

# PLANNING APPLICATION REPORT



<b>Application Number</b>	16/01330/FUL	<b>Item</b>	06
<b>Date Valid</b>	22/07/2016	<b>Ward</b>	Plympton Erle

<b>Site Address</b>	LAND AT RIDGE ROAD, PLYMPTON, PLYMOUTH		
<b>Proposal</b>	Erection of agricultural building (amended scheme)		
<b>Applicant</b>	Mr Steven Hawken		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>30/11/2016</b>	<b>Committee Date</b>	<b>Planning Committee: 24 November 2016</b>
<b>Decision Category</b>	Member Referral		
<b>Case Officer</b>	Amy Thompson		
<b>Recommendation</b>	Grant Conditionally		

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This application has been called to Planning Committee by Councillor Terri Beer.

### **1. Description of site**

The application site is a small field located on Ridge Road in the Plympton area of the City. Ridge Road is a rural lane on the outskirts of the city, and is located at the junction of Ridge Road, Vinery Lane, and New Barn Hill.

The field is approximately 0.8 hectares in extent and slopes from south to north. The site is largely bounded by a tree bank. There are currently no buildings on the site.

Some top soil and rubble has been imported and deposited in part of the field, as part of some ongoing ground level alteration work in the field. Blockwork splayed walls have also recently been constructed at the entrance to the field in Ridge Road and a water and fuel tank installed near this. These aspects are all included in a current second planning application (16/01818/FUL)

### **2. Proposal description**

The application seeks permission to erect an agricultural building measuring 10 metres by 12 metres by 6 metres high.

### **3. Pre-application enquiry**

None.

### **4. Relevant planning history**

16/01818/FUL- Installation of entrance gates, diesel and water tanks and ground level alterations- Under consideration.

15/02340/FUL- Erection of agricultural building measuring 30m by 16 m by 8 metres high- Refused due to insufficient justification for such a large building, out of scale with surroundings, and detrimental impact on the local landscape.

A222-EN276- Planning Enforcement Notice issued on 4<sup>th</sup> June 2008- Breach of planning control- without planning permission, the change of use of the land from agricultural field, to mixed use as an agricultural field and for the storage of construction equipment and machinery including storage container, fuel container, earth moving equipment, builders materials/waste and related vehicles, including an accident damaged vehicle (transit van). Currently open.

### **5. Consultation responses**

Public Protection Service- No objection.

Environment Agency- No objection, with added advice.

Natural Infrastructure Team- No objection. Important that the external colour is green, which already forms part of the proposal, no lighting is proposed therefore no bat survey is required and the site is within the Saltram Countryside Park but does not conflict with the objectives of the Park.

Historic Environment- Acceptable with no added conditions.

Local Highway Authority- No objection subject to added conditions.

## 6. Representations

Two letters of representation have been received. One letter supporting the application and the other objecting with main concerns being:

- Not using the site for agricultural purposes and waste is being dumped on site.
- Land may be contaminated due to waste being dumped on site.
- Intending to use the site as a plant hire and building business.
- Lack of justification for agricultural building on a small field.
- Would not comply with policy to maintain an effective stewardship of the cities wildlife in areas of natural green space.
- Would conflict with the functions and characteristics of the area.
- Not in keeping with the master plan for Saltram Countryside Park.
- Ridge Road is a small country lane and increased traffic volumes area a cause for concern.

An amended scheme was submitted reducing the size of the proposed building from 20m by 12m by 7 m high to 10m by 12m by 6 m high, therefore the application was advertised for an additional 21 days. One further letter of representation was received objecting to the proposal which raised similar concerns as stated above. Additional concerns that were raised were:

- Not sustainable development.
- Impact on selling potential and price of properties in the area (not a planning considerations)
- The neighbour makes reference to government building regulations for agricultural buildings and permitted development rights and states that the proposal does not comply with the condition set out by the government. It is noted that the regulations the neighbour is referring to is Part 6 the GPDO 1995 which allows certain work to be undertaken without the need for planning permission. As the applicant is seeking planning permission these guidelines are not relevant.

