

**Parish:** COPDOCK AND WASHBROOK

**Location:** Land West and North of Barrens Farm, Wenham Road, Copdock and Washbrook

**Proposal:** Erection of 2 no. storage buildings (Use class B8)

**Applicant:** Mr J Elvin

**Case Officer:** Christine Thurlow

**Date for Determination:** 25/03/10

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**Members undertook a site inspection of this application at the request of the Ward Member on 19<sup>th</sup> May 2010; the Ward Member requested the site inspection in order to assess the environmental impact and highway considerations.**

### **THE SITE**

1. The application site area measures 0.33 hectares in size and comprises a site located in the countryside on land to the north and west of Barrens Farm, Wenham Road, Copdock. The site is accessed via a vehicular access located to the west of a dwelling (which lies within the control of the applicants) but which is occupied separately. The site contains two principal buildings both of which are used for storage purposes associated with the applicants business which deals in steel plant machinery vehicles and trailers.
2. The site is screened in part by an established mature row of conifers which screen views of the site from the surrounding countryside. Other landscaping of a deciduous type exists along the remaining application site boundaries.
3. The site is essentially flat but contains a large amount of trailers, some of which are positioned along the perimeter of the sites boundaries (which according to the applicant) afford better security for the open storage which occurs on the site.

### **THE PROPOSAL**

4. The proposal seeks planning permission for the erection of two storage buildings; the buildings would be constructed with a galvanised steel frame with concrete iron walls and a steel galvanised roof. The agent states in the application that if the submitted external materials are regarded as unacceptable to the Council the agent confirms that the applicant would be willing to clad the walls externally with a black stained timber weather board and if necessary re-sheet the roof with a different profile sheeting material. The agent also states that this matter could be dealt with by way of a condition should planning permission be granted.
5. The application states that both buildings measure 9.5m by 18.5m both to the height to the eaves of 3.6m and to the ridge of 4.7m; each building would have a total floor area of approximately 175m<sup>2</sup>.
6. Accompanying the planning application is a Design and Access statement and a supporting planning statement both of which are capable of being viewed via arrangement with the case officer. Whilst both documents make reference to a number of detailed policy matters and the national and local context in planning policy terms it also makes the following summarised points in support of the application:-

- A certificate of lawful use was issued by Babergh District Council on the 20 May 1998 which allows the land the subject for this application to be used as storage purposes; the application proposes the erection of buildings within this area.
- The applicant considers the proposal is entirely acceptable under local planning policies and in addition emerging planning policies at national level shows further support for the expansion/extension of existing employment sites.
- Whilst the site is situated within the countryside for planning policy interpretation purposes it is situated in close proximity to the A12 which is a major transport route linking Ipswich to London.
- The two buildings are required to meet the applicant's operational needs for his business which specialises in buying and selling second hand re-usable steel commercial vehicles and plant and machinery. These materials will be stored at the site within the proposed buildings.
- The proposal will have no adverse impact on neighbouring properties residential amenity. The nearest dwelling Barrons Farm is in the ownership of the applicant and is located a significant distance away from where the buildings will be erected.
- It is not possible to view the buildings from public view points as they will be screened from existing mature landscaping which runs along most of the perimeter boundary of the site.
- There is clear policy support for the proposed development which involves the re-use to existing storage buildings for employment related purposes. The applicant urgently requires the proposed storage facility to meet the operational needs for his business, the buildings will be screened by the existing mature tree belt running along the perimeter of the site and the proposal will not result in any conflict with residential amenity or highway safety.

### **First Amendment**

7. Following a request from your officers further information was sought to support the application from the agent in relation to vehicular movements and the following points have been made by the agent in response (summarised):-
  - The proposal would result in no increase in vehicles travelling to and from the site; in this regard there would be no adverse impact on highway safety from the erection of these two building on the site.
  - Due to the value of the materials being stored outside they are required to be stored within buildings on the site so that they are not prone to theft, vandalism and inclement weather. This proposal will not result in an intensification of the current use on the site but merely reflects the change in materials that are being stored which are higher value items and can not be left outside.

### **Second Amendment**

8. The agent has submitted a further supporting statement (received 17 June 2010) stating that:-
  - The trailers and containers on the site are for sale
  - None of the outside storage exceeds 16ft in height  
(this additional supporting information is the subject of re-consultation with the Parish Council Local Highway Authority and nearby residents)

### **RELEVANT HISTORY**

10. 1965 – it was established that the operation of a scrap business from the Barrens Farm site was an unauthorised use

11. 1966 – planning permission refused to use existing agricultural buildings for the storage of goods in connection with the business of a general dealer.
12. 1967 – appeal against the refusal of planning permission in 1966 was dismissed.
13. 1968 – planning permission refused to use existing agricultural buildings for the storage of goods in connection with the general dealers business.
14. 1969 – enforcement action taken to prevent the land and buildings at Barrens Farm being used for storage of goods in connection with a general dealers business (it was recorded subsequently that the Enforcement Notice was complied with in 1970)
15. 1988 – planning permission granted to retain and complete a general purpose agricultural building.

