

19/2004/015

MR A D KINGSTON

**CHANGE OF USE OF LAND FROM PARKING BAYS TO PALLET STORAGE AREA,
HATCH MEWS BUSINESS PARK, HATCH BEAUCHAMP.**

30331/20541

FULL PERMISSION

PROPOSAL

Planning permission was granted for the development of the Business Park in April 2000. Condition 15 of the permission required that "no new materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the buildings or within the storage areas as may at any time be approved in writing by the Local Planning Authority".

A complaint was received during 2002 that pallets were being stored in parking spaces close to the western boundary of the site. Following further complaints the breach of the condition was reported to the Committee on 8th September, 2004 when members resolved to take enforcement action on the grounds that "whilst it may be unreasonable not to allow any outside storage at this site, the site proposed is close to the boundary of the site where the storage pallets will not only be visually prominent from nearby properties, but also may cause noise and disturbance during loading and unloading. It is considered that more appropriate locations exist towards the southern end of the site". However, members agreed that such action be deferred for a period of one month in order that alternative locations could be discussed.

I subsequently met the applicant and his agent on site and assessed potential alternatives. However, locations at the southern end of the site initially thought preferable were not acceptable, as they would interfere with manoeuvring of HGVs.

The applicant indicated that he intended to submit a formal application to retain the pallet storage in its existing location, although his agent maintains that pallet storage is not covered by Condition 15. This is an assertion that the Council most strongly reject.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. COUNTY PROPERTY SERVICES as the number of vehicles associated with the premises or vehicle turning movements in general would probably not significantly increase in the vicinity of the nearby primary school, there would be no objection on these grounds from the County as Local Education Authority. However, if what was designated parking bays within the site are used for other purposes, there may be consequent additional parking in Station Road which could cause a hazard to pupils and parents walking to and from school or indeed further the vehicular congestion at the beginning and end of the school day. FIRE OFFICER Control of Combustible Materials - In principle the Fire Authority do not object to the change of use of the existing parking spaces to storage of pallets provided the following safety provisions are in place: (1) The plans supplied do not indicate if the

pallets are to be stored in a compound or will be free standing, consideration should be given to providing adequate space separation between the pallet storage and:- (a) Parked cars; (b) Existing hedge and trees. (2) The existing Fire Risk Assessment should be reviewed to ensure that a robust mechanism for the control of combustible waste materials is in place. The risk assessment should also consider the risk of arson and specify appropriate control measures to combat this risk. I enclose a leaflet on commercial disposal of waste, which contains appropriate information.

LANDSCAPE OFFICER the proposals will have limited visual impact. The most affected property is Laurel Cottage where the pallets will be visible from the nearest upstairs window, however given that the spaces could be used by parked vehicles the increase in visual intrusion is minimal. The other properties to the north will have some views to the pallets but more distant and possibly screened by parked cars. The existing landscape planting should now have started to establish and should, over the next 3 - 5 years, provide additional screening. I therefore do not propose seeking extra landscaping.

PARISH COUNCIL opposes the proposal on the grounds of loss of car parking spaces, on amenity grounds, and because it would represent a fire hazard, and that if it is necessary to store pallets awaiting collection, then given the nature of the development in a village location, they should be stored inside.

4 LETTERS OF REPRESENTATION have been received from local residents raising the following issues:- the Council has already resolved to take enforcement action; that the pallets are visible for several dwellings; loss of car parking; pallets could be placed inside; fire risk; noise from fork lift truck; should not allow pallet storage other than from the site; pallets may fall on someone; may encourage vermin.

POLICY CONTEXT

Taunton Deane Local Plan Policy S1 (E) - Proposals for development, taking account of any mitigation measures proposed, will be required to meet the following criteria, in addition to any other Development Plan policies which apply in a particular case:- (A) additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems or environmental degradation by fumes, noise, vibrations or visual impact; (B) the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car; (C) the proposal will not lead to harm to protected wildlife species or their habitats; (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development; (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment; (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use; (G) the safety of any occupants or users will not be at risk from ground

instability; and (H) the site will be served by utility services necessary for the development proposed.

Policy EC1 Business, industrial and warehousing development will be permitted within the defined limits of settlements, provided that: (B) in the case of industrial or warehousing proposals where freight movements are likely to be high, a freight link to the rail network or safe access to the National or County road network is provided; and (C) within Areas of Outstanding Natural Beauty only small scale, unobtrusive developments will be permitted.

Paragraph 13 of PPG 4 states that "development control should not place unjustifiable obstacles in the way of development which is necessary to provide houses, investment and jobs".

ASSESSMENT

The determining factor in this case is a balance between the harm to adjoining residents in terms of both visual amenity and noise and disturbance and the needs of the businesses occupying the site. In resolving to take enforcement action members have already established that some harm is caused to nearby residents. However in deferring enforcement action to look at alternative locations they have also recognised the need to encourage the efficient working of the Business Park with its local employment opportunities.

Whilst other locations may be visually less intrusive I am satisfied that there are sound reasons why they could not be used. Members therefore need to decide whether they consider the impact upon neighbours to be such as to potentially restrict the operation of the Business Park. I do not consider it such as to warrant refusal.

However, the applicant has been asked how they intend to respond to the fire officers concerns and why pallets could not be stored indoors.

RECOMMENDATION

Subject to clarifications referred to immediately above, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions restricting height to 4 m and marking out and restriction of area. Note re fire Risk Assessment.

It is also recommended that the resolution to take enforcement action be rescinded.

REASON(S) FOR RECOMMENDATION:- In the absence of other suitable locations within the site it is considered that the visual impact and potential noise and disturbance will be acceptable (subject to suitable conditions) when weighed against the needs of the business. The proposal therefore accords with Taunton Deane Local Plan Policies S1 and EC1 and guidance on such matters in paragraph 13 of PPG4.

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: