

27/15/0013

WRENCON DEVELOPMENTS LTD

REMOVAL OF CONDITION 3 OF APPLICATION 27/10/0011 TO ALLOW AN OPEN B1 USE OF BARN 3 AT ALLERFORD FARM BARN, NORTON FITZWARREN

Location: ALLERFORD FARM, ALLERFORD ROAD, NORTON FITZWARREN,
TAUNTON, TA4 1AL

Grid Reference: 317933.125088

Removal or Variation of Condition(s)

RECOMMENDATION AND REASON(S)

Recommended Decision: Approval

RECOMMENDED CONDITION(S) (if applicable)

1. Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time when measured at the façade of any residential premises.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Reason: To ensure that the amenities of neighbouring residents are protected, in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

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 imposed planning conditions to enable the grant of planning permission.

PROPOSAL

The application seeks planning permission for the removal of condition 03 of

planning permission 27/10/0011. The proposals would allow an open ended B1 use of the existing building. No external alterations are proposed.

SITE DESCRIPTION AND HISTORY

Allerford Farm Barns are located in a remote area of open countryside, approximately 1.5 km to the south west of Norton Fitzwarren. The site is accessed along narrow rural lanes off of the main county route highway at Norton Fitzwarren. The development site comprises three large portal frame buildings, with the application site having been used most recently for the construction of horse boxes. Adjoining the site are the offices of Wrencon. One main access serves all units which leads onto a large shared concrete yard area.

Planning permission was granted for the horsebox use, subject to restrictive condition 03, which stated the following:

The site shall be used for the manufacture of horse boxes only and for no other purpose.

Reason: Other uses have the potential to cause detrimental impacts to the amenities of neighbouring properties and may lead to increased traffic that would be detrimental to highway safety, in accordance with Policy S1 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

A recent application (27/15/0010) for Prior Approval under Class R of the GPDO 2015 was allowed for the change of use of an adjoining building to B1 and B8 Uses.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

OAKE PARISH COUNCIL - No comments.

TRANSPORT DEVELOPMENT GROUP - HIGHWAYS - The unit is connected to two other similar units, in what could be called a small industrial park located between Hillfarrance and Norton Fitzwarren, adjacent to Allerford Farm, passed by National Cycle Route 3.

The industrial park has its own formal access 50m south of the junction of Hillfarrance Road with Allerford Road. This access is set back and gated with good visibility in both direction of the National Cycle Route. Visibility at the site access and the junction of National Cycle Route 3 and Farthings can easily be restricted and inhibited by vegetation which must therefore be regularly maintained.

Whilst this is an unclassified de restricted 60mph road its nature and location dictates that recorded speeds are much lower in this location. The units already have their own parking provision/areas for the site and these seem suitable for the nature, size and location. Therefore although the location is relatively rural a more diverse use has been established both at this unit and with permission for B1 and B8

unit in the adjacent attached unit (27/15/0010) therefore it may be unreasonable to object to this proposed broadening of use and it will be for the LPA to determine whether or not to remove the condition.

Representations

1 letter from neighbouring resident raising no comments.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP2 - TD CORE STRATEGY - ECONOMY,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
NPPF - National Planning Policy Framework,

DETERMINING ISSUES AND CONSIDERATIONS

The application does not provide any detailed justification for the proposals which does not help the assessment, however it is accepted that with the previous occupant and manufacturer of horse boxes no longer at the premises, finding a new occupant within a suitable time scale and that could comply with condition 03 will be difficult.

The pertinent issues to consider are guided by the reason for originally imposing condition 03 to decision notice 27/10/0011; in detail these matters relate to the possible impact of an open ended B1 use upon neighbouring amenity and highway safety.

Amenity

Since the grant of planning permission 27/10/0011, Local Plan Policy S1 has been replaced by Core Strategy Policy DM1. The latter policy provides protection for residential amenity through DM1(e).

It is generally accepted that B1(a) offices is a low impact use when located close to residential properties; conversely Use Classes B1(b) and B1(c), which cover research and development of products or processes and light industry respectively, can result in excessive noise and other forms of potential nuisance to residential land uses.

In this respect, condition 04 of the originally decision notice will be reimposed should permission be granted. This condition places limits on the level of noise that can be generated at the site; the reason for imposing the condition was to afford protection to neighbouring properties. If an open B1 Use was to be supported, the requirements of condition 04 would remain in place and any users of the building would have to ensure that the condition was complied with.

It is considered that the requirements of condition 04 would afford an appropriate level of protection to neighbouring residential amenity as to allow an open ended B1 use at the site.

Highway Safety

Since the grant of planning permission, the Structure Plan and therefore Policy 49 has been revoked without replacements. Notwithstanding, Policy DM1(b) of the Core Strategy required development to have an acceptable impact upon the highway network and the safety of its users. Para 32 of the NPPF states that decisions should account for any improvements that can be made to the transport network that cost effectively limit the significant impact of development. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

The highway network within the area comprises largely of narrow single track lanes with the occasional passing place. This, together with the nature of the junction Northeast of the site that leads back to the B3224, gave concern previously with allowing a use within the building that could potentially result in significant vehicle movements over the local network. It is pertinent to note that the Highway Authority did not object to the recent application made under Class R of the GPDO for the change of use of an adjoining agricultural building to Use Classes B1 and B8; this is considered to weigh in favour of the proposals.

It is noted that the Highway Authority do not object to the removal of condition 03. Policy DM2 of the Core Strategy does not differentiate between the three B1 uses (a, b and c); instead it supports the re-use of existing buildings in the countryside for all B class business uses. Whilst it is acknowledged that the residual cumulative impact of allowing an open B1 use at the site could be more significant than restricting the use of the building to B1(b) and B1(c), this could place yet another onerous restriction upon the owner of the building with regard to potential occupants and future leases.

Conclusions

An open B1 use will likely intensify vehicle movements over the local highway network however the site is accessible from Norton Fitzwarren and other rural villages by bicycle. The Highway Authority do not object to the proposals on highway safety grounds and, therefore, the impact of the proposals upon highway safety is considered to be acceptable.

Taking the above matters into consideration, it is recommended that permission be granted for the removal of condition 03 of planning permission 27/10/0011.

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

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