

07/18/0009

REFRESH COMMERCIAL LTD

Erection of extension to commercial property, erection of detached storage unit, change of use of land from agricultural to yard (Use Class B1/B2) and change of use of yard (Use Class B1/B2) to agricultural at Hele Manor Farm, Hele Road, Bradford on Tone

Location: HELE MANOR FARM, HELE ROAD, BRADFORD ON TONE,
TAUNTON

Grid Reference: 318654.124553

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (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 18-16.04 Proposed Store unit Plan and Elevations

(A1) DrNo 18-16.03 Proposed Extension Plan and Elevations

(A2) DrNo 18-16.01 Location and Block Plan

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

3. Prior to the construction of the building/extension samples of the materials to be used in the construction of the external surfaces of the development plus details of the height of the proposed bund, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the buildings/area.

4. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Harcombe Environmental services Ltd's Ecological survey and assessment

report, dated April 2018 and include:

1. Details of protective measures to avoid impacts on habitats during all stages of development;
2. Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for bats and birds

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented.

Reason: To protect and accommodate wildlife.

5. The units hereby permitted shall not be occupied until the agreed number of parking spaces for the units have been provided the position as shown on the submitted dwg. no. 18-16.01B. The agreed spaces and access shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

Reason: In the interests of Highway Safety

6. 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 works commence on site and thereafter maintained at all times.

Reason: In the interests of Highway Safety

7. The use shall be as workshops, storage for agricultural machinery/ vehicle repairs, plus construction and delivery/storage of shepherds huts, B1, B2 and B8 only and for no other purpose without the prior written consent of the Local Planning Authority.

Reason: In accordance with Policy DM2 of the Taunton Deane Core Strategy.

8. No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holidays or other than between the hours of 0730 and 1900 hours on weekdays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

9. No refuse or waste materials shall be disposed of by burning on any part of the site.

Reason: To safeguard amenity in accordance with Policy DM1 of the Taunton Deane Core Strategy

10. Noise emissions from the workshops and from any part of the land or premises to which this permission relates shall not exceed background levels at any time by more than 3 decibels, expressed in terms of an A-Weighted, 2 Mina Leq, between the hours of 0800 to 1800 Monday to Friday and 0800 and 1300 on Saturdays when measured at any point 1.5 metres from any residential or other noise sensitive boundary. Noise emissions having tonal characteristics, eg hum, drone, whine, etc., shall not exceed background levels at any time, when measured as above. At all other times including Sundays and Bank Holidays, noise emissions shall not exceed background levels 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, 90 th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Reason: In order to ensure the proposed development does not prejudice the amenities of the locality by reasons of noise in accordance with Policy DM1 of the Taunton Deane Core Strategy.

11. The height of any external storage shall not exceed the maximum of 3m as shown on the area of Block Plan drawing 18-16.01B hereby approved.

Reason: To minimise the impact of the development on the neighbouring residential properties and character of the area in accordance with Policy DM1(E) of the adopted 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.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

Proposal

1, Erection of extension to commercial property, due to expanding business:-

Construction of an extension of 450sqm to the Montaz Unit and a 450sqm detached open store unit both with B1/B2 use, thus allowing Ashwoods to expand into the current Montaz unit and accommodate finished huts currently parked in the yard. The extension will utilise the existing steel structure (Montaz unit) and have 4 roller shutter doors to the south, an office in a bay to the west with future provision of a storage platform mezzanine above. The eaves height of the extension will be approximately 4.5m and incorporate 5 x 15m x 6m bays and be constructed in metal cladding to the roof and walls to match the existing

This will also involve the remove of part of an existing hedge.

2, Erection of detached storage unit, change of use of land from agricultural to yard (use Class B1/B2):-

A proposed new unit is to be constructed in the existing yard area and have an eaves height of 4.5m and incorporate 5 x 15m x 6m bays and be constructed in metal cladding to the roof and walls to match the existing.

The existing yard is also to be extended to the west on currently agricultural land by approximately 2300 sqm. It will have a permeable gravel surface and a new landscaped bund laid to lawn with regularly spaced trees planted in it around the southern and western boundary of the overall yard area.

Rainwater from the proposed commercial extension and new storage unit is to be collected in an attenuation pond behind the units in the north west of the site.

3, Change of use of yard (use Class B1/B2) to agricultural:- This involves reinstating part of the current yard area back into agricultural land at the south of the site.

Site Description

The proposal site known as Hele Manor Farm comprises of group of various commercial units with B1, B2 and B8 uses along with an adjacent yard area associated with the buildings.

