

Date of Meeting	14 th January 2016
Application Number	15/09583/VAR
Site Address	Clover Farm, Brickworth Road, Whiteparish, SP5 2QG
Proposal	Vary conditions 4 and 7 of S/2007/0596 to allow B8 use and external storage up to 2m high, no storage container to exceed 2.4m in height and no stacking of containers
Applicant	Mr Andrew Long
Town/Parish Council	WHITEPARISH
Electoral Division	ALDERBURY AND WHITEPARISH – Cllr R Britton
Grid Ref	422864 123615
Type of application	Full Planning
Case Officer	Warren Simmonds

Reason for the application being considered by Committee

The application has been called-in to the Southern Area Planning Committee by Cllr Richard Britton due to concerns in respect of the impact of the proposals on the surrounding area.

1. Purpose of Report

To consider the application and to recommend to Members of the Southern Area Planning Committee that the application should be APPROVED, subject to Conditions.

2. Report Summary

The main issues in the consideration of this application are as follows:

- I. Principle of the proposed development
- II. Scale, design & materials
- III. Highways considerations
- IV. Impact on amenity

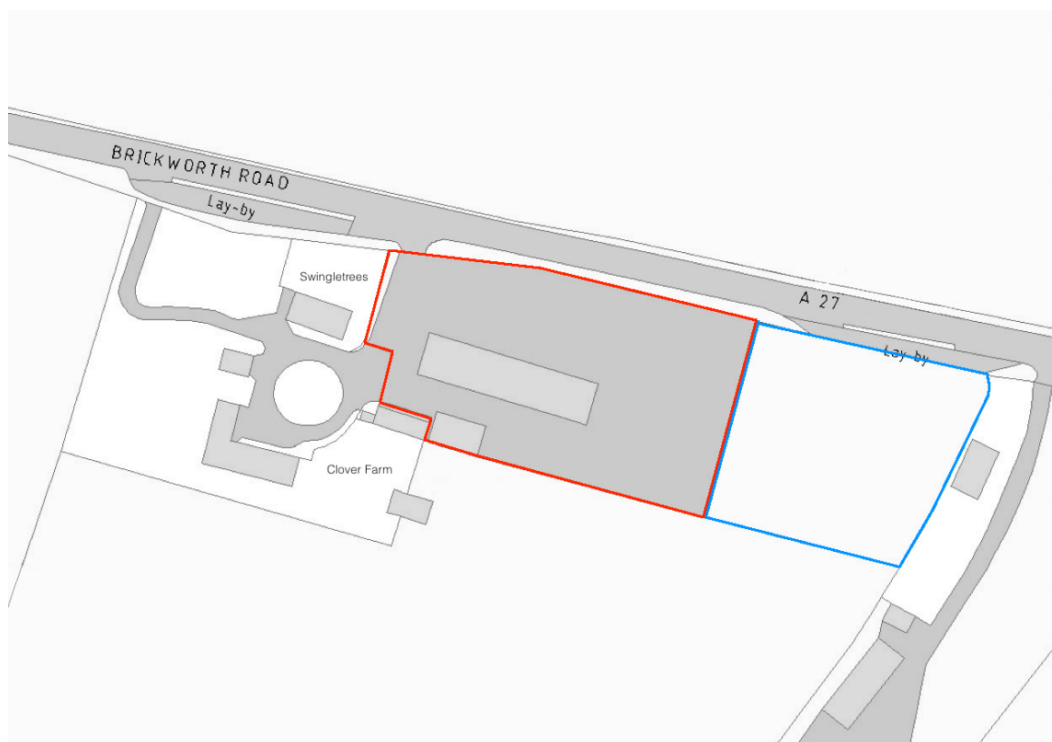
The application has generated one representation from a third party, providing comments that outside storage should not exceed 2 metres in height, and goods to be limited to those associated with the applicant's fruit and vegetable wholesale distribution business.

Whiteparish Parish Council objects to this application due to:

- The adverse effect on neighbouring dwellings
- Potential highway impact through the village
- Prominence of the site in open countryside in a Special Landscape Area
- Not appropriate place for storage over 2m high or for container storage
- The original permission S/2007/0596 should be maintained and enforced

3. Site Description

The application relates to the site occupied and operated by DWB Long Ltd off Brickworth Road, Whiteparish.



The site is operated by the applicant as a storage and distribution centre for fresh fruit and vegetables. The operational area of the site has recently been extended on the eastern side by virtue of planning permission granted under planning reference

The site is within the designated Special Landscape Area of Salisbury (saved policy C6 refers).

4. Planning History

- | | |
|--------------|---|
| S/2007/0596 | demolish existing store. erect new store for wholesale fruit and vegetable distribution. alter access and form car parking area
approved with conditions 15.05.07 |
| 15/01453/VAR | Remove cond. 6 (opening hours) , and vary conditions 4 and 7 of S/2007/0596 to allow B8 use and external storage up to 2m high
REFUSED 26.08.15 |
| 15/01462/FUL | Retention of extended hardstanding for use ancillary to storage and distribution B8 APPROVED WITH CONDITIONS 29.04.15 |

5. The Proposal

The application proposes the variation of Conditions 4 and 7 of planning approval S/2007/0596 to allow open B8 (storage and distribution) use and external storage of goods up to 2m high, and secure outside storage in lockable containers (which are a standard height of 2.4m) with no stacking of containers.

6. Local Planning Policy

Wiltshire Core Strategy Core Policies CP34, CP35, CP48 & CP57

Saved local plan policies (Appendix D of WCS) E19 & C6

NPPF & NPPG

7. Summary of consultation responses

Highways England – No objection

WC Highways – No Highway objection

WC Public Protection officer – No objection, with comments

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8. Publicity

The application was publicised by site notice, neighbour notification letters and on the Councils website.

The application has generated one representation from a third party, providing comments that outside storage should not exceed 2 metres in height, and goods to be limited to those associated with the applicant's fruit and vegetable wholesale distribution business.

9. Planning Considerations

9.1 Principle of the proposed development

Planning approval S/2007/0596 granted consent on 15.05.2007 for 'Demolish existing store. Erect new store for wholesale fruit and vegetable distribution. Alter access and form car parking area'.

The applicant seeks to vary Condition 4, which states that:

4) The premises shall be used for the storage and distribution of fresh fruit and vegetables only and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). (V01A)

Reason: In order that the Local Planning Authority may retain planning control over the use of the premises.

Condition 4 limits the use of the site to the storage and distribution of only fresh fruit and vegetables, which the applicant considers is unnecessary and unduly restricting the applicant's ability to support and promote his retail business, respond to market circumstances, or compete with others. The applicant states that independent fruit and vegetable retailers invariably include other "related" goods and it is common to see nuts and seeds, wholefoods, plants, flowers and even compost on display.

The applicant additionally seeks to vary Condition 7 to allow storage up to 2m in height, and to allow the provision of secure outside storage in lockable containers (which are a standard height of 2.4m) with no stacking of containers.

Condition 7 stated:

7) There shall be no external storage.

Reason: To ensure that the development hereby permitted is provided with adequate facilities for the parking turning/ loading and unloading of vehicles

Recent planning applications

Planning consent granted on 29.04.15 under reference 15/01462/FUL allowed the use of an extended area of hardstanding (which is located directly adjacent to the current application site) for unrestricted use ancillary to storage and distribution (Class B8) and permitted external storage on the site up to 2 metres in height.

Members will also note that a recent application, ref 15/1453/VAR also related to similar request to vary conditions 4 & 7. It is relevant that this application was refused, but only on grounds related to the suggested removal of condition 6 (opening hours), and not in relation to the suggested variation of conditions 4 & 7.

The above is therefore a material consideration in the determination of this current application.

Policy issues

The NPPF makes it clear that local rural business should be supported. Paragraph 28 indicates that:

"28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
- *promote the development and diversification of agricultural and other land-based rural businesses;...*"

Saved local plan policy E19 relates to the development of employment sites within the countryside and is supportive of new development within the curtilage of employment sites. Similarly, adopted WCS CP34 also relates to employment land and states:

Outside the Principal Settlements, Market Towns and Local Service Centres, developments that:

i. Are adjacent to these settlements and seek to retain or expand businesses currently located within or adjacent to the settlements; or

ii. Support sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification; or

iii. Are for new and existing rural based businesses within or adjacent to Large and Small Villages; or

iv. Are considered essential to the wider strategic interest of the economic development of Wiltshire, as determined by the council

will be supported where they:

v. Meet sustainable development objectives as set out in the policies of this Core Strategy; and

vi. Are consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity; and

vii. Are supported by evidence that they are required to benefit the local economic and social needs; and

viii. Would not undermine the delivery of strategic employment allocations; and

ix. Are supported by adequate infrastructure.

