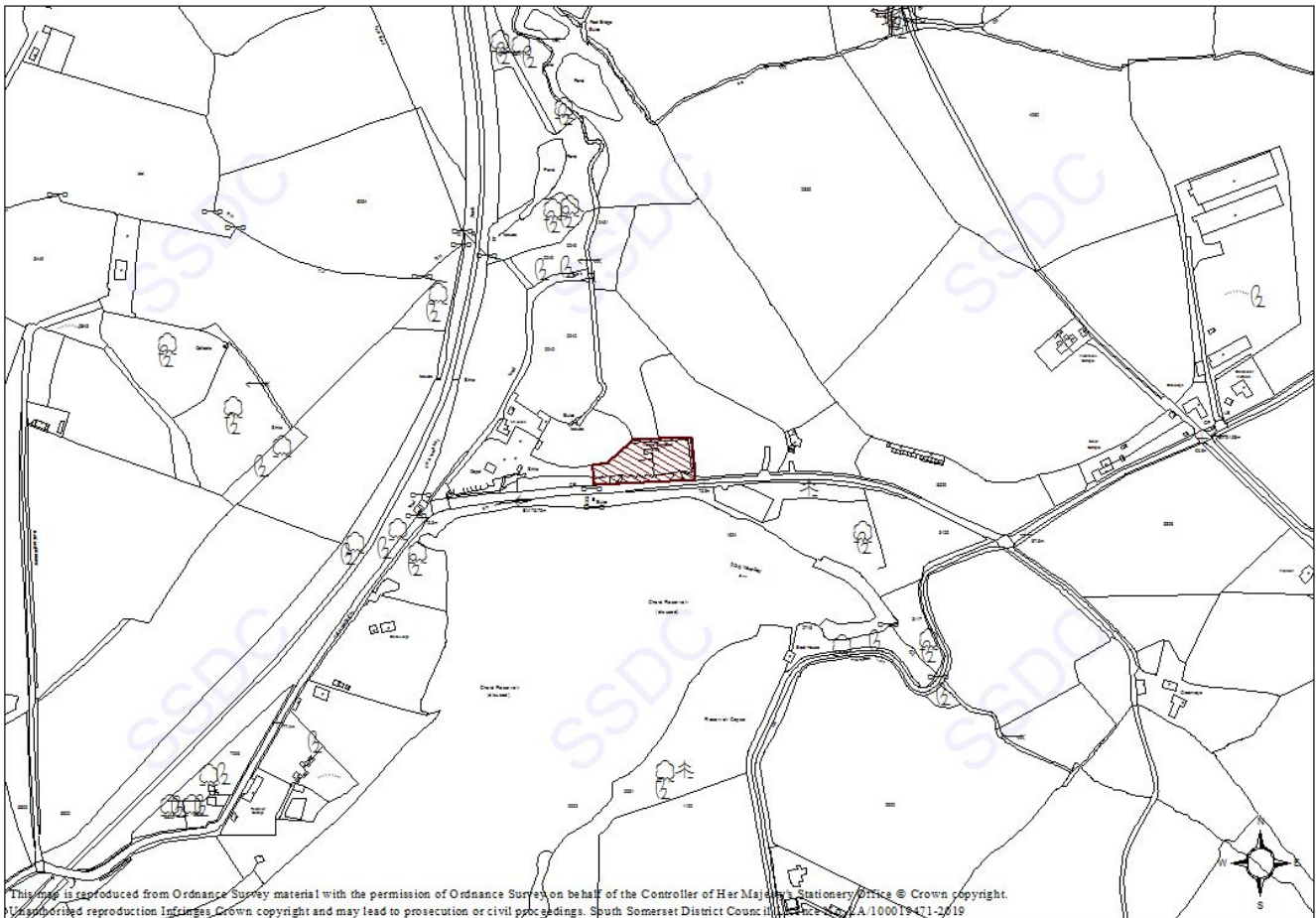


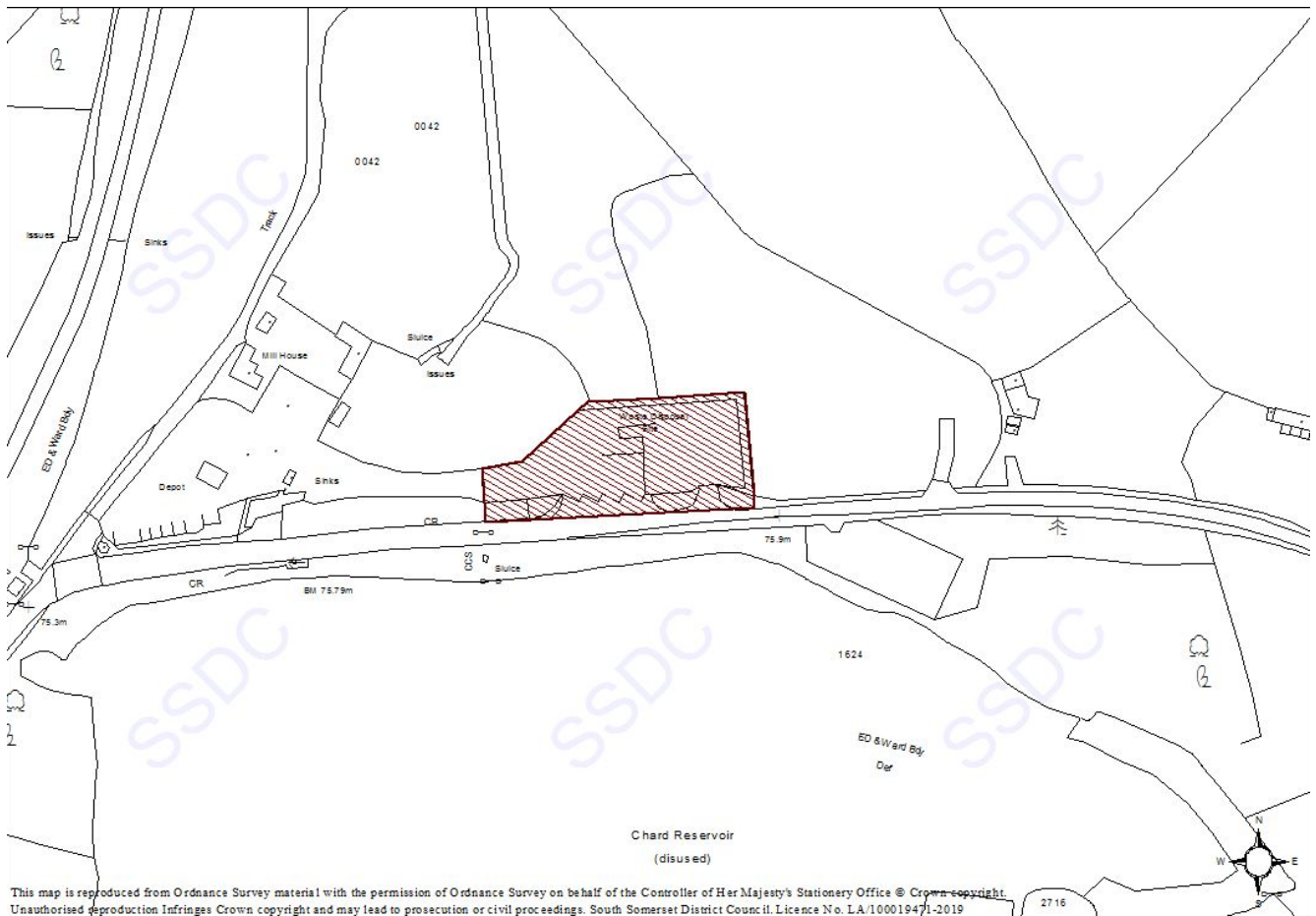
Officer Report on Planning Application: 18/03373/COU

Proposal :	Change of use of existing transfer station site to aggregate storage/sales and parking of heavy goods vehicles
Site Address:	Chaffcombe Waste Transfer Station, Chaffcombe Road, Chard.
Parish:	Chaffcombe
WINDWHISTLE Ward (SSDC Member)	Cllr S Osborne
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	17th December 2018
Applicant :	Mrs Helen Godbear Dearden
Agent: (no agent if blank)	
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE:

To enable consideration of the highway and visual impact issues.





SITE DESCRIPTION AND PROPOSAL

The site is located on the north side Chaffcombe Lane, to the north east of Chard and comprises the old Council householder recycling site. It is split over two levels, the higher level being to the eastern end where access is proposed. There is a vehicular ramp at the northern end of the site connecting the two levels. It is proposed to change the use of the site to provide an extension to the adjacent business unit to the West, an aggregate merchant and general haulage business. The change of use would allow the change of use to aggregate sales/storage and for the parking of heavy goods lorries which is a generis use. The site is currently unoccupied. There is a residential dwellinghouse to the north west of the existing business unit to the west of the site known as Mill House.