## 7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007). In the case of this application, it also comprises the North Plymstock Area Action Plan (including Minerals Development Plan Document).

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- Specific policies in the Framework indicate development should be restricted.

Additionally, the following planning documents are also material considerations in the determination of the application:

- Sustainable Design Supplementary Planning Document
- Development Guidelines Supplementary Planning Document
- Plympton St Maurice Conservation Area appraisal and Management Plan

## 8. Analysis

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7. The application turns upon policies CS02 (Design), CS18 (Plymouths Green Space), CS19 (Wildlife), CS22 (Pollution) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 1<sup>st</sup> review (2013), and the National Planning Policy Framework. The primary planning considerations in this case are the impact on neighbour amenity, impact on the natural environment and the impact on the character and appearance of the area.
2. Refused application 15/02340/FUL proposed a building measuring 30 metres by 16 metres by 8 metres high. This application as submitted sought to erect an agricultural building, which would measure approximately 20 metres in length by 12 metres wide, with an internal floor space of approximately 240m<sup>2</sup>. The proposed roof would be dual pitched with an eaves height of approximately 4 metres and a roof ridge height of approximately 7 metres. Since the initial submission of the application negotiations have sought to reduce the size of the

agricultural building. The amended scheme submitted has reduced the size to a building to be approximately 10 by 12 metres, with an internal floor space 120m<sup>2</sup>. The proposed eaves height would be 4 metres and would have a roof ridge height of 6 metres. The building will be located in the south eastern end of the site. The roof and walls are proposed to be green pre-finished profiled metal cladding.

3. The submitted design and access statement states that the applicant intends to use the existing land to keep livestock, and the proposed building would be used for the storage of farm machinery and food, nutrients and accessories for the animals. The building would also be used for shelter for the animals in winter months or in extreme weather conditions.

### Principle of Development

4. The proposed development relates to the provision of a new agricultural building for the storage of farm machinery, food and nutrients for the animals. The applicant wishes to use the existing field to keep livestock, including sheep, goats and chickens. The machinery that is proposed to be stored within the building is a tractor, hedge cutter/arm mower for the tractor and a ride-on lawn mower.
5. The previous application for a similar scheme was refused in 2015 due to the lack of justification for the agricultural building, and the concerns the proposal would be out of scale with surroundings and have a detrimental impact on the local landscape. However since the previous application the proposed building has reduced its footprint from 455m<sup>2</sup> to 120m<sup>2</sup>, and reduced its height from 8 metres to 6 metres.
6. With the submitted information it provides details of the types of animals that are intended to be kept on the land and information about the need for the indoor space to house the animals in winter months and in extreme weather conditions. The ground floor plans indicate the areas within the building would be used for storage and shelter for the animals. The applicant has submitted certificates to show that he has a County Parish Holding number, and an Animal Herd and Flock number which allows permission to hold up to 50 sheep and goats on the registered land.
7. It is therefore considered that a reasonable and valid need for the proposed building has been provided. The justification provided for the proposal is considered acceptable.

### Landscape Character

8. The site is located within a semi-rural area of Plymouth and there are a number of neighbouring residential buildings surrounding the site. There are buildings located directly south and west of the site. The Council's records suggests the field is approximately 0.8 hectares, the proposed building is 120<sup>2</sup> with the height of the eaves being 4 metres high and the total roof ridge height being 6 metres high.
9. The proposed building, in comparison to the surrounding buildings, is larger in respect to its footprint. It is noted however the neighbours' properties are a mixture of two storey and single storey properties, therefore the proposed height is considered to be more in keeping with the surrounding properties than the previously refused application.
10. The amended proposal is set within the Saltram Countryside Park but does not conflict with the objectives of the Park and no objections have been raised by the Natural Infrastructure Team. The proposal does not conflict with the general principles set out within the Plympton St Maurice Conservation Area appraisal and Management Plan. Although it is noted that the

site is close to the Conservation Area, the geography of the land and the trees and hedges means that it is not possible to see the site from the Conservation Area itself, and therefore it does not have an impact on the area or its setting.

11. It is considered by the officer that the reduced footprint and the reduction in height from the previous application have met the concerns raised by the officer in regard to its impact on the local landscape. The building is a quarter of the size of the refused building and has been reduced in height by 2 metres. The proposed external colour is green which is considered to lessen the visual impact and the existing tree bank would largely screen the proposal from public vantage points.
12. Conditions are being added to ensure the use of the building is restricted to be solely used for the purpose of agriculture as defined by Section 336 of the Town & Country Planning Act 1990. The condition would also state that if the agricultural use ceases the building shall be removed within 6 months unless previously agreed in writing with the Local Planning Authority.
13. The proposal has considered the previous refusal and it is considered to have met the concerns raised by the officer. The proposed building is a quarter of the size of the originally refused application and will be reduced in height by 2 metres. The proposed building is considered to be a suitable size for the field size and the proposed agricultural use. The proposal is not considered to have a detrimental impact on neighbour amenity and would be not have a detrimental impact on the local landscape. The justification for the agricultural building is considered to be sufficient, therefore the application is recommended for conditional approval. The proposal is only considered acceptable with these recommended conditions restricting the use of the building.
14. It should be noted that this proposal does not take into consideration any future development and each application is looked upon its own merits.

## **9. Human Rights**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

## **10. Local Finance Considerations**

None.

## **11. Planning Obligations**

None.

## **12. Equalities and Diversities**

None.

### 13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance. The application is recommended for conditional approval.

### 14. Recommendation

In respect of the application dated **22/07/2016** and the submitted drawings 052\_001 rev F, 052\_002 rev D, 052\_002 rev D., it is recommended to: **Grant Conditionally**

### 15. Conditions

#### CONDITION: DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

#### CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 052\_001 rev F, 052\_002 rev D, 052\_002 rev D.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66 of the National Planning Policy Framework 2012.

#### Pre-commencement Conditions

#### PRE-COMMENCEMENT: VEHICULAR ACCESS

(3) Before any other works are commenced, an adequate road access with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Justification: To ensure that the development can ensure the safety of road users and pedestrians can be maintained.

## **Other Conditions**

### **CONDITION: RESTRICTION OF USE**

(4) The development hereby permitted shall be used solely for the purposes of agriculture as defined under Section 336 of the Town & Country Planning Act 1990. In the event that the agricultural use of the hereby approved building ceases the building shall be removed within 6 months of the cessation of the agricultural use, unless the Local Planning Authority has otherwise previously agreed in writing.

#### **Reason:**

In granting this permission the Local Planning Authority has had regard to the applicant's special circumstances but for which the application would have been refused, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### **CONDITION: STORAGE OF FERTILISER, CHEMICALS, PESTICIDES AND HAZARDOUS SUBSTANCES**

(5) The storage of fertiliser, chemicals, pesticides or other hazardous substances must be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water, drains or groundwater in the event of spillage.

#### **Reason:**

To prevent pollution of the water environment in accordance with Policy CS01, CS22 & CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 of Plymouth City Council's Local Development Framework.

### **CONDITION: DISPOSAL OF SILAGE AND SLURRY**

(6) The disposal of silage and/or slurry must be undertaken in accordance with the DEFRA "Code of Good Agricultural Practice of the Protection of Water". No farm effluent or contaminated surface water, including wash down water, shall be discharged into any watercourse or water sources.

#### **Reason:**

To prevent pollution of the water environment in accordance with Policy CS01, CS22 & CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 of Plymouth City Council's Local Development Framework.

### **CONDITION: EXTERNAL COLOUR OF BUILDING**

(7) The external colour of the proposed building hereby permitted shall be green and shall be retained in such colour in perpetuity after.



Reason:

To ensure that the proposed building is in keeping with the appearance and character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

## **Informatives**

### **INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)**

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and 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.

### **INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION**

(2) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).