The LPA therefore needs to consider whether the storage and distribution of additional products from the application site, and the proposed external storage, has any material implications for landscape character, neighbour amenity, highway safety or any other relevant planning consideration, and therefore whether there is an overriding justification for seeking to control the nature of any other storage and distribution within Use Class B8 from the application site. These issues are explored below.

9.2 Impact on the amenity of neighbouring occupiers

A significant consideration in the determination of this application is the impact of the proposed variation of Conditions on the amenity of neighbouring occupiers.

The closest neighbouring dwelling is a bungalow located immediately beyond the eastern boundary of the application site (and immediately to the east of the extended area of hardstanding. Two other nearby dwellings are understood to be occupied presently by the applicant's parents and another family member.

The Public Protection Officer, on considering the proposal made the following comments:

“The site is currently restricted to the storage and distribution of fruit and vegetables only. If another business was to operate from the site in the future storing and distributing different goods/products it is unlikely that the actual operations/activities on the site will significantly change. Therefore, this department has no grounds to support an objection for open B8

storage and distribution for this site. Although we do have significant concerns that noise from the site may have an adverse impact on neighbouring properties if the site was to operate 24 hours.

Nevertheless, if the produce stored/distributed does change there may be a requirement for additional externally mounted plant/equipment, such as condenser units for refrigeration systems/air con systems etc. Therefore, we would recommend a condition is attached to any planning permission granted stating that a further application will be submitted for the installation of any new externally mounted plant/equipment”.

Therefore, given the response from the Council’s own environmental health officers, it is considered the proposed variation of Conditions for the use of the site would not result in significant undue impacts on the amenity of neighbouring residential occupiers through the generation of noise and disturbance resulting from activities within the site.

9.3 Highways considerations

The Highways officer has considered the proposed development and raises no Highway objection, providing the following comments:

“I understand that the proposed variation to conditions 4 & 7 are required to regularise the activities on the site and to allow the storage and distribution of goods other than fruit and veg (although related to these products). The supporting statement suggests that there will be no additional vehicle movements as a result of these changes. I also note that the number of vehicles entering and leave the site is not significant and that the deliveries occur mainly at night.

I confirm that I would have no highway objection to an open B8 use becoming established at the Clover Farm site.

I therefore have no reason to raise a highway objection and I wish to support the proposal.”

Additionally Highways England were consulted and offered no objection.

9.4 Scale and impact on the surrounding landscape

The site is relatively well screened within the surrounding landscape by existing mature boundary features, currently protected by virtue of saved policy C6. Provided stored goods and equipment are not excessive in terms of height/stacking etc, it is considered the variation of Condition 7 to allow outside storage (within the site) up to a height of 2 metres, and containerised storage up to 2.4m in height (with no stacking of containers) would not adversely affect the character of the surrounding area or wider landscape. Similarly, adjacent neighbour amenity would be unaffected.

Suitable conditions are suggested which would adequately mitigate the visual impact of the storage.

10. Conclusion

The proposal would allow an open B8 (storage and distribution) use from the site, and permit external storage of goods up to 2m high, together with permitting outside storage in lockable containers (which are a standard height of 2.4m) with no stacking of containers.

The proposed variation of Conditions would provide for more flexible operating parameters for an existing business, without undue/adverse impacts in terms of Highway safety, neighbour amenity or the character of the surrounding landscape. In these respect the proposal is considered accordant with the policies of the Development Plan and other local and national policy guidance.

RECOMMENDATION

Approve, subject to the following Conditions:

1. There shall be no retailing from the site

Reason: In the interests of highway safety and because the site is within an area in which retailing would not normally be permitted

2. The use hereby permitted shall not take place except between the hours of 7.00am - 7.00pm Monday to Saturday, no use Sundays and Public Holidays.

Reason: To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.

3. Except as provided for by Condition 4 (below), no materials, goods, plants, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, waste or any other item whatsoever shall be placed, stacked, deposited or stored above a height of two metres above the existing ground level outside any building on the site without the prior approval in writing of the Local Planning Authority.

REASON: In the interests of the appearance of the site and impact on the surrounding landscape.

4. No container shall be placed, stacked, deposited or stored above a height of 2.4 metres above the existing ground level outside any building on the site without the prior approval in writing of the Local Planning Authority.

REASON: In the interests of the appearance of the site and impact on the surrounding landscape.