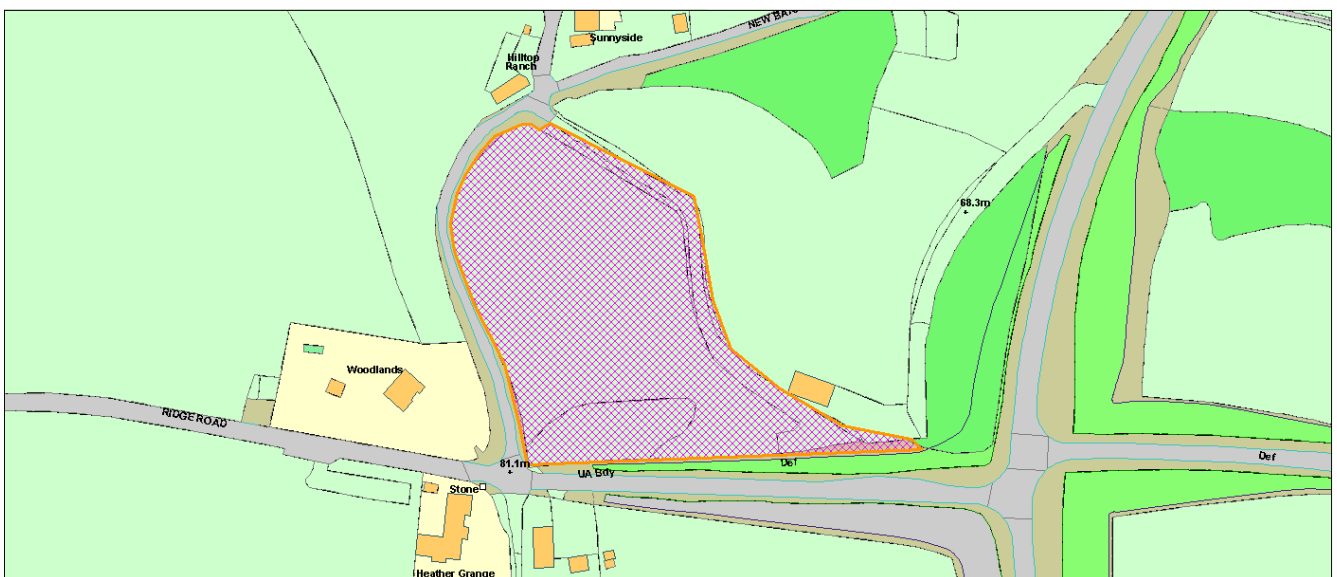


PLANNING APPLICATION REPORT



Application Number	16/01818/FUL	Item	06
Date Valid	17.10.2016	Ward	PLYMPTON ERLE

Site Address	Land At Ridge Road Plymouth PL7 1UE		
Proposal	Installation of entrance gates, diesel and water tanks and ground level alterations (retrospective)		
Applicant	Mr Steven Hawken		
Application Type	Full Application		
Target Date	15.02.2017	Committee Date	09.02.2017
Decision Category	Member Referral		
Case Officer	Miss Amy Thompson		
Recommendation	Grant Conditionally		



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 treed bank. There are currently no buildings on the site.

2. Proposal Description

Retrospective installation of entrance gates, diesel and water tanks and ground level alterations.

3. Pre-application enquiry

None.

4. Relevant planning history

16/01330/FUL- Erection of an agricultural building- Granted conditionally.

15/02340/FUL- Erection of agricultural building- Refused due insufficient justification for the proposal, would be out of scale with surroundings and have a detrimental impact on the local landscape

A222-EN276- Planning enforcement Notice issued on 4th 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.

Historic Environment Officer- Acceptable with no added conditions.

Local Highway Authority- Confirmation that there will be no objection, but will address formal comments in an addendum report.

Natural Infrastructure Team- No objections. Recommends the colour of the paint they apply to the entrance is in keeping with the timber and hedge. A condition has been added to ensure the details of the paint finish is submitted to the Local Planning Authority for agreement.

6. Representations

One letter of representation has been received objecting to the proposal with main concerns of:

- * Not using the tanks for agricultural purposes.
- * Questions the need for fuel and water tanks, and ground level changes.
- * Concerned over the use of the narrow country lanes with weight restrictions
- * Increase in ground level would leave field in a dangerous state, and could result in landslides onto the road below.
- * The new entrance reduces visibility.

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:

* Development Guidelines Supplementary Planning Document

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. 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 1st 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. The proposal seeks retrospective consent for the installation of entrance gates, diesel and water tanks and ground level alterations. The proposed bunded water storage tank and diesel storage tank both hold 1000 litres and are position on the southern edge of the site. The entrance gates are located on the south-western corner of the site and allow access form Ridge Road. The ground to the northern end of the site has been increased in height by 300mm.

3. It is not considered that the proposal would have a detrimental impact on the appearance or character of the area. The ground level alterations and the tanks will be largely screened from public view. The secure entrance would be visible to the public but it is considered that the design does not impact on the appearance or character of the area.

4. It is not considered that the proposal would have detrimental impact on the neighbouring properties amenity. The proposed changes are situated away from any residential proposed and are not considered to have an impact on neighbours privacy, outlook or access to natural sunlight.

Highway Considerations

5. The initial comments from the Local Highway Authority recommended the application for refusal, however the applicant has provided amended drawings to overcome the issues raised in the initial response.

6. It is noted that the proposed gate, with high walls and large piers has been constructed on the site in place of the previous gate that provided access to the field. The site has been used as, and will appear to be retained for, agricultural related purposes. Therefore the established use of the access has to be considered as being acceptable in principle.