The original planning permission in 2003 and subsequent consents have been approved for the three commercial units. Two currently are occupied by Ashwood Shepherds Huts (fabricators) and the third largest unit occupied by Montaz Engineering Solutions Ltd who use the adjoining yard plus an area of land to the south east of the buildings.

The strip of land to the south west of the building is used by Montaz engineering for vehicles awaiting repair. The land is long and narrow and adjacent to the Montaz unit, however, the lower half of the yard to the south of the buildings is under utilised as a working yard and become an untidy parking area along the access point to the yard.

The land to the north east, east south and west of the yard remains in agricultural use and also incorporates the adjoining highway.

Access to the site is via the current access arrangement which serves the site plus

Hele Mill House, Hele Manor Barns and Hele Manor Farm.

Relevant Planning History

This site has a long and varied history, the most recent of which is as follows;

07/11/0001, Conversion of buildings with some new build to provide 9 residential units with associated garaging, parking areas, gardens & courtyards at buildings to the rear of Hele Manor (application to replace extant permission 07/07/0022), withdrawn on 16/01/11.

07/15/0002, Variation of cond. 5 (use of yard & building) of application 07/03/0018 to permit general B1, B2 & B8 use of yard & building, conditionally approved on 10/04/15

07/15/0019/AGN, Notification for the erection of an agricultural building for storage, No objection, 22/12/15

Consultation Responses

BRADFORD ON TONE PARISH COUNCIL - The Parish Council carried out a site visit with the applicant on 2 June and **do not object** to this application, but have the following comments to make:

1. Access along the narrow Hele Lane is already difficult with six pinch points including four blind bends and two single track sections. This lane has been traditionally a popular route for dog walkers and horse riders.
2. The PC understand that Ashwoods and Montaz need to expand. Montaz service and repair HGV bin lorries, which suggests the likelihood of a significant increase in large vehicles. An increase in large vehicle movements caused traffic problems when Compass Tractors were based at Hele. The PC request a condition to be placed that restricts the number of movements from the new sites.
3. There are no alternative suitable routes to the application site.
4. A service contract commencing later this year suggests the lessees will increase service capacity for HGVs from one purpose built service bay to four bays.
5. A general comment is that Hele lane is regularly used by M5 from Exeter and A38 traffic (both ways) following accidents on those roads. The extended utility works on the A38 at Rumwell has shown fast moving traffic using Hele lane.
6. The PC ask that you consider the potential impact should the leases be transferred to another lessee whose requirements for HGV movements are greater than at present.

SCC - TRANSPORT DEVELOPMENT GROUP - SCC Highways - For the avoidance of doubt, on the information provided to date, it is unclear whether the applicants red line plan reaches the highway boundary that would allow vehicular access to and from the site. The Highway Authority would recommend that this is

clarified. The following comments are on the basis that this is the case:

The proposal site sits off the classified Hele Road north east of Bradford on Tone. The speed limit in the immediate area of the site is derestricted however observed vehicle speeds upon a site visit appeared to be considerably lower.

The proposed access is already in existence which currently serves an established range of B1/B2/B8 units. The suitability of the access for this purpose is broadly acceptable however it was noted upon site visit that overhanging 3rd party vegetation to the north of the access point partly obstructs full visibility onto the local highway network when measured back 2.4m from the running carriageway edge from the centre line of the access. The Highway Authority would welcome this to be cut back and maintained in the interest of highway safety.

Whilst the proposal may generate a material increase in vehicle movements onto the local highway network, the Highway Authority do not consider the anticipated impact to be severe. However, it is important to note that, any future applications at the proposal site that is likely to generate vehicle movements over and above the existing and anticipated vehicle movement from this proposal may require further traffic and transport details for assessment.

Turning to the internal layout, the proposal would equate to an additional 900sqm in units in total. The applicant's intension is to use both areas for storage to accommodate the expanding respective businesses. The applicant would need to provide a designated parking and turning area to accommodate the proposal.

With the above in mind there is objection from the Highway Authority. Should the Local Planning Authority approve the application, the Highway Authority suggest the following conditions to be attached;

1. The units hereby permitted shall not be occupied until an agreed number of parking spaces for the units have been provided in a position approved by the Local Planning Authority. The agreed spaces and access shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.
2. 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 works commence on site and thereafter maintained at all times.

LANDSCAPE - The application is for the erection of an extension to a commercial property, the erection of a detached storage unit, and change of use of land at Hele Manor Farm, Bradford on Tone.