At this stage equipment associated with the activities of a general dealer was stored within the application site. Enforcement action was then authorised to secure the removal of all equipment not associated with the agricultural occupation of this holding. The site owner gave an indication that the land was to be used for agricultural purposes and in 1990 it was recorded that almost all of the equipment had been removed, the Council then concluded at this time that it was not expedient to pursue the enforcement action and made a resolution at that time in these terms.

16. 1995 – a notice was authorised in accordance with Section 215 of the Planning Act requiring the removal from the whole site of the vehicles, parts of vehicles contained as builders huts, building materials and other items unconnected with agriculture. The notice was the subject of an appeal to the Magistrates Court.
17. 1995 – the Council authorised enforcement action requiring the cessation of the site.
18. 1996 – planning permission refused for continued use of land and buildings by general dealer and construction of domestic outbuilding (B/96/01372/FUL).
19. 1998 – application for certificate of lawful use granted in respect of the current application site for use of land for the purposes of dealers in used steel plant machinery vehicles and trailers including storage at the same (subject to a height stipulation of a maximum of 16ft) – B/EU/97/01193/CEU.
20. 1999 – planning application submitted for use of land and buildings for storage and retail prior to determination this application was withdrawn.
21. 2003 – planning permission granted for the change of use of agricultural land and buildings to a class B8 use (B/03/00005)

#### **NATIONAL GUIDANCE**

22. PPS1 – (Delivery Sustainable Development)
23. PPS4 – (Planning for Sustainable Economic Growth)
24. PPS7 – (Sustainable Development in Rural Areas)
25. PPG13 – (Transport)

## PLANNING POLICIES

26. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001 and the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are relevant to this proposal:-

### **East of England Plan - 2008**

- ENV7 – (Quality in the Built Environment)

### **Babergh Local Plan (Alteration No.2) 2006**

- CR01 – (Countryside)
- EM20 – (Expansion/Extension of Existing Employment Uses)
- CN01 – (Design of Development)
- EM01 – (Employment)

**The relevant documents can be viewed via the internet. Please see Page 3 for details.**

## CONSULTATIONS

27. PC – Original application – the Council noticed there is no mention of traffic movements and are concerned about the amount of lorry movements on such a small country lane.

First Amendment (vehicular movements) – recommend approval.

Second Amendment – views awaited.

38. LHA – original application requested further information on vehicular movements.

First Amendment – makes the following comments:-

“the proposed change of use to Class B8 is only acceptable based on the traffic flows as submitted and associated with this particular applicant, I would therefore require any permission that may be granted to be strictly personal to the current applicant as the local highway network is not suitable to serve general B8 uses on this site that could generate significantly higher heavy goods vehicle movements. I would object to any open B8 use being granted on this site, bearing this in mind and given that the land has a B8 use I would not raise objection to the erection of the two storage buildings”

Second Amendment – views awaited.

39. SCC Rights of Way – No comments (Original Application).

## REPRESENTATIONS

40. None

## PLANNING CONSIDERATIONS

41. Both the planning history relating to this site and adjoining land and its interrelated enforcement history is complex. However, in respect of this defined application site area the key planning history case is the established use certificate which allowed a Class B8 storage and distribution use on the site subject to a maximum height of storage of 16ft. The current operation on the site comprises storage and distribution as Members will have noted from the site inspection. Your officers have sought further clarification about the applicants intentions regarding trailers and containers positioned on the site (as requested by Members following the site inspection). The agent has confirmed that these are for sale and has also stated that none of the outside storage exceeds 16ft in height. The second amendment to the application is currently the subject of re-consultation with the Parish council, Highway Authority and interested parties and any further comments will be reported verbally at the meeting if available).
42. This site is located outside the built up area boundary of Copdock and Washbrook and is located within the countryside where planning policy CRO1 states that development shall normally be restricted to that which is essential for agriculture. However the application site area has an established use certificate for a lawful use for class B8 storage and the lead planning policies on this basis are therefore EMO1 and EM20. Policy EM01 states that employment related development proposals which are not covered by other policies will be judged in particular against the expected job creations, the potential effect on residential amenity, environmental quality, traffic generation and road safety and site accessibility by a range of transport modes. Planning policy EM20 states that proposals for the expansion/extension of an existing employment use site or premises will be permitted providing there is no material conflict with residential and environmental amenity or highway safety.
43. In the context of these two planning policies cited above the application states that the existing use provides employment for four full time people and no part time people with the numbers of proposed employees being unknown. The hours of operation are specified as 7am in the morning till 6pm and on Saturday 9am until 5pm with occasional working on Sundays and bank holidays between 10am and 4pm. In view of this submitted information it is considered that the material planning considerations in respect of this case are as follows:

### **Impact on residential amenity**

44. The site currently enjoys an unfettered lawful class B8 storage and distribution use (with the exception of the height stipulation) and the current proposal to erect two buildings on the site for this purpose is not considered to be injurious to the amenities of nearby residents particularly as the application is for storage purposes and does not specify any industrial processes to be carried on within the buildings.

### **Impact on the environment**

45. As members will appreciate from the site inspection this site enjoys a lawful class B8 use on a reasonably isolated site albeit the boundaries of the site contain either coniferous or deciduous trees which in the case of the latter and when in leaf offer some screening to the use. The proposal is to build two buildings on the site of similar dimensions to those which already exist; there are limited views of the site from public realm vantage points. However where views are possible and during the winter months it is considered that the buildings and indeed the storage use would be visible from beyond the perimeter boundaries of the site. There are many HGV's and trailers or containers, the applicant has confirmed these are for sale and they have also been positioned around the perimeter in order to offer some security to the remainder of the site.

46. In view of the height stipulation and the measurements of the proposed buildings and the existence of the existing buildings on the site it is considered that the erection of two further buildings of dimensions proposed would not be so unduly prominent in the countryside to warrant refusal of the application particularly as the ground upon which these would sit is capable of being used for storage to the height stipulated. However the opportunity to clad these buildings in materials that would be more befitting of their countryside location (and in accordance with policy CN01) should be seized and accordingly a condition is recommended to secure the use of more traditional materials for the facing walls and roof of the structure.

#### **Impact on road safety and site accessibility**

47. As stated above the site is in the countryside and not particularly well related to major road networks. However it enjoys a lawful use for class B8 purposes. Given that the proposal seeks permission for the buildings to be restricted to class B8 storage use only (which can occur on the land where the buildings are proposed) and seeks to provide enclosed storage for the more valuable items of open storage that currently occur it is considered unlikely that any objection could be raised to the proposal in road safety terms.
48. With regard to the views of the Local Highway Authority they appear to have no objection to the erection of the buildings on the site albeit they seek (in their response to the first amendment) to impose a condition which restricts the operation to class B8 purposes only but also require any planning permission to be personal to the applicant. Your officers have expressed reservations about the imposition of a personal condition on this site (given that the lawful B8 use is not restricted to the applicant in this way) on the grounds that it would not meet the tests in Circular 11/95. In other words it is considered that this approach would be unreasonable. Your officers have requested that Highways review their position in relation to this application and submit a further assessment so this can be considered by Development Committee at the meeting.

#### **CONCLUSION**

49. Subject to the receipt of the views of the Local Highway Authority it is considered that there are insufficient grounds upon which to withhold the grant of planning permission in respect of the applicant's proposal to erect two class B8 storage buildings on the site. On this basis the recommendation is one of approval.

#### **REASONS FOR APPROVAL**

50. Subject to the views of the Local Highway Authority the proposal which seeks planning permission to erect two class B8 storage buildings on a site with an established lawful certificate for class B8 storage is regarded to be in accordance with policies EM01 and EM20 of the Babergh Local Plan (Alteration No.2) 2006 given that there is no harm to residential amenity. Subject to satisfactory external facing and roofing materials the proposal would not be unacceptable in terms of its impact within the countryside given the landscaping which exists around the perimeter of the site and as such would comply with policy CN01. Given that the site enjoys a class B8 lawful use for storage and distribution and this proposal seeks planning permission to provide enclosed accommodation for the more valuable items on the site (without infringing the height stipulation specified in the established Certificate of Lawful Use) and as no industrial processes are to occur within the building (see recommended conditions below) it is considered that the proposal is unlikely to have any significant highway safety or traffic impact sufficient to justify refusal of the planning application.

## **RECOMMENDATION**

Subject to the views of the Local Highway Authority being received Chief Planning Control Officer be authorised to grant planning permission subject to the following conditions:-

- Use of the two buildings should be restricted to class B8 storage purposes only and for no other industrial processes or types of use what so ever.
- Details and samples of materials for external facing and roofing materials for both buildings.