

26/21/0005

DUNNS MOTORS LTD

**Erection of security fencing and change of use of yard areas for external storage for a period of 12 months at Unit 6 Poole Industrial Estate, East Nynehead Road, Nynehead**

Location: UNIT 6, POOLE INDUSTRIAL ESTATE, EAST NYNEHEAD ROAD,  
NYNEHEAD, WELLINGTON, TA21 9HW

Grid Reference: 314994.121882 Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (if applicable)**

1. The development hereby permitted shall be completed within three months of the date of this permission and maintained as such thereafter.

Reason: In the interests of local amenity.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) DrNo 2444-PL-01A Location Plan

(A3) DrNo 2444-PL-02F Proposed Block Plan

(A3) DrNo 02120-HYD-XX-XX-DR-TP-0001 - Visibility Splays

Reason: For the avoidance of doubt and in the interests of proper planning.

3. There shall be no activity within the yard area edged in green on the approved plan no. 2444-PL-02A outside 7.00am and 6.30pm Monday to Saturday (incl) and not at all on Sundays, Bank or Public Holidays, other than the arrival and departure of vehicles used in connection with the use hereby approved.

Reason: In the interests of residential amenity.

4. At the proposed access there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splays shown on the submitted plan (Drawing No 20120-HYD-XX-XX-DR-TP-0001 Rev P01). Such visibility shall be fully provided prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

5. The areas allocated for access, parking and turning on the submitted plan (Drawing No 2444-PL-02 Rev F), shall be kept clear of obstruction and shall not be used other than for the purpose of access, parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

6. Secure and covered spaces for not less than 3 staff and visitors' bicycles shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority within three months of the date of this permission and maintained as such thereafter.

Reason: In the interests of highway amenity.

7. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 25 November 2022 in accordance with a scheme of work that shall be submitted to and approved by the Local Planning Authority prior to those approved works being carried out. (NB – An agreed note showing the condition of the site before works begin should be attached to a permission granted subject to this condition).

Reason: In order to re-assess the situation after 12 month's have passed, in the best interests of resident amenity.

#### Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

## Proposal

Erection of security fencing and regularisation of use of yard areas for external storage.

Units 5 and 7 are existing commercial units. The unit between those properties, Unit 6, was destroyed by fire in recent years and the area has been remodelled as external yard area.

There have been recent tensions between the applicant, TLU Contracts and neighbouring residents at Higher Poole Cottages over the use of the yard area east of Unit 7 for commercial storage. In seeking to resolve these issues, it is proposed that:

- The yard area within the old Unit 6 would be used for external storage of materials, to maximum height 5 metres (etched in purple).
- The area south from Units 5, 6 and 7 would be used for further storage, but to a maximum height of 2.5 metres (etched in orange).
- Vehicle parking would be available south of Unit 7.
- In order to make the area proposed for storage to be secure, a fence would be erected across the yard between Unit 5 and the roadside boundary. This would be a 2.4 metre high palisade fence in grey finish, incorporating 2, 4 metre wide side hung metal palisade gates.
- The yard area edged in green shall be subject to a restricted hours condition stating as follows: "There shall be no activity within the yard area edged in green on the approved plan no. 2444-PL-02A outside 7.00am and 6.30pm Monday to Saturday (incl) and not at all on Sundays, Bank or Public Holidays, other than the arrival and departure of vehicles used in connection with the use hereby approved." This is the same wording as on the extant consent, but extends the area with restricted working further west, away from the residential properties.
- A condition will be added to ensure the works and time restrictions will be put in place within 3 months of the permission.
- The use will be temporary, for a period of 12 months from the date of any planning approval.

## Site Description

The application site comprises 3 of 7 units arranged along the northern boundary of Poole Industrial Estate. To the south and west of the units is a large yard area used for storage and parking.

The industrial estate has had various planning permissions for a mixture of B1, B2 and B8 uses (see planning history below).

There are a number of residential properties located in close proximity to the application site boundary, to the south and east, known as Higher Poole Cottages.

## Relevant Planning History

26/17/0003 – Variation of Condition No's. 02 (approved plans) and 03 (working hours) of application 26/16/0019 at Unit 7 – CA – 17/05/2017.

26/16/0019 - Planning permission was granted in March this year for a change of use of warehouse premises at Unit 7 to light industry (Class B1 (c)) and storage and Distribution (Class B8). This included the use of the yard area for external storage and vehicle parking. Two designated lorry spaces were to be provided leaving the

remainder of the yard either for open storage and/or parking. This application sought to establish a definitive planning use for unit 7, which was vacant at the time.

In 2002 permission was granted for B1, B2 and B8 use in Unit 6 for a parcel delivery, sorting and dispatching depot.

Permission granted in 1999 for units 1, 2, and 3 to be used for a mix of B1, B2 and B8 uses.

4/46/77/006 - permission was granted in April 1977 for the erection of the new building and conversion of said building for warehouse purposes with integral office space and light industrial use (Class B1). This permission restricted the warehousing area as an ancillary use (Storage (B8) for wholesale/warehouse purposes of not more than 15,000 square feet. The offices were only to be used for light industrial and ancillary purposes.

## Consultation Responses

*NYNEHEAD PARISH COUNCIL* – 1<sup>st</sup> consultation - The information provided for the amendments to this application is insufficient. A map alone does not provide any clarity. Consequently, Nynehead Parish Council still does not support this application due to this site and its current use being incompatible with adjacent residential amenity. The decision regarding security fencing and the change of use of the yard areas should be delayed until the on-going environmental issues regarding working hours, noise and the dust and dirt created by the current occupant are resolved with local residents. A full environmental impact study should be undertaken before any decision is made. In addition, there should be restrictions on external lighting. The following condition is requested "National Planning Policy Framework (NPPF) Clause 180 (c) and Taunton Deane Adopted Core Strategy 2011-2028 Clause 6.46, both recognise the importance of limiting the impact of light pollution from artificial light on local/residential amenity, dark landscapes and dark night skies. In order to minimise light pollution, it is recommended that any outdoor lights associated with this proposed development.

2<sup>nd</sup> Consultation – **have confirmed they shall send comments following their meeting on the 16 November 2021 and these will be provided in an update report to members.**

*SCC - ECOLOGY* – No objection.

*ENVIRONMENTAL HEALTH OFFICER* - I note the suggested restrictions below. Extending the area with time restrictions to include the area in front of Unit 7 should ensure that no night time working can be carried out close to the houses. When Environmental Health investigated complaints about Unit 7 one of the main issues was the siting of the aggregate bays close to the houses; if this proposal allows them to be moved to Unit 6 (which is further from the houses and between two other units) then it should reduce the noisy activities taking place close to the houses.

Ideally there would be time restrictions on the rest of the site, however I understand the site has an existing commercial/industrial uses with no restriction on hours of

operation, and so if this application was refused this type of unrestricted uses could continue on the site.

Also, I note that the proposal is for a temporary use, and so this would allow the changes to be implemented and carried out for a year, which should give an idea of whether they have resulted in any changes to the amenity of nearby residents

Therefore, I can see no reason for Environmental Health to be able to object to this application.

*SCC - TRANSPORT DEVELOPMENT GROUP – 1<sup>st</sup> consultation:*

Insufficient information has been provided to demonstrate that an appropriate level of visibility can be maintained for vehicles exiting the site on to the public highway and that there will be adequate space for vehicles, in particular HGV's, to turn within the industrial estate so that they can enter and leave the public highway in forward gear, which is essential to highway safety. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework (NPPF).

2<sup>nd</sup> consultation - The amended details seek to address a number of concerns raised in my initial comments.

It is noted that a speed survey has been undertaken in support of the proposal and that based on the 85th percentile vehicle speeds in both directions passing the site would appear to be slightly over 25mph. Based on such speeds visibility splays of 34m in either direction, measured to the nearside carriageway edge, would be acceptable.

Visibility splay drawings have been provided indicating splays of 34m however these have been drawn to a point 0.5m off the carriageway edge which is slightly below the expected standard. Bearing in mind that there do not appear to be any restrictions at present over how the areas immediately either side of the access, and which sit within the visibility splays, are used this is considered to be an improvement to the current situation and can in this instance be accepted.

Details have now been provided that demonstrate how HGV's will be able to successfully manoeuvre within the site so as to enter and leave the public highway in forward gear.

It is disappointing to see that the applicant has chosen not to revisit the parking layout however it is accepted that these proposals are not so poor as to be a reason to object, especially when taking into consideration the existing ad hoc parking arrangements and use of the forecourt areas.

