

38/10/0318

MISS T BRISTOW

**CHANGE OF USE OF PART OF LAND TO STORE 2 NO. MOBILE TRAILERS AT
31 SHOREDITCH ROAD, TAUNTON (RETROSPECTIVE)**

Grid Reference: 323901.123231

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements).

RECOMMENDED CONDITION(S) (if applicable)

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A4) Location Plan
(A4) Block Plan

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

3. The area of land hereby approved shall only be used for the storage of commercial trailers in association with a business run by the owners/occupiers of 31 Shoreditch Road.

Reason: To prevent a separate commercial use and subdivision of the site that may lead to an impact on residential amenity and intensification of the access, in accordance with Policy S1 (E) of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

4. Other than the siting of two mobile trailers hereby granted permission, there shall be no further storage of commercial mobile trailers within the site and garden of 31 Shoreditch Road without first submitting a planning

application.

Reason: To protect the amenities of adjoining residents in accordance with Policy S1 (E) of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan review.

Notes for compliance

PROPOSAL

The proposal comprises the change of use of part of a garden to allow for the storage of two hot food trailers. The area proposed to be used includes a concrete area within the garden and a gravel area to the side of the dwelling.

The application is solely to allow the storage of two trailers and does not allow the owner to trade from the area.

The application description includes the word 'retrospective' as at some point in the past the area has been used to store two trailers. At the time of this application only one trailer is stored on the concrete area, this does not require planning permission. For clarity, the description has also been amended to remove the word 'temporary'.

The application has been submitted following investigation from the Planning Enforcement Team (see site history).

SITE DESCRIPTION AND HISTORY

The storage area forms part of the garden of 31 Shoreditch Road, a detached bungalow sited off Shoreditch Road and accessed via a private track. The site is bounded by a timber fence and adjoins residential properties.

Site History

Initial enquiry received in March 2010 regarding the provision of a hard standing to park a catering trailer.

A visit was made on Thursday 25th March 2010. Ms Bristow was cleaning the larger of the two trailers ready for their yearly inspection by EHO. This happens every year. She said that no more than one trailer is usually parked at the premises as most of the time they are kept at the trading location except when maintenance was required.

Over the following weeks further complaints were received regarding the parking of the two catering trailers at the premises and the boundary treatment. Also concern was raised at the size of the hard standing that had been created and whether planning permission was required.

The matter was referred to the Legal section for confirmation that the stationing of one unit did not require permission. The provision of the hard standing did not require planning permission. It was decided that a PCN (Planning Contravention

Notice) should be served to ascertain how often two trailers were stationed at the premises. This was served on 8th April 2010.

A complainant continued to be concerned over the possibility that more than one trailer would be kept at the premises. Following this the owner agreed to submit a planning application for the times when more than one trailer is stationed at the property.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No objection: -

- Site served from private drive.
- Access provides good visibility in either direction of standard to accommodate these two vehicles.
- Unlikely the proposal would see increase in vehicle movements over existing situation.
- Measures put in place to stop any growth of existing business which would see an increase in vehicle movements.
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ENVIRONMENTAL HEALTH - FOOD SAFETY - No observations.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - No comment.

Representations

FOUR LETTERS OF OBJECTION: -

- Alien to residential area; not an industrial storage area; unacceptable level of commercial activity.
- Loss of enjoyment of garden/dwellinghouse as view looks onto advertising board.
- Precedent set if granted; could lead to appeal to Local Government Ombudsman.
- Should be located near entrance of 31 Shoreditch Road premises as there trees and foliage that provide better screening than existing location.
- Concern of future ownership and further larger trailers.
- Would not be objecting if trees had not been removed and would support reinstatement of tree screen.
- Running business from domestically-rated home.
- Commercial food and gas deliveries; gas cylinders not stored safely.
- Early morning disturbance.
- Narrow un-adopted lane to 31 Shoreditch Road is unsuitable for commercial trailers and there is potential for highways issues.
- No drainage to concrete hardstanding.
- Ms Bristow has right of way over private road, would of thought it was for residential use only, oppose increase in commercial traffic.
- Trailers frequently being backed up lane, being driven over flowerbeds and grass.
- Increased parking in lane due to number of vehicles parked at 31 Shoreditch Road.
- Increased commercial activity of lane is an intrusion
- If granted: advertising board should be hinged and trailer covered in green tarpaulin; time and noise limits, not before 7am or after 10pm (similar to deliveries at adjoining nursing home); confirmation that no drainage required to prevent

rodent activity; investigate propane gas cylinder storage; limit deliveries; repair fence panels.