HISTORY

10/04429/S73 - Application to vary condition No 2 of planning approval 09/04801/FUL to amend the south west elevation of the vehicle store/workshop - Permitted with conditions
 09/04801/FUL - The erection of a vehicle store/workshop, dry materials stores, temporary office accommodation building and portable WC (retrospective)
 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

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006-2028)

- Policy SD1 Sustainable Development
- Policy TA5 Transport Impact of New Development
- Policy TA6 Parking Standards
- Policy EQ2 General Development
- Policy EQ4 Biodiversity
- Policy EP4- Expansion of existing businesses in the countryside

National Planning Policy Framework (2018)

Chapter 2. Achieving sustainable development

Chapter 4. Decision-making

Chapter 6. Building a strong, competitive economy

Chapter 9. Promoting sustainable transport

Chapter 11. Making effective use of land

Chapter 15. Conserving and enhancing the natural environment

National Planning Practice Guidance

Policy-related Material Considerations

Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Chaffcombe Parish Council: (second response):

1. There is no additional information other than showing where lorries will be parked.
2. Councillors are concerned that this site is not suitable for the access and egress of large articulated lorries, particularly from the entrance in front of the reservoir.
3. Councillors are also very concerned about the sluice bridge. There is nothing in the plans to show that the sluice bridge has been investigated to ensure that it is safe for an increase in heavy traffic.

First response:

There have been a number of concerns raised by local residents, particularly those living closest to the location. These mainly concern the current use of the adjoining site which is already operating in accordance with the planning consent previously received. Residents are concerned that by granting this application the situation could be made worse by further developing the site. Having listened to comments from both objectors and from the applicant, the majority of the members of the Parish Council feel that granting consent to this application will not make the situation worse for the nearby residents.

However councillors have expressed some concern about the sluice bridge because this is going to get

more heavy traffic if the application is granted. As for the operating hours as long as they keep to their existing trading hours as in opening to the public the majority of the members of the Parish Council do not feel the extra lorry movements will be a problem. On that basis the majority of the members of Chaffcombe Parish Council do not object to the application.

One member of the Parish Council does have objections and will be writing to the Planning Department personally.

Other residents have also been advised to write personally to Planning to express their views.

County Highway Authority:

As a recycling centre this site could already realise a level of traffic associated with public vehicles, and larger refuse wagons delivering or collecting skips. Having regard to the fact that the application details state there would be limited vehicle movement connected with the change of use, and those lorry movements which do occur will be outside peak times, this Authority does not consider the proposal will create a severe impact on highway safety or efficiency. In the event of permission being granted, this Authority would recommend that the following conditions are imposed:-

The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to occupation, and thereafter maintained until the use of the site discontinues.

Before the development hereby permitted is commenced the applicant shall provide information to the Local Planning Authority on the access point to the site, including autotrack drawings for the largest vehicles to use the site showing the access can be used efficiently. In the event of conflicts arising, prior to occupation the existing access shall be modified to ensure two lorries can pass within the access point and not be a hindrance to existing highway users.

The dwelling hereby permitted shall not be occupied until suitable parking spaces and an area for vehicle turning have been provided in a position approved by the Local Planning Authority. The said parking and turning facilities, shall be provided in accordance with current policy standards, and the access thereto shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

Prior to occupied provision shall be made within the site for the loading and unloading of goods vehicles, for which details shall have been submitted to and approved in writing by the Local Planning Authority. The loading bays shall thereafter be retained in perpetuity.

There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reasons: In order to provide the new use with suitable access, parking facilities, loading and unloading bays, and a vehicle turning area to ensure the vehicles associated with the site are able to ingress and egress in a controlled manner, in the interests of highway safety and efficiency and in accordance with policy TA5 of the South Somerset Local Plan.

