be agreed by condition.

HISTORY

09/02309/FUL: Change of use of premises from a general depot to a gravel/sand merchant. (Use class sui generis) - Permitted with conditions.

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

PPS's/PPG's
Planning Policy Statement 25: Development and Flood Risk

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 objection received but it is noted that the height of the vehicle store was questioned and that the opinions of the neighbours should be taken into consideration. No objections were raised to the repositioning of the hopper.

SSDC Technical Services - Floor levels of proposed new vehicle store/workshop to be agreed - suggest minimum 300mm above adjacent ground level as there is possible surface water flood risk.

County Rights of Way - No objections.

County Archaeology - No objection on archaeological grounds.

County Highway Authority - No observations

Environment Agency - No objection subject to relevant informatives.

SSDC Principal Landscape Officer - I note the proposal for a new workshop, stores and office accommodation.

As an existing site that is already characterised by development, I have no issues with the proposal before us. My only observation is that the new workshop is of larger scale than previous, and will thus be a more dominant presence relative to the house than before - if there is an opportunity to shift the workshop to achieve greater distance between it and Mill house, that will improve local amenity for the adjacent householders.

SSDC Environmental Protection Unit - No objection subject to conditions restricting noise generating activities and provision of measures to adequately dispose of surface water. Concerns were raised regarding the positioning of the gravel hopper in close proximity to the neighbouring dwelling but this has been amended to the satisfaction of EPU. It is also noted that roller shutters can be very noisy, particularly if opened early in the morning therefore these should be amended to be standard opening or sliding doors.

REPRESENTATIONS

The application has been advertised by site notice for the requisite period. One letter of objection was received from the immediate neighbour. The points raised include concerns about the size of the building, it is requested that the size is reduced by 25%; and that the roller shutters may be noisy. It is also requested that the hopper be moved to the other side of the existing building to reduce the impact and that proper drainage is provided, not just a soakaway.

CONSIDERATIONS

Permission was recently granted for the change of use of the site from a Council depot to a sand and gravel merchants. This application is made to provide additional buildings and structures on site, which are required for the proper functioning of the business. The scheme includes the provision of a vehicle store/workshop, dry material stores attached to the existing brick barn within the site and the provision of a temporary office and WC.

It is acknowledged that there is a need for the proposed buildings, in particular the vehicle store/workshop, which is necessary to securely store vehicles and equipment as well as allowing routine maintenance to take place. The application also includes the provision of a temporary office. Several of the original larger buildings have now been removed from site but

the brick barn that has been retained is due to be improved in order to provide these facilities in the future. This is however a later stage of the works to this site and will not be carried out in this initial phase of development.

The main considerations in assessing this application are the impact of the proposals on the residential amenity of the immediate neighbours, visual impact and potential for surface water flooding and contamination.

The immediate neighbour has raised some concerns about the proposed works. The points raised include concerns about the size of the vehicle store, use of roller shutters and the position of the gravel hopper. It is requested that the building is reduced by 25%, roller shutters are not used and that the hopper is moved further away from the house to the other side of the existing buildings. It is also noted that the building is properly drained to prevent surface water flooding.

When considering the impact of the proposed vehicle store/workshop, it is noted that discussions have been had between officers and the applicant but there is a need for the building to be the size proposed to allow for sufficient space for vehicles to enter the building and for the storage of other machinery. As such, there is no scope for reduction in its size, as requested by the neighbour. It is noted that the building is large in scale, however it is also noted that it is of similar scale to the former house that has now been removed. This particular building was built immediately on the neighbour's boundary while the proposed vehicle store will be set approximately 1.5m from the boundary. It is also noted that the orientation of the proposed roof pitch will be likely to have a reduced impact than the previous structure. Overall it is not considered that the proposed vehicle store would have an overbearing impact on the adjacent neighbouring property.

In visual terms, there are no objections to the design and appearance of the proposed building. While it is a large-scale feature it is sited well in relation to existing forms of development and is not considered to have any detrimental impact on local landscape character. The Council's Landscape Officer raised no objections but did note that if there was the opportunity to move to a greater distance from the neighbouring property, this would improve residential amenity. However, this has already been given consideration and it was confirmed by the applicant that there was no scope for moving the building or reducing its size. It is noted that there is a large open area to the east of the site however this is part of the historic landfill site and development here is likely to raise additional concerns due to contaminated land.

The Council's Environmental Protection Unit have given consideration to the proposal in terms of potential for detrimental impact on residential amenity as a result of noise disturbance but have raised no objections in principle. It is not considered that movement of vehicles or routine maintenance and repair will cause significant unacceptable harm to the residential amenity of the occupiers of the neighbouring property. It not considered necessary to provide any additional sound proofing to the proposed store/workshop but it is noted that Environmental Protection have requested that conditions be imposed that restrict particularly noisy operations beyond what may be expected as minor repair or routine maintenance. The other main concerns raised related to the positioning of the gravel hopper with the potential noise generated from filling with stones and the use of roller shutters. Environmental Protection concurred with the neighbours view and as a result the hopper has been moved to a more acceptable position beyond the brick building. The applicant is currently in negotiations to move the historic waterwheel to a more appropriate location where it can be maintained and preserved. If this is successful, it is proposed to move the hopper to the position currently occupied by the waterwheel building, which is also considered to be an acceptable location. In regard to the roller shutters, it is considered that these will be noisy when opened. It is acknowledged that these will most likely only be opened and shut at the beginning and end of the day but considering the time that operations start this could cause problems for residential amenity. This point has been raised with the applicant and it has been agreed to replace the roller shutters with more appropriate means of access. The Local Planning Authority are currently awaiting revised plans that can be considered by members.

