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CLANVILLE SAWMILLS LTD

RETENTION OF CHANGE OF USE OF LAND FROM AGRICULTURAL TO USE FOR STORAGE OF TIMBER, RETENTION OF EARTH BUND, RETENTION OF BRIDGE AND RETENTION OF ROADSIDE FENCE AT FOURACRE SAWMILLS AT STATION ROAD, MILVERTON

12651/26124

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

The works have already taken place, the Local Planning Authority were notified that the applicant had erected the security fence in November 2004, and changed the use of the land in December 2005. The site is land between the saw mill grounds and the Hillfarrance Brook (a County Wildlife site), it is in the flood plain and outside settlement boundaries. A Public Footpath runs along the northern side of another water course to the north of the application site, and residential properties are situated to the north of this path. It is proposed to retain the change of use of land as storage, retain an earth bund on this land and bridge to access the land, and mesh fencing, which fronts the highway. These works were brought to the attention of the Local Planning Authority and an application sought. Had the application been made prior to the works having been carried out, then a full flood risk assessment would have been sought, however the application was submitted without such full information. The agent advises that there are no processing operations taking place in this area, the additional timber storage is required following a change in procedure by the chipboard manufacturing facility, such that the saw mill has been left with more timber than can be presently sold. Rather than sending the waste to landfill, it is being stored on site. A chipping machine is on order which will reduce the piles of timber. The chippings can then be used as a source for heating. In the longer term it is intended that the land will be used for storage of freshly felled logs. The earth bund has been created to screen the site, protect the watercourse, and safeguard the amenities of the nearby residents. The fencing is required for security as the yard had suffered from trespass, theft and vandalism; since the fence has been erected the yard has been more secure and a reduction in crime related incidents. The saw mills is a major employer with sixteen people in full time employment, with a further two or three in the near future.

The applicant has also stated the stream backs up due to the limited span width and arches of the bridge, which is upstream of his site. The wood currently piled up could not be moved until the site dries out, the chipper will be on site. In respect of the fencing, whilst agreeing that he will replace the visually intrusive metal fence with timber sections, he is unwilling to set the fencing back the required 2m to meet highway safety measures. The applicant has also been asked to submit a wildlife survey given the location by the County Wildlife site. This has not yet been submitted.

Planning history of the saw mill site includes refusal of industrial development in June 1991 on grounds of increased traffic generation and subsequent adverse effect on the village; and refusal of residential development in Jan 1992 on grounds of open countryside, contrary to development plan and highway safety.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY there is no objection to the use aspect of the proposal as there is no increase in traffic and no loss of parking; however the site derives access from Station Road/B3187 and it is imperative that visibility at the point of access is incorporated and maintained at all times, the fence should be set back 2m from the back edge of the carriageway for its entire length, in order that sufficient visibility is afforded at the point of access to allow emerging vehicles to be seen. Discussions have been ongoing in respect of the positioning of the fence between the County Highways Authority and the applicant, as the Officers from the County Highways Authority consider visibility to be a vital issue at this location, however the applicant has refused to change the location of the fence. ENVIRONMENT AGENCY the site is located within flood zone 3 and a Flood Risk Assessment is required, if the applicant wishes to retain the earth bund and storage of timber within the functional flood plain, it must be demonstrated through a hydrological analysis that there will be no impact on flood flows and flood plain storage, so as to ensure no adverse flood risk to third parties from the loss of flood plain storage due to the bund and timber material or the potential for timber material entering the channel creating a blockage scenario. With regard to the bridge, the Environment Agency advises the landowner to widen the span of the bridge to ensure the abutments are completely out of the river channel. It is also pointed out that contaminated run-off from degraded timber could have a detrimental impact on the watercourse. SOMERSET ENVIRONMENTAL RECORDS CENTRE area is biologically rich river and tributaries with a wide variety of associated habitats and legally protected species, with ancient semi-natural broadleaved woodland, badger data in the area.

LANDSCAPE OFFICER the site for timber storage appears to be of historic interest with a leat system and needs to be assessed separately. The site appears to be well screened, with alder and willow, however the bank is too high, it should be no more than 1.2 m high and grassed, the materials in the storage area should be no higher than 1.2 m; a timber fence along the frontage would be more in keeping than the 'heras' fence. WILDLIFE OFFICER concern about otters and voles may be using Hillfarence Stream, the existing bunds show no regard for possible wildlife, a wildlife survey required before determination. A habitat management plan required if any protected species found. DRAINAGE OFFICER the proposal is situated within the 100 year flood plain, Environment Agency to be consulted, and Flood Risk assessment required.