- Application: is retrospective; does not list other commercial activities; concrete area (50m x5m) larger than required; would swear affidavit that never seen trailer parking prior to concrete hardstanding; Previous owner never parked commercial vehicles; old-pre-fabricated garage not 'large' as stated; concrete hardstanding not indicated on drawings; not all fencing remains; declares no other storage, yet food and gas deliveries; statement 'rarely left here', incorrect, summer usage mainly at weekends and less in winter.

Other comments within the letters of objection refer to civil and legal matters regarding the removal of a hedge and the positioning of replacement boundary fencing. These issues are not a consideration for this application. Further comments regarding the behaviour/planning behaviour of Ms Bristow are also not relevant to this application.

A 'record of events' submitted by an objector have been noted but not included within this report. These events are prior to this application being submitted and contain further civil and legal disputes. The necessary Enforcement action has been taken which has led to the submission of this application.

LETTER OF OBJECTION FROM WARD COUNCILLOR: -

- Retrospective, should be enforcement issue as business been running from premises for some time.
- Large scale self catering upwards of 4 mobile units from suburban residential area is upsetting in neighbourhood.
- Trailers, transit vans, huge sign writing are detrimental to visual amenity.
- Deliveries of catering supplies and gas fuel bottles to site.
- No secure storage for gas canisters.
- No drainage for new concrete drive, so raw and cooked foodstuffs simply washed out of vehicles.
- Disturbance to neighbours as trailers can be moved in early hours.
- Access to property from narrow un-adopted lane; poor visibility onto Shoreditch Road; unsuitable for large vehicles.
- Trailers cannot be compared to employee parking works vehicle at home in evening.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S&ENPP49 - S&ENP - Transport Requirements of New Development,

DETERMINING ISSUES AND CONSIDERATIONS

The main consideration are impact on visual and residential amenity.

Amenity

The trailers are sited within the garden of 31 Shoreditch Road, approx 65m from the public footway on Shoreditch Road, that can only be accessed via a private track. Given the distance from the footway to the site and the private use of the track, there is not considered to be any impact on the street scene at this point or wider locality.

The existing trailer is visible above the height of the boundary fences of neighbouring properties. Though visible, the trailer is not considered to cause any detrimental loss of light or amenity to the neighbouring properties. It should be noted that:

- The trailer currently on site does not require planning permission.
- The rear of the dwellings within Tamar Avenue are approx 25m to the boundary of the site.
- The height of the trailer (10ft) is lower than an outbuilding that could be built as permitted development, if more than 2m away from the boundary.

Highways

The Highway Authority has raised no objection to the change of use. The site is accessed from a private road that does not come under the control of the Highway Authority and the existing access is considered to provide suitable visibility onto the Shoreditch Road. The storage of two trailers is not considered to increase vehicle movements over the existing situation.

Environmental health

Environmental Health have no comment to make on the application. Given the nature of this proposal, the storage of two trailers, the cleaning of the trailers internally and externally, is not considered to be a hazard to the amenity of the area. It should be noted that the trailer has been there for a number of years, previously screened, and as far as I am aware there have been no issues relating to public health from the storage of the trailers.

Future measures

As the application is for the siting of two trailers, any further trailers would require planning permission. A condition will be attached to this permission to prevent any trailers being placed within the remaining garden area. The storage area will only be available for ancillary use to 31 Shoreditch Road, not available as general commercial storage. These conditions will prevent any intensification of the site that may cause harm to the amenity of the area.

Response to objections

Though some deliveries have taken place at 31 Shoreditch Road, there is no evidence to suggest a change of use of the premises from a dwelling to a commercial use has taken place.

The new concrete area did not require planning permission or building regulations, and as such no drainage facility was required.

Attaching the trailer to a vehicle is not considered to cause any nuisance beyond a commercial vehicle or car that may start its engine early in the morning.

The Fire Safety Officer has been notified and we await any comments that the Officer may have. Though it should be noted that any comments received may not affect the outcome of this application which is for the change of use of land. The storing of gas cylinders would come under different legislation than planning if

storage of more than 25 tonnes of LPG were involved.

It is not considered appropriate to limit times that trailers may be taken from the property and in turn affect the outcome of any business. As stated above, the moving of the trailer is not considered to give rise to any disturbance above other commercial vehicles. There has been no condition restricting delivery times at the adjoining nursing home (app 38/95/0160).

Conclusion

As the storage of one trailer does not require planning permission, the increase to two is not considered to harm highway safety nor is there any detrimental harm to residential amenity. There is not considered to be any harm to public health and the Environmental Health Officer has no comments/observations to make. A number of objections and concerns relate to matters that are not a consideration in determining this application. Given the above, the proposal is therefore considered acceptable.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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