There are no concerns in relation to the visual appearance of the dry material stores to be attached to the existing brick buildings and it is also not considered that this part of the scheme will lead to any unacceptable impact on residential amenity.

The temporary office and WC do not raise any concerns in the short-term but it is considered appropriate to grant only temporary consent and impose a condition to have them removed within three years. This is considered an appropriate time to allow the applicant to commence the next stage of the project, which includes the renovation of the existing brick building, which should contain the offices and associated space.

The other outstanding major issue to consider is the impact of the proposed development on surface water. The site is close to a watercourse and as such there is a minor risk of flooding by surface water runoff. It is also important to ensure that there is adequate drainage on site to prevent discharge of sediment and other possible pollutants directly into the watercourse itself. As such it is proposed to condition finished floor levels to ensure that the proposed store/workshop floors are raised at least 300mm above ground level to reduce the risk of flooding. This is in accordance with the recommendation of the Councils Drainage Engineer and is supported by the Environment Agency. A condition will also be imposed requesting that the applicant provides appropriate drainage to prevent direct surface runoff into the watercourse.

Overall, the proposed works are considered to be acceptable as they relate to the existing development on site, are not considered to cause unacceptable harm to the residential amenity of the occupiers of the adjacent property and will not increase the risk of flooding of either the proposed building or the existing buildings and watercourse. Therefore, the recommendation to members is to grant planning permission for the proposed change of use.

RECOMMENDATION

Grant permission with conditions

The proposed works by reason of their size, scale and materials are considered to be acceptable, have no detrimental impact on the character and amenities of the locality, have no unacceptable impact on residential amenity and will not increase the risk of flooding locally, in accordance with the aims and objectives of PPS 25, policy VIS 2 of the Regional Spatial Strategy, policy STR1 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. The development hereby permitted shall be carried out in accordance with the following approved plans: `DNBP1' and `DNBP2', received 14th December 2009 and amended plan `DNBP3 - Rev 1', received 17th February 2010.

Reason: For the avoidance of doubt as to the development authorised as the submitted proposal has been amended, in the interests of proper planning, 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. No work shall be carried out in relation to the erection of the vehicle store/workshop or dry material stores unless details of the external colour and finish to be used for the external surfaces have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character of the area to accord with Policies ST5 and ST6 of the South Somerset Local Plan 2006.

4. No work shall be carried out in relation to the erection of the vehicle store/workshop unless details of the finished floor levels of the said building have been submitted to and approved in writing by the Local Planning Authority. Such level shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities and character of the area, to safeguard against the risk of flooding and in the interests of residential amenity to accord with PPS 25 and Policies ST6 and EP9 of the South Somerset Local Plan 2006.

5. No manufacturing, fabrication or other industrial process shall take place outside the confines of the building (s) 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.

6. No raw materials, products of any description, scrap or waste materials whatsoever shall be stored in the open on any part of the subject land without the prior written consent of the local planning authority.

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 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.

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 panel beating, shot blasting, paint spraying shall be carried out in any building or otherwise on the subject land.

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. No repairs (other than minor repairs and routine maintenance) shall be carried out in any building or otherwise on any part of the subject land.

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. No development shall commence until the disposal of surface water within the site has been considered to the satisfaction of the Local Planning Authority . A land-owner assessment of the site accompanied by a scheme showing surface drainage should be submitted to and approved in writing by the Local Planning Authority. The scheme shall consider the possible impact on both the neighbouring lands and upon the receiving water course and include any necessary implementation required to accommodate additional surface water flow.

Reason: To ensure that run-off from the yard does not impact upon neighbouring property or water course, to safeguard the amenities and character of the area

and in the interests of residential amenity to accord with PPS 25 and Policies ST6 and EP9 of the South Somerset Local Plan 2006.

11. The dry material hopper shall be sited in accordance with details as specified by amended plan 'DNBP3 - Rev 1' and accompanying correspondence received 17th February 2010. Such approved details, shall not be altered without the prior written consent of the Local Planning Authority.

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.

12. The temporary office and WC hereby permitted, along with all associated services, fittings and materials shall be removed and the land restored to its former condition, on or before the end of a period of three years from the date of this decision.

Reason: In the interests of visual amenity and to safeguard the character of the area to accord with Policies ST5 and ST6 of the South Somerset Local Plan 2006.

Informatives:

1. The applicant's attention is brought to the historic waterwheel within the site. The structure is of local historical interest and the District Council would not wish to see its demolition. It is noted that the applicant is in discussions regarding the removal of the waterwheel from the site. It is requested that the District Council are kept informed of the proposal to consider the best options for its preservation away from the site.
2. Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the Applicant/Agent.

3. No foul drainage or contaminated water should be discharged to ground or surface water.
4. The plans indicate modification to the water wheel and its housing, and these works may require prior permission from the Environment Agency.

Under the terms of the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works affecting the flow of the 'ordinary watercourse'. **the need for Flood Defence Consent is over and above the need for planning permission.** To discuss the scope of the Environment Agency's controls and to obtain an application form please contact Adam Daniells, Development Control Officer, on 01278 484603.