SSDC Countryside Service:

The Countryside Service of SSDC draws the attention of the applicants and the planners to the fact that

the site covered by the Planning Application (18/03373/COU) is the downstream face of a 12m high dam retaining a reservoir of some one million m³ of water. As such:

1. The site is subject to the requirements of the Reservoirs Act 1975
2. The purpose of this legislation is to ensure the safety of the dam retaining the reservoir, and prevent a catastrophic release of water from the reservoir with adverse effects on those living downstream
3. As changes in ground levels or drainage arrangements on the site covered by the Planning Application may destabilise the dam such changes will require the consent of an All Reservoirs Panel Engineer acting on behalf of the Undertakers (South Somerset District Council)

The Countryside Service of SSDC asks that the following condition be included in any consent:

"As the site is the downstream face of a large raised reservoir which comes under the Reservoirs Act 1975 the planning consent is subject to any proposed change in ground levels or drainage arrangements being accepted by an All Reservoirs Panel Engineer (ARPE) appointed on behalf of the Undertaker (Countryside Service of SSDC). It should be noted that a proposed change may not be acceptable, such that an alternative arrangement which is acceptable to the ARPE may have to be adopted"

REPRESENTATIONS

Following the original consultation and the re consultation, representations have been received from 26 individuals, 24 objecting and 2 making general representations. The following comments are made:

- Increase in HGVs will not be appropriate
- Concerns over conflict with leisure users- safety concerns
- Generally inappropriate location- use should be on an industrial estate
- Area of natural beauty, peaceful location
- Concerns over unrestricted hours- impact on residential amenity
- Increase in traffic could harm the bridge
- Vehicle movements should be restricted if permission is granted
- Concerns over safety of the bridge

CONSIDERATIONS

Background to the site and proposal:

The site consists of the former waste recycling facility. The site has been vacant for several years and would be considered as a brownfield site. In terms of policy the principal consideration is Policy EP3 which relates to the expansion of existing businesses in the countryside. This states:

Proposals for the expansion of existing businesses in the countryside will be permitted where:

- The business has been operating successfully for a minimum of 3 years, and is a viable business;
- It is demonstrated that the proposal is needed in this location;
- The proposal is of a scale appropriate in this location and appropriate to the existing development;
- Existing buildings are reused where possible;
- Firstly, use is made of land within the curtilage of the development where possible, and outside of the curtilage only where it is demonstrated that additional land is essential to the needs of the business;
- There is no adverse impact on the countryside with regard to scale, character and appearance of new buildings and/or changes of use of land;
- There is no adverse impact upon designations for wildlife and conservation reasons, at either local, national or international level; and
- The proposed development ensures that the expected nature and volume of traffic generated by

the development would not have a detrimental impact on the character or amenity of the area and would not compromise the safety and/or function of the road network in terms of both volume and type of traffic generated.

The existing business consists of a general haulage business and aggregate sales. The haulage business is understood to currently consist of 6 articulated vehicles and the aggregate sales are carried out by customers collecting from the adjacent premises or by the business delivering using their tipper trucks. Currently due to operating restrictions imposed by Vosa, the applicant is not able to operate vehicles from the existing site outside the hours of 06.30 and 18.00.

Currently the applicant rents a space on the industrial site at Cricket St Thomas for the parking of their vehicles outside these hours, however the landlord has served notice on the applicant. The application is therefore primarily to facilitate the parking/collection of vehicles, mostly at the beginning and end of each working day. The operators vehicles consist 6 articulated lorries for general haulage and 4 rigid axle trucks for aggregate sale deliveries. It is understood that the articulated lorries are a maximum length of 13 metres.

The general principle of the development is dependant on assessment against policy EP3 and this is discussed in the relevant sections below.

Policy EP3:

Having regard to the requirements of Policy EP3, the sustainability of the business is accepted as it has been operating for over three years on the adjacent site. The application is made primarily to enable the business to park their vehicles on their site but also for some aggregate sales to take place.

The previous use as a recycling centre would have generated a relatively high number of vehicular movements, both small and large vehicles. The proposed use would be relatively low key, given the size of the site and the number of vehicles to be parked. Chard reservoir on the opposite side of the road, There is a wildlife site on the opposite side of the road which would not be adversely affected by the development.

The proposal would be entirely contained within the existing brownfield site, is well enclosed and would form a natural extension to the existing operation. Whilst there would be some increased visual impact from the HGV lorries, given the above considerations it would not result in harm to the local or wider landscape. The applicant has proposed some soft landscaping to the site frontage which would assist in providing some screening to the site.

Having regard to the above it is considered that the proposal would accord with Policy EP3 in relation to the principle of development and the impact on the character of the area.