PARISH COUNCIL supports

3 LETTERS OF OBJECTION have been received raising the following issues:- concern about the size and impact of the metal fence, the fence does nothing to enhance the approach to the village; as a timber yard, some wooden fencing would be just as secure more sympathetic and more attractive to passing customers; as

owners of a listed building, neighbours have gone to great expense to renovate own property in keeping with the village; concerned about works carried out without planning permission; the encroachment was by stealth; trees on the southern boundary of the site have been felled; the lengths of timber have been dumped in a random way; noise has been brought close to dwellings; loss of outlook; loss of amenity; effect on property value; concerned about possible flooding, the stream/old leat does sometimes flood; it appears that the applicants have sought to improve their drainage at the expense of adjacent residents; there was a natural break between the dwellings and the saw mill, now there is no break; concern about bonfires being lit; wanton destruction of arable land is not acceptable adjacent to residential properties; the land should be cleared and the land restored to agricultural use; value of applicant's site has increased at the expense of the adjoining residents; the Members should visit the houses to see the effect of the uses and bund; should be a committee case not delegated decision; disturbance to riverside habitat and its effect on conservation.

POLICY CONTEXT

S1 General requirements, S2 Design, S5 Villages where small scale proposals which support their social and economic viability... and are unlikely to lead to an increase in car travel, S7 Outside Settlements where new building will not be permitted unless it meets particular criteria, EC1 Employment Development, will be permitted within defined settlements subject to criteria, EC2 Expansion of Existing Firms on Land Subject to Restrictive Policies, can be acceptable where relocation to a more suitable site is unrealistic, mitigation will be sought, EC7 Rural Employment Proposals, where outside settlements new small scale buildings are acceptable subject to criteria including no harm to residential amenity of neighbours, landscape or highway safety, EN3 Local Wildlife and Geological interests, EN5 Protected Species, EN8 Trees in and Around Settlements, EN12 Landscape Character Areas, EN25 The Water Environment states that development which would harm the landscape, character and wildlife of the water will not be permitted, EN28 Development and Flood Risk, where land is subject to flooding, protection measures required, EN29 Flooding due to Development, development which would result in a greater risk of flooding due to increased surface water run-off will not be permitted; whilst there are no specific policies for Milverton, the Local Plan text states that the village streets are narrow and poorly aligned with sub-standard junctions, and acknowledged problems from on-street parking and HGV traffic.

ASSESSMENT

The Environment Agency has sought a Flood risk assessment as the site is located in Flood Zone 3 (High Risk), where the indicative annual probability of flooding is 1 in 100 years, the applicant has refused to supply such an assessment as it would require a hydrological analysis which he claims would be too costly. The bund and its effects on the landscape and adjacent trees are a concern and the bund's retention is contrary to Policy. Given the factors of the Flood risk assessment not being submitted and the fencing currently forming an enclosure abutting the highway, it is recommended that permission be refused and enforcement notice be issued in respect of the storage on the site, the bund and the retention of the fence abutting the highway.

RECOMMENDATION

Permission be REFUSED for the following reasons (1) The application site is within a Flood Zone 3 area and a Flood Risk Assessment is required by PPG 25. In the absence of such document, it is impossible to assess the impact of the development on flood flows, flood plain storage and thus potential impact on adverse flood risk to third parties from the loss of flood plain storage due to the bund and timber material, or the potential scenario for timber material entering the channel and creating a blockage scenario, contrary to PPG 25 and Taunton Deane Local Plan Policy EN28. (2) The retention of the bund and materials to the existing height are considered to be contrary to Taunton Deane Local Plan Policies EN6, EN8 and EN12 on the basis that the bund is too close to existing trees and has the potential to cause harm to those trees and the bund is out of character with the surrounding landscape which is low-lying and visible from the nearby public footpath. (3) The existing fencing, as part of the current application, does not incorporate the necessary visibility splays which are essential in the interests of highway safety contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49

Enforcement Action be authorised to remove the storage of timber, remove the earth bunds and remove the security fence.

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

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NOTES: