

30/12/0048

MR L FORGHAM

CHANGE OF USE OF COVERED PART OF STORE TO PLUMBERS STORE AND OFFICE AT FOSGROVE LANE, PITMINSTER

Grid Reference: 322481.121103

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed use of the building as plumbers store and office would utilise an existing building in the countryside, which requires minimal alteration to convert it to the intended use. The proposal is not considered to have a detrimental impact on the rural character of the surrounding landscape or material harm on the residential amenities of nearby properties. Whilst the proposal would have some impact on traffic flows, the County Highways Authority raise no objection and it is not considered that the proposal would result in detriment to highway safety that would warrant refusal of the application. As such, the proposal is in accordance with the provisions of Policies DM1 (General Requirements), DM2 (Development in the Countryside) and CP8 (Environment) of the Taunton Deane Core Strategy and the relevant sections of the National Planning Policy Framework.

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:

(A1) DrNo 4234/12 Site Plan

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

3. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the change of use and thereafter maintained at all times.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.
2. If new water supply connections are required from Wessex Water to serve this development. Application forms and guidance information is available from www.wessexwater.co.uk/developerservices. Further information can be obtained from the New Connections Team by telephoning 01225 526222.
3. As the proposal includes the use of a non-mains foul drainage system, the builder/developer should consult the literature prepared by the Construction Industry Research and Information Association (CIRIA) regarding on-site sewage disposal and septic tank systems. The relevant leaflets can be found on the CIRIA website. Alternatively advice can be obtained from the Environment Agency on foul drainage systems.

PROPOSAL

The existing building was originally erected as a general purpose agricultural building in 1999 under application 30/99/0006. It is situated on Fosgrove Lane at Poundisford, close to the junction with Red Lane. The site is surrounded by agricultural fields and a scattering of dwellings, with the closest being approximately 70 metres away. A well established hedge separates the site from the road and access is provided by a metal gate. Also within the site is a mobile phone mast.

This application seeks planning permission for the change of use of part of the agricultural building to a plumbers store and office for Otter South West Plumbing and Heating Contractors, who are currently located at Trinity Business Centre on South Street in Taunton. Otter South West are a team of twelve installers and technicians specialising in renewable energy installations. It is proposed to heat the office and store by air source heating with hot water from solar generation and photovoltaics. It is therefore intended to install solar and photovoltaic panels on a section of the roof, which can be carried out under permitted development rights, provided the appropriate criteria are met. It is also proposed to install a rainwater harvesting system and a low energy bio-pure treatment plant with sub-soil percolation system. The store would also be utilised for the setting up and trialing of new products, which is not possible in the existing premises. The building would remain largely as existing with the installation of one window in the front elevation, to provide light and ventilation to the office area.

Further information has been provided by the applicant stating that:

- The business employs 9 full time technicians/engineers and will not expand further as they feel it is at an optimum size to be managed and run efficiently by them.

- They have 5 vans for their staff, none of which are based at their premises and that arrangement will continue. The employees who have vans use them as their method of transport to and from work and will commonly go direct to their jobs on site in the mornings with their working partner unless they have reason to go the base for materials, information or special equipment which they did not routinely carry. At present if they have to go to the base they have to drive into the centre of Taunton, collect equipment or information as needed then mostly retrace their steps. Aside from travel and environmental reasons this is inefficient, costly, and adds unnecessarily to congestion in the town centre as most of their work (estimated at 90%) is south of Taunton. They will normally go straight home at the end of the working day.
- If there were suitable commercial premises available within Trull that would certainly be their first choice but there is nothing, hasn't been in the recent past and there is no anticipation of anything in the foreseeable future.
- Some goods, mostly general consumables, pipes fittings etc will be held in stock but site specific goods and equipment will normally be delivered direct to site by the merchant/supplier. There is no merit in having heat pumps, boilers or the like delivered to the depot only for them to be redelivered out to the job. This is costly and risks damage in handling and transport.
- The proposal and application relates to what is now the enclosed section of the building.

The agent has confirmed that there is not any essential ongoing or future requirement for agricultural use for the building sufficient to justify a replacement structure as unwelcome visitors and loss of equipment have made gainful use very difficult and trying in the past, given the intermittent activity at this location.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal is to convert an agricultural store to a plumbers store and office. The location is relatively remote and inaccessible by means other than motor vehicles, though it is likely that a plumber would be reliant on such to travel to client locations conveying tools and parts. The location is within 5km by bicycle of the County Town which distance is considered relatively acceptable for cycling too as an alternative to motor vehicles; the site is some distance on foot to the nearest road with a bus route.

In detail access is on the outside of a bend of the narrow rural lane to the southeast of Staplehay, so it has relatively good visibility in both directions for a driver emerging from the access. On the day of my site visit there appeared to be a slight ponding problem at the entrance and this should be rectified such that water from the site does not drain onto the public highway. Though the location is relatively unsustainable it will be for the Planning Authority to determine whether or not to grant permission for the use. In the event of permission being granted, suggest condition regarding surface water disposal.

PITMINSTER PARISH COUNCIL - Objects

- Whilst Council would fully support a local and sustainable business operating within reasonable travelling distance from home, site is accessed by extremely narrow roads. Increasing road usage with commercial vehicles is wholly unsuitable.

- Planning Inspector in 2009 stated that Fosgrove Lane is far from ideal in highway safety terms as it is narrow, twisty, undulating and unlit. Development that could significantly increase the number of vehicles passing along the lane would be detrimental to the safe and free flow of traffic and the Council considers it should be resisted.
- Council has not been given evidence of demonstrable need for this application or that there are no other business facilities available.
- Granting change of use from agriculture to B1 use may set a precedent. Once granted, the rest of building would no doubt be granted consent.
- If planning officer minded to grant consent, Council feels that B8 storage only would be more appropriate.
- Provision of services to the site would cause additional pressure on the small hamlet.

Representations

11 letters of OBJECTION received from 10 different households on the grounds of:

- Applicant states he requires site so he can be close to his customer base and current storage facility in Taunton not suitable. However, applicant's own website states "Based in Somerset, we cover a wide area of the M5 corridor into Wiltshire, Avon, Devon and Dorset" and Otter South West serve a client base up to 50 miles from junction 25 of the M5 motorway. Surely site tucked away down country lane will be most unsuitable for sending supplies to development on the M5 corridor and into Wiltshire and Dorset. This will result in much increased traffic down the narrow lanes that lead to the proposed site. An urban site would be much more appropriate.
- Building granted permission for agricultural purposes only. Approval would set precedent for a number of other potential buildings for commercial development in the countryside. Proposed business totally inappropriate for rural location where road structure, drainage and communications are not sufficient to support commercial use.
- Dwelling within 300 metres of building. Lane is narrow, single track, unlit, without footpath or passing places, has reduced visibility with Red Lane and used as cut through/school run from B3170. Road layout is effectively a four way junction with virtually no visibility. Road already extremely busy, especially in mornings, number of cars already too much for small narrow single track lane, without commercial traffic, which would slow down traffic flow in a difficult area. Roads cannot cope with more traffic. Position of business on narrow, winding country lane has significant implications for highway safety. Development on blind/dangerous bend with high hedges and reduced visibility where accidents/collisions frequently occur and would be likely to occur more frequently with the increase in traffic flow that would occur if proposal accepted, posing danger to traffic and pedestrians. Planning Inspector on a previous application half a mile along the lane commented "Fosgrove Lane is far from ideal in highway safety terms as it is narrow, twisty, undulating and unlit" and that "Development that could significantly increase the number of vehicles passing along the lane that would be detrimental to the safe and free flow of traffic should be resisted"
- Must be more suitable designated commercial areas that a business could use, offering purpose built premises, free flow of commercial traffic, better security, parking, deliveries, signage, lighting, fast internet, communications, etc. Around Taunton there are purpose built trading estates and storage facilities, should not be in an agricultural area. Otter South West as a business is well positioned to

- find more appropriate premises or development opportunities.
- Proposal will need significant changes to services, communications and infrastructure to function as a business, which is inappropriate, out of character to the locality and would add pressure to the small hamlet.
- Lane often blocked due to ice, snow or flooding and often blocked by multiple cars. Already dangerous riding horses up lane.
- Road and drainage is appalling, highlighted in recent flooding, covered in 3 inches of water across bend for some time.
- Area within the AONB (*NB Site is not within AONB*) and not in keeping with natural surrounding of agriculture and countryside. Area frequently used by horse riders, walker and cyclists.
- Neighbouring properties would be affected by a commercial concern.
- Proposal makes mention of a product display area, question whether possible without site becoming a retail site as well.
- No evidence of demonstrable need for this application or that there are no other business facilities available. Granting change of use to B1 may set precedent. Once change of use established, rest of building would no doubt also be granted consent. If minded to grant consent, B8 storage would be more appropriate.
- Application would probably be acceptable if it were a local and sustainable business operating within reasonable travelling distance from home.