Langs farm SSSI lies 1.38 km to the west of the site.

The River Tone, although not directly attached, lies 150 m to the north of the site

The site is well screened from the public road by existing vegetation. The proposal has the potential to tidy up the site.

Details are required of height of bund and details of proposed landscaping.

BIODIVERSITY -

Harcombe Environmental Services carried out an ecological survey and assessment report for the site in April 2018 Findings were as follows;

Habitats

The majority of the development site is made up of semi improved grassland with the remaining area partially surfaced with gravel.

To the north of this area is a short length of hedgerow which is to be removed

Birds

Vegetation on site has potential to support nesting birds. Removal of the hedge should take place outside of the bird nesting season

Bats

The site did not provide bat roosting opportunities

Mammals

The site did not provide evidence of use by mammals.

Reptiles

The site did not provide evidence of use by reptiles. The site is heavily disturbed.

Amphibians

The shallow ditch to the north provides some opportunities for amphibians but the quality of the water was considered poor.

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Harcombe Environmental services Ltd's Ecological survey and assessment report, dated April 2018 and include:

3. Details of protective measures to avoid impacts on habitats during all stages of development;
4. Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance
5. Measures for the retention and replacement and enhancement of places of rest for bats and birds

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented

Reason: To protect and accommodate wildlife.

Informative Note

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for

planning consent) must comply with the appropriate wildlife legislation.

Representations Received

Comment from Ward Cllr; Could I please add weight to the Bradford on Tone Parish Council views that the application amounts to over development in this rural area.

The HGV movements associated with this plan are of considerable concern.

13 letters of objection (2 from the same 2 people) has been received from the local community raising the following;

- Dramatic increase in heavy traffic using the highway.
- Hele Road virtually a single lane with 4 sharp bends from Stone House to Hele House.
- Road is part of recognised cycle route and used by horse riders and walkers.
- Congestion of busy lane not keen on having more traffic using it.
- Whilst I support local business growth, asks council to consider strategic plan for employment space in rural location.
- Proposal is not appropriate given the size of lanes.
- Don't believe B2 use is appropriate given proximity to surrounding dwellings.
- B1 use might be considered appropriate but question Montaz Engineering operating under B1 use.
- We do not agree to extending an industrial site in this area and have major concerns for safety of children in the area.
- Increasing traffic driving past our house at speed on narrow lane means it is only a matter of time before there is a serious accident.
- The applicant have already added to the traffic by creating 9 residential units adjoining the site. There is also gas turbine works nearby on same road.
- Montaz has diesel lorries running continuously at time any day of the week.
- The smell from bin lorries they service is unpleasant.
- Hedges do screen the site during the summer but it is more visible in the winter.
- Proposed storage area will be within 100m of our garden boundary.
- Unconvinced that the proposed storage area would not be used as additional industrial units.
- Who ensures restrictions on working hours?
- Object to increased traffic, noise and air pollution.
- Nature of the business is the regular servicing and repair of HGV's
- Several working farms also use the lane.
- The present land used as a breakers yard for Montaz engineering presents a concern of contaminated land.
- To change the use of the land to agriculture would require detailed site investigation & correct disposal of contaminated land.
- Further industrial units & additional employees will mean more chaos on the lane.
- There is no alternative forms of travel to the site and also no speed restrictions.

- There are also weak bridges at Hele and Bradford on Tone.
- Area prone to flooding.
- Development located on National Cycle Route.
- Hele is favoured and promotes equestrian facilities and large public events meaning additional traffic.
- Proposed working hours 7.30-17.30 Monday –Friday + 7.30am to 13pm on Saturday but weekend working is also undertaken on Sundays.
- Ashfords Shepherds Huts are often mobilised on Sundays.
- Proposed development not in sustainable location, natural environment to be enjoyed not developed in inappropriate areas.
- Fideoak Mill and West Park have easier access to main roads and corridor links.
- Road not suitable as it has become a rat run for traffic avoiding road works on A38 and M5.
- A number of horses are ridden along the lane causing chaos when HGVs try to pass them.
- Promises made previously by Compass Tractors limiting the amount of vehicle movements were never adhered to.
- One resident has helped more than 1 driver and vehicle out of a ditch.
- Dog walkers from new estates at Bishops Hull use local footpaths and this lane as circular route.
- When walking to letterbox 1 counted 46 vehicles in 15 minutes, please resist further vehicle increase.