Residential amenity:

The primary issues relate to the impact on general local amenity as a result of vehicle movements and the impact on the nearest dwelling, Mill House. There has been a history of complaints from the existing adjoining dwelling, Mill House about noise and dust as a result of the existing aggregate sales. The applicant has stated that the application would provide some new aggregate bays within the area shown on the site plan and that the best selling product in the existing site to be relocated. These would be in a position approximately 100 metres from Mill House as opposed to approximately 20 metres with the existing site. This would be a theoretical benefit in terms of the impact on the existing dwelling. The applicant has stated that they do not envisage a larger customer base as a result of the additional bays, however theoretically additional bays could result in a greater number of vehicular movements. On balance, a condition is considered appropriate to restrict the use of the largest bay, closest to the adjacent dwelling to exclude the sale of loose aggregate. This is the most problematic product in relation to dust and it is considered that this would be a benefit to the adjacent occupiers.

The existing site is subject to an hours of operation condition which is 7am Monday to Friday and 8am on Saturday due to its proximity to Mill House. The applicant has requested unrestricted operating hours for the new site on the basis that they cannot guarantee that after a delivery or a haulage job, the vehicles would return during normal business hours. The vehicular movements are not considered to be sufficiently significant to be of a concern in terms of the impact on the amenities of the nearby dwelling given the distance involved. It is nevertheless considered reasonable to carry across the hours of operation for aggregate sales to the new site to limit other associated activity such as customer visits etc.

Highway Impacts:

The Highway Authority have been consulted and do not object to the application subject to conditions. Given that the previous use would have generated a relatively significant number of vehicular movements the likely movements resulting from the application are not considered to be sufficiently significant to warrant refusal.

Requested conditions include matters such as a vehicle tracking diagram for the HGV lorries, provision of turning and loading space and visibility. The Highway Authority have requested that a condition is included to agree HGV tracking within the site to ensure that the entrance and site accommodate the vehicles safely. This exercise will require the applicant to submit further technical detail to demonstrate that vehicles can be safely manoeuvred within the site and that there are no adverse impacts on the safe functioning of the access.

The applicant has stated that they would intend to park 6 articulated vehicles and 4 rigid tipper trucks within the site. It is understood that the largest of these are 13 metres long and that all of the vehicles are intended to be parked on the upper section of the site.

Subject to the above conditions, it is considered that the proposal would comply with Policies TA5 and TA6 of the South Somerset Local Plan (2006- 2028).

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

01. 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 policies EQ2, TA5 and TA6 of the South Somerset Local Plan (2006-2028).

SUBJECT TO THE FOLLOWING:

01. 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.

02. No operations, other than lorry movements and deliveries, shall be carried out at the site outside the hours of 07.00 hrs and 18:00 hrs Monday to Friday and 08:00 hrs and 13:00 hrs on Saturdays.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

03. All lorry movements for access and egress to the site outside the hours of 07.00 hrs and 18:00 hrs Monday to Friday and 08:00 hrs and 13:00 hrs on Saturdays shall be made through the primary access off the highway illustrated on the approved block plan. There shall be no vehicular access to the site outside the above hours via the existing commercial site.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

04. Prior to their installation, details of the aggregate bays in general accordance with the site plan shall be submitted and approved in writing. There shall be no further development of aggregate storage within the site without the prior express grant of planning permission.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan (2006-2028).

05. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping to include details of planting to the road frontage, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the amenities and character of the area to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

06. 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 Policy EQ2 of the South Somerset Local Plan (2006-2028).

07. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan.

08. No manufacturing, fabrication or other industrial process, including soil riddling 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 Policy EQ2 of the South Somerset Local Plan (2006-2028).

09. 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 Policy EQ2 of the South Somerset Local Plan (2006-2028).

10. 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 Policy EQ2 of the South Somerset Local Plan (2006-2028).

11. Before the development hereby permitted is commenced the applicant shall provide information to the Local Planning Authority on the access point to the site, including autotrack drawings for the largest vehicles to use the site showing the access can be used efficiently. In the event of conflicts arising, prior to occupation the existing access and parking space locations shall be modified to ensure two lorries can pass within the access point and not be a hindrance to existing highway users. The access and parking and turning shall be implemented and retained in perpetuity in accordance with the approved details'.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan (2006-2028).

12. Prior to the commencement of the use hereby permitted is commenced, a scheme for the relocation of existing loose aggregate from the existing site shall be submitted and approved in writing by the Local Planning Authority. Following the commencement of the permitted use, the affected existing aggregate bay shall not be used for storage of loose aggregate and shall be retained as such in perpetuity.

Reason: In the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).