2 letters of SUPPORT on the grounds of:

- Support local business within community
- Change in planning rules now means application fits the criteria exactly
- On exit of the site, view is uninterrupted in both directions. Current use means very large machinery going in and out, proposed use would mean a couple of small vans.
- Mr Forgham is an expert in renewable energy technologies, and building will be run with these.
- Renewable energy is the way forward and to have someone in community with this knowledge has to be a positive move.
- Can see the benefits of a local business trying to remain in it's original location, especially as promoting installation of environmentally friendly products and services.
- Building existing and unlikely to alter much in appearance. Mast is more unsightly.
- Two vehicle spaces indicate minimal impact from vehicle movements, which will be light commercial vehicles rather than heavy agricultural machinery for which building was initially approved.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,
 CP8 - TD CORE STRATEGY- ENVIRONMENT,

DETERMINING ISSUES AND CONSIDERATIONS

Policy DM2 of the Taunton Deane Core Strategy introduces a sequential approach for the conversion of existing buildings and requires it to be demonstrated that the

building would not be suitable for community uses, before utilising it for Class B business uses.

The supplementary information has indicated that there is no known community use or need in this area. Whilst no further evidence has been provided, it would be reasonable to consider that the nature of the building would not be one that would be well suited to such uses. In addition, due to the remote location, along with there being facilities already available within the closest villages and no further local needs identified, it is not considered that the building is required for this purpose. As such, the principle of the use of the building for plumbers store and office, which would fall within Class B business uses is considered an acceptable alternative use, in line with policy DM2.

The other criteria set out in Policy DM2 that are relevant to this application are now considered. The site is directly adjacent to a public road. It is acknowledged that this public road is a narrow, single track lane, but the policy simply requires that it is near a public road and makes no specification as to the nature of that road. Whilst it lies in a countryside location, the site is only approximately 1 km from the settlement of Trull and is therefore near the public services offered within that village. The existing building is already present within the landscape and the only external alteration is the addition of one window in the front elevation. As such, the building will remain very similar in appearance to the existing situation and is therefore compatible with the rural character of the area and will have no adverse impact on the landscape. It is acknowledged that it is likely to install solar and photovoltaic panels on the roof of the building, but it is pertinent to note that this can be undertaken under permitted development rights, without the need for planning permission, subject to the relevant criteria being met. The existing building is a general purpose storage building and there are therefore no architectural or historic qualities to be harmed.

A great deal of concerns have been raised on Highway Safety grounds. Whilst it is acknowledged that the proposal is likely to result in increased traffic flows to and from the site that would have some impact upon the country lane, it is important to note that the County Highways Authority does not raise objection to the proposal. It is considered that the site has relatively good visibility in both directions for a driver emerging from the site and no objection was raised regarding the narrow, single track lane. A concern was raised regarding the ponding of water on the highway and a condition has been attached concerning surface water disposal, so as not to exacerbate the current situation. As such, it is not considered that the proposal would result in significant detriment to highway safety that would warrant refusal of the application that accords with Policy DM2.

In terms of the impact on the residential amenity of neighbouring properties, the building, being approximately 70 metres from the nearest dwelling is considered a sufficient distance from neighbours to avoid any noise and disturbance from the proposed use. Whilst the proposed use would change the nature of the site, it is not considered that this would result in material harm to the living conditions of nearby residents.

The Parish Council commented that if minded to grant consent, B8 use would be more appropriate. It is important to note that the drawings show the main proposed use to be storage for the plumbing business with only a small area designated as an ancillary office, which is a common situation in many storage premises. As such, it is

considered that the main use would be a B8 storage use. It is also acknowledged that there are other more suitable sites for a use of this nature such as Industrial Estates and no evidence has been provided of demonstrable need for this use in this location or that there are no other business facilities available. This is however, not something that is required under policy DM2, which clearly allows for a use of this nature, where the sequential approach has been applied and the relevant criteria met.

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

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