7. However, the piers and walls have been constructed on land that is registered as Highway Maintainable at Public Expense, HMPE. The massing and location of the walls block emerging visibility for drivers leaving the site. This could give rise to issues of road safety for both existing and future users on the highway.

8. As the principle of an access in this location is acceptable the access arrangement has now been amended to ensure that no part of the structure is retained on land that is HMPE. Visibility splays have been demonstrated on the amended drawings which are appropriate for agricultural access.

9. Furthermore, no private surface water or loose material will be permitted to flow or be deposited onto the adjoining highway. The applicant is proposing to install a concrete dish drain. This will be within the highway and it is therefore more appropriate for the applicant to seek guidance by way of a license to secure permission from the Highway Authority to provide such a vehicle crossing.

10. The current application and access arrangement, in particular, would appear to suggest that the use of the site would be intensified above agricultural purposes and it may therefore be appropriate to condition the use of the field to limit or restrict use to the type that is commensurate to agricultural purpose of the scale fit for this site.

11. The applicant should note that the above access arrangement would be suitable for agricultural purposes only and should any additional uses, which would give rise to increasing traffic movements, be proposed at the site then a significant improvement to the access would be required. An access would require full visibility splays, for example and potential localised works to highway. This would require a separate planning application and full consideration to the increase in associated trips would be undertaken at that time.

12. Subject to the amendments being made to the walls, to reduce the construction off the highway, and a suitable construction of the vehicle crossover there are no longer any objections to the proposal.

13. Concerns in the letter of representation have been raised that the tanks will not be used in relation to the agricultural use, therefore a condition will be added to ensure that the tanks

can only be used in relation to the agricultural use of the field.

14. Concerns have also been raised in the letter of representation regarding the increase in ground level resulting in the field being in a dangerous state and impacting on the road below. However it is considered the increase in ground level to be minor in scale and from the plans submitted the ground level alterations are set approximately 4.4 metres away from the boundary of the site and the road.

15. A condition has been added removing the permitted development rights to the site to ensure that any more development on site first seeks consent from the Local Planning Authority prior to work commencing and to ensure that works would not have an impact on the character of the area or neighbour amenity.

16. Within the letter of representation received a number of concerns were raised. Some of these concerns have been discussed previously in paragraphs 5 and 6. The concerns raised regarding the lack of visibility have been met within the amended scheme and with the highway authority considering the amended scheme acceptable. Concerns were also raised regarding the applicants plant hire business and the impact this has on the narrow country lanes, however this isn't a planning considerations for this application as it does not relate to the field being used for applicants plant hire business.

Historic Environment

17. The site itself is on the edge of Plymouth, very close to the city boundary and some distance from the Plympton St Maurice Conservation Area. There are no listed buildings or known archaeological sites in the immediate vicinity of the field. The alterations proposed to be made to the field are minimal and will not be visible from within the Conservation Area, therefore officers consider there is no impact on it. The recommendation is that the application is therefore acceptable with no added historic environment conditions.

18. Overall the proposal is therefore not considered to have a detrimental impact on neighbour amenity and would be not have a detrimental impact on the local landscape or conservation area and the application is recommended for conditional approval.

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

Not applicable.

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 **17.10.2016** and the submitted drawings it is recommended to **Grant Conditionally**

15. Conditions

1) **CONDITION: COMMENCE WITH AMENDED DESIGN**

The amended design of the site entrance, walls and peirs under drawing number 052A_002 rev F hereby permitted need to be completed within three months of the date of this decision.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

2) **CONDITION: APPROVED PLANS**

The development hereby permitted shall be carried out in accordance with the following approved plans: 052A_001 rev A, 052A_002 rev F, 052A_003 rev A, 052A_002 rev B.

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.

3) **CONDITION: EXTERNAL MATERIALS**

Details of the paint used on the new entrance of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, the

paint shall be applied in accordance with the details agreed within 1 month of the date of this decision.

Reason: To ensure that the materials used are in keeping with the 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.

4) **CONDITION: RESTRICTION ON PERMITTED CHANGES OF USE**

The diesel and water tanks 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 ceases the diesel and water tanks shall be removed within 1 month 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.

5) **CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT**

Notwithstanding the provisions of Article 3 and Class B of Part 6 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargements or alterations of agricultural buildings, installation of additional or replacement plant or machinery, provision, rearrangement or replacement of a private way, provision of a hard surfaces or deposit of waste are allowed on site.

Reason:

In order to protect residential amenity and the character and appearance of the area , in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120-123 of the National Planning Policy Framework 2012.

6) **CONDITION: SPECIFIED USE RESTRICTION**

The site shall be used solely for agricultural purposes as defined under Section 336 of the Town & Country Planning Act 1990. In the event that the agricultural use of the site changes it will require written approval from the Local Planning Authority prior to

any changes of use.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the site for any other purposes would need to be made the subject of a separate application to be considered on its merits in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

7) **CONDITION: SURFACING OF DRIVEWAY/PARKING AREAS**

The access hereby approved shall either be (a) constructed using a permeable construction or (b) hard paved for a distance of not less than 5metres from the edge of the public highway and drained to a private soakaway; and shall thereafter be maintained to ensure satisfactory access to the adjoining highway, in accordance with the approved plans.

Reason:

To ensure that no private surface water or loose material is deposited onto the adjoining highway in the interests of highway safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Informatives

1) **INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)**

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 with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

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

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).

3) **INFORMATIVE: PUBLIC HIGHWAY APPROVAL**

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works within the public

highway must be agreed with the Highway Authority and an appropriate Permit must be obtained before works commence.