2 letters of support raising the following;

- Ashwood Shepherd Huts have been based at the site for over 4 years and outgrowing the current premises.
- We now need extra space and have looked for suitable premises within Taunton, with our main concern retaining our current staff some have relocated their families within the surrounding area.
- We have looked at old farm buildings behind the site to house our needs however, these were not suitable and would split our systems too much.
- Montaz Engineering in the adjoining unit, make the chassis and we have a strong relationship with them.
- It was concluded that moving into the adjoining building and with simple modifications would work very well for us, and that Montaz would move into the proposed new building.
- The proposed separate store building which Ashwoods will utilise rather than renting another unit for materials and storage of timber in one area.
- As for extra traffic this will not be the case as with a more efficient workshop and better storage space we will be able to streamline the stock system and have less deliveries.
- If we had to relocate this would have a detrimental effect on our company and to the lives of our employees.
- We have been at Manor Farm for 4 years after moving from Fideoak Mill where it was difficult as it limited our business to operate efficiently due to the size of the workshop.
- Manor Farm has a lot more yard area and a workshop, the only negative is that the building only has one entrance..
- I was approached regarding the possibility of moving into a purpose built unit

- so that Ashfords could stay on site and agreed.
- The redesign of the external yard area will also be a benefit.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,
DM2 - Development in the countryside,
CP6 - Transport and accessibility,
CP8 - Environment,
A1 - Parking Requirements,
SB1 - Settlement Boundaries,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Not applicable

Determining issues and considerations

The main issues and considerations in this case are; principle of development, impacts on the character of the area, residential amenity and highway safety.

The site currently has the benefit of B1, B2 and B8 Uses on the site and the proposal seeks permission to extend the current commercial provision at the site for expanding businesses as well as using and reinstating two small areas of agricultural land. The existing access to the site will be retained from the adjoining Hele Lane.

Local policy DM2 advises on development outside of settlement limits and one of the uses supported under the sequential test of this policy(Class B Business Use) are covered in point 2. a, b and c and guides that the following will be supported;

- a. New, small scale buildings up to 500sqm near a public road and adjacent to a rural centre within which there is no suitable available;
- b. Extensions to existing businesses where relocation to a more suitable site is unrealistic and the economic benefit of the proposal outweighs any harm to the objectives of the policy;
- c. Within existing buildings.

The proposed new unit and the new extension of the existing structure are to measure 450sqm accordingly and will allow the current businesses to expand their current premises.

The site is the subject of current enforcement issues and it is considered that the benefits of tidying and providing a more visually screened and condensed yard area will benefit both the businesses, the farmer and the visual appearance of the area.

The submitted detail (18-16.01B) shows a new landscaped bund is to be constructed around the southern elevation of the new commercial unit and the reconfigured yard area and along the western side of the new yard to the rear gable of the current Montaz unit. There will also be a new attenuation pond to collect surface water from both the new unit and the proposed extension, this is also to the west (rear gable of Montaz). In order that this rearrangement of land and the proposed parking spaces can be provided a small section of existing hedge will need to be removed, however, on balance this is considered acceptable in terms of landscape impact and retention of the overall character of the area, and local policies DM1 and CP8 of the adopted Core Strategy.

The Landscape and Biodiversity officer has commented (shown above) and has suggested a condition regarding protected species and also requires details regarding the height of the proposed bund. Conditions are appended accordingly.

Three nearest residential properties are located to the north of the application site and known as Hele Mill House and Hele Manor Barns. One letter of objection has been received from a member of the local community and can be seen above. The comments centre on the main road passing the site and the use of the road by several sections of the public. These comments are noted, however, in view of the existing use of the site and the comments returned from Highways, (no objection subject to conditions) it is considered that the proposal will not have any significant impacts on residential amenity.

The comments returned from Highways can be seen above in this report who have no objections subject to suggested conditions. Following receipt of the comments the planning agent was contacted to amend the proposal. A resubmitted site location (dwg. no. 18-16.01B) shows a proposed 27 parking spaces and turning area to be provided in front of/eastern elevation of the new extension of the Montaz building.

Comments have also been raised regarding noise and the hours of working at the site with regards to neighbour amenity. Therefore, conditions are appended to this decision on noise and hours of working as per the previous permission (07/15/0002).

To conclude, it is considered that the positive reconfigured layout of the site to allow

for an extension of facilities and parking/storage within the site is required for the extension of the current businesses and the site will be visually improved, whilst the adjoining farmland can also be retained. With no significant objection from either the local Parish Council, SCC Highways and officer consultees this development is recommended for conditional approval.

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

Contact Officer: Sue Keal