The submitted Technical Note makes reference to cycle storage for up to 3 bicycles, which is in line with the requirements of SCC's Parking Strategy subject to such facilities being safe, secure, covered and convenient to use. This is acceptable in principle however, despite their assertion that these details have been included on the amended layout plan it is not clear where they are proposed to be accommodated or to what standard. It is accepted however that such details can be addressed by an appropriate condition.

## **Habitats Regulations Assessment**

Not required.

## **Representations Received**

In total 16 representations have been received (some were identical) and raised concerns regarding:

- Noise & disturbance
- The use of the site
- The hours of operation
- Mental health
- Privacy
- Dust

Cllr Wren initially registered an objection which raised concerns regarding:

- Noise and nuisance
- Hours of operation

Further comments have not been received from Cllr Wren following the amended plans and the proposed conditions imposed.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements

A1 - Parking Requirements

## **Local finance considerations**

### **Community Infrastructure Levy**

Not applicable.

## **Determining issues and considerations**

The site concerns Units 5, 6 and 7 and land surrounding on an established industrial estate.

Units 5, 6 and 7 are rented from the present applicant by TLU Contracts Ltd., a Groundworks Contractor working on behalf of BT Openreach, working on the Carillion Telent BAU Contract in Somerset and Devon. This involves providing superfast broadband, new service connections, upgrades and repairs to the existing network. The use of the premises is primarily for storage of materials, equipment

and vehicles used in connection with this business, together with repair and maintenance of these items as required. As such, the units need to be accessible at certain times hence the need to split the site into areas with different hours of operation to find a harmonious solution for both the existing use and the adjoining residents.

The use of the yard to the front and east of Unit 7 was established as part of planning permission 26/16/0019. The use of Units 5 and 7 will not change from their extant lawful use under previous planning approvals and will have no restricted hours which will facilitate occasional night working when vehicles need to be loaded in order to respond to an emergency call-out. As such, it is the use of Unit 6, its yard area and the yard area of Unit 5 for B8 use which needs to be regularised. A B8 use is considered to be synonymous with the established use of the site and is therefore considered to be acceptable. Furthermore, Unit 6 was previously operating as B8 use when it was a parcel delivery, sorting and dispatching depot.

The approval of this application would allow the yard area east of Unit 7 to be available for vehicle parking and lower levels of storage than is the case at present, which would lead to less noise and disturbance for residents. In addition, the condition proposed regarding hours of operation (mentioned in the proposal section) would ensure that this area would not be used outside certain hours which would be beneficial to the existing situation.

Furthermore, the use of Unit 6 for the storage of loose aggregate would ensure no loose aggregate could be stored in the yard area to the east of Unit 7 which again, would be better for the residents of Higher Poole Cottages.

The 2.4 metre fence proposed between Unit 5 and 6 and the roadside boundary is considered to be necessary for security purposes. The appearance of the fence is considered to be appropriate in this established industrial estate. The LPA appreciate that the fence may not harmonise with the appearance of the housing but its presence will lead to fewer amenity impacts for the residents of the housing in terms of noise and disturbance and it is therefore considered on balance to be acceptable.

As shown on the plan (ref. 2444-PL-02) the proposal maintains parking provision for 2 lorries, 15 cars, and 1 cycle space which is considered sufficient. The Highways Officer has confirmed that the situation is acceptable subject to appropriate conditions.

In regard to lighting, no lighting is proposed as part of this application and therefore cannot be controlled. However, if lighting has been erected without planning permission or the applicant is in breach of a lighting condition as part of the previous planning permission, then this will be investigated by Planning Enforcement.

In relation to the concerns raised in the representations, the LPA has duly noted these concerns during the course of this application and has worked proactively with the agent in order to come up with a sensible solution in the best interests of resident amenity.

By allowing the yard areas to the front of Units 5, 6 and 7 and the former Unit 6 to be used for storage, this alleviates the yard area that is immediately to the rear of the

houses. Furthermore, a planning condition will be imposed that prohibits the use of the area closest to the houses, outside of the hours of 7.00am to 6.30pm Monday to Saturday (incl) and not at all on Sundays, Bank or Public Holidays, other than the arrival and departure of vehicles used in connection with the use hereby approved. If this application is not approved, the situation will continue to be as approved by the 26/16/0019 permission.

In order to re-assess the situation after 12 months have passed and in the best interests of residents amenity a condition will be added to ensure the applicant will need to re-apply for planning permission. At this time, an assessment can be made as to whether the changes have been beneficial to the residents or if any further changes are required.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

**Contact Officer: Abigail James**