

# PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

**DATE:** 21 November 2017

**REPORT OF:** Business Manager – Strategic Place

**CASE OFFICER** Claire Boobier

**APPLICATION FOR CONSIDERATION:** SHALDON - 17/02014/FUL - Shaldon Storage & Distribution Centre, Long Lane - Change of use of yard from storage (Use Class B8) to General Industrial (Use Class B2) and extend working hours of building to 8.30am to 1pm on Saturdays

**APPLICANT:** Mr J Crawford

**WARD MEMBER:** Councillor Clarence, Shaldon and Stokeinteignhead

## 1. REASON FOR REPORT

This application has been referred to Planning Committee by Councillor Clemens if the Case Officer is recommending approval. The reason given is that the present use of the site already causes serious highway problems and noise and disturbance problems so any increase in industrial use would seriously exacerbate those problems.

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to conditions:

1. Standard 3 year time limit for commencement
2. Development to proceed in accordance with the approved plans
3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) the building and use of yard hereby permitted shall be used for boat repair, boat storage and maintenance works only and for no other purpose including another purpose in Class B2 or that would otherwise be a permitted change to B1 or B8
4. The use of the building and yard for boat repair, boat storage and maintenance works hereby approved shall not take place other than between the following hours of 8.30am to 5.30pm Monday to Friday, 8.30am to 1pm on Saturdays and not at all on Sundays or Bank Holidays
5. An acoustically-shrouded enclosure for the containment of the compressor used for the de-fouling of the boat hulls shall be installed on site within 3 months of this decision unless otherwise agreed in writing by the Local Planning Authority and shall be designed, and once installed tested, to ensure that noise arising

from the compressor does not exceed more than 5dB above the background noise levels prevailing at the time at the nearest residential dwellings.

6. An on-site water tank for the testing and running of outboard engines shall be installed on site within 3 months of this decision and shall be used for the testing and running of outboard engines thereafter. No engines shall be allowed to run dry in the building or yard
7. Noise arising from the use of the compressor or any other mechanical equipment giving rise to significant levels of noise including vehicle movements in connection with the business shall be limited to 08.30 to 16.00 Monday to Friday and 09.00 to 13.00 on Saturdays. There shall be no noisy works arising outside of these times, and not at all on Sundays and Bank Holidays
8. Noise arising from the use of the compressor or any other mechanical equipment including vehicle movements in connection with the business shall not exceed more than 5dB above the background noise levels prevailing at the time at the nearest residential dwelling(s).

### **3. DESCRIPTION**

- 3.1 The site lies in the open countryside in designated Undeveloped Coast above Ringmore, Shaldon, and is surrounded by some substantial hedges and trees.
- 3.2 The site is accessed from Long Lane where there are gates leading to a concrete apron.
- 3.3 The site is currently used by a scaffolding company and for boat storage. There are also a number of portable cabins on the site, a marquee and a skip used in connection with the applicant's business 'Shaldon Marine' which do not benefit from planning consent and are not included within this application.
- 3.4 Through appeal of an Enforcement Notice the site has gained a lawful use for the storage of vehicles, trailers, caravans, building materials and scrap not associated with agriculture (Appeal of Enforcement Notice no. ENF/06/00328).
- 3.5 Planning consent was granted for the erection of a shed on the site for boat repair works under application 16/02145/FUL in November 2016.
- 3.6 This application only permitted the use of the shed for boat repair works and the consent was conditioned to only allow the building to be used Monday to Friday as set out as the intended hours of operation in the application submission.
- 3.7 The current application seeks to extend the hours of works to include Saturdays 8.30am to 1pm and also to enable the yard area identified by the red line on the site location plan to also be used for boat repair works as well as the building instead of the yard just being used for storage of boats as would be permitted by the existing certificate.

### Principle of the development

- 3.8 Policy EC3 (Rural Employment) supports the extension or expansion of an existing business or employment site in open countryside.
- 3.9 Shaldon Marine, the applicant's business, already uses the site for the storage of boats and boat repair and maintenance works under the existing certificate covering the yard and in the building granted consent and erected last year. This application is to allow the yard area to also be used for boat repair and maintenance works for those boats which will not fit in the shed and to enable the business to operate in the building and yard on Saturdays between 8.30am and 1pm.
- 3.10 The business carries out light repair and maintenance works on the boats such as engine servicing, polishing and anti-fouling.
- 3.11 In principle there is policy support for the proposal to assist in expanding the established business on the site under Policy EC3.
- 3.12 However, the site lies within the Undeveloped Coast; Policy EN2 (Undeveloped Coast) is therefore also applicable. This policy views new development as inappropriate except where it has regard to the Shoreline Management Plan and is a use that requires a coastal location and, by virtue of its scale, nature and location, does not detract from the undeveloped character of the coast.
- 3.13 It could be argued that the use of the site for the storage of boats and light repair and maintenance works is a use that could be regarded as requiring a coastal location as was concluded to be the case in considering the application for the shed last year.
- 3.14 Consideration therefore needs to be given to whether or not the proposal, by virtue of its scale, nature or location, detracts from the undeveloped character of the coast. In this case the building has already been considered under the previous application and therefore the only consideration under this application is whether the use of the yard would detract from the undeveloped character of the coast.
- 3.15 In visual terms there is no difference between boats being stored in the yard, as permitted by the existing certificate, and boats being in the yard and maintenance/repair works being undertaken. In principle, therefore, it is considered that the proposal would be acceptable under Policy EN2 and would not detract from the undeveloped character of the coast given that boats would be an expected feature of a coastal location.

### Impact upon the character and visual amenity of the area

- 3.16 The site is set within an agricultural landscape of pasture and hedgerows that forms the backdrop of the village.
- 3.17 The site is screened from the surrounding landscape by tall *Leylandii* Cypress hedges.

- 3.18 In this case the hard surfaced yard the applicants are proposing to use is already in situ and the building is also in situ (the application does not propose to enlarge the building). This application therefore deals purely with the use of the existing yard/building and does not propose new hardstanding areas or buildings: as a result the proposal will not result in an adverse impact on the character and visual amenity of the area.
- 3.19 Concern has been raised in a number of the representations received about demand from other businesses for industrial units on this site. It is considered that the proposal is a use that requires a coastal location in accordance with Policy EN2 (Undeveloped Coast): as with the consent for the shed a condition is recommended to be placed on any consent to limit the use of the building and yard to uses associated with boat storage, repair and maintenance as it is only these uses which are deemed acceptable in this location as they are uses that require a coastal location. It is not considered that another B2 user or permitted change to B1 or B8 under the Use Class Order for the building would be appropriate in this location and would be at odds with the type of new development Policy EN2 (Undeveloped Coast) would permit in this location. Policy EN2 would therefore enable the Local Planning Authority to resist other industrial uses of the site that do not require a coastal location should any planning applications be made in the future by other businesses.

#### Impact on residential amenity of occupiers of the surrounding properties

- 3.20 A number of representations received have raised concern about noise, particularly from the use of the yard for boat repair/maintenance works and from the extended hours of operation.
- 3.21 Environmental Health have visited the site to understand the operations undertaken by the applicant's business and to assess the noise impacts of the proposal on neighbouring residents.
- 3.22 Environmental Health are satisfied that the noise levels arising from activities taking place on the site can be mitigated by:
- provision of an acoustically-shrouded enclosure for the containment of the compressor used for the de-fouling of the boat hulls,
  - provision being made for an on-site water tank for the testing and running of outboard engines (rather than the engines being allowed to run dry)
  - noise arising from the use of the compressor or any other mechanical equipment giving rise to significant levels of noise including vehicle movements on site being limited to 08.00–16.00 Monday to Friday, 09.00 to 13.00 Saturday and not at all outside these times or on Sundays and Bank Holidays,
  - a condition to ensure that noise arising from the use of the compressor or any other mechanical equipment including vehicle movements at the site shall not exceed more than 5dB above the background noise levels prevailing at the time at the nearest residential dwellings.

- 3.23 These are considered to be reasonable conditions to apply with a minor tweak to the Monday to Friday hours to be between 08.30–16.00 to match the hours for which the existing building has consent to be used.
- 3.24 With the above conditions in place it is considered that noise arising from the activities can be adequately mitigated to avoid harm to the residential amenity of neighbouring occupiers.

Impact on ecology/biodiversity

- 3.25 The building is sited on an existing concrete hard standing and the hardsurfaced yard is already in existence, the proposal would have no adverse impact on ecology.

Highway safety

- 3.26 No alterations are proposed to the existing access.
- 3.27 Concern has been raised in a number of representations about the suitability of Long Lane for vehicles with boat trailers to access the site and the size of boats accessing the site given that it is a single carriageway with limited passing places and concern has also been raised about the suitability of the road for an increase in traffic generated by the proposal.
- 3.28 In considering this application the Local Planning Authority must consider the impact on highway safety by comparing the intended use to the existing use of the site to ascertain whether the proposal would create an increased highway safety concern if permitted.
- 3.29 Having given this consideration, and having visited the site, whilst it is acknowledged that Long Lane is a narrow road with limited passing places, it is not assessed that the proposed change to the use of the existing yard and increased hours of operation for the existing building would give rise to a significant increase in the use of Long Lane by vehicles towing boats on trailers in excess of those that currently use Long Lane to access the site or that could use it for the unrestricted storage allowed by appeal for the site.
- 3.30 Devon County Council Highways have been consulted on this application and conclude that as the proposed development will only result in the authorised activities that are already taking place on the site taking place in an alternative location within the site boundary, and there will be no change to trip generation to the site beyond that which is currently feasible, there are no highway safety objections to the proposal.
- 3.31 In conclusion, considering the planning history, the existing use of the site by the applicant and the potential the site offers for unrestricted vehicle storage under the enforcement appeal approval, it is not considered that the extended use of the building and use of the yard for boat repair/maintenance works would result in a significant increase in traffic to an extent that would justify a refusal of planning consent on highway safety grounds.

## Conclusion

3.32 The Officer recommendation is for approval subject to conditions.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S22 (Countryside)

EC3 (Rural Employment)

EN2 (Undeveloped Coast)

EN2A (Landscape Protection and Enhancement)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN10 (European Wildlife Sites)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows)

National Planning Policy Framework

National Planning Practice Guidance

## **5. CONSULTEES**

Environmental Health - I have had the opportunity to visit the site and run through the operations. Should you be minded to grant consent for this proposal I would be grateful if you would add the following conditions which the applicant has agreed in order to mitigate noise levels arising from activities taking place on the site:

- Please provide an acoustically-shrouded enclosure for the containment of the compressor used for the de-fouling of the boat hulls;
- Provision should be made for an on-site water tank for the testing and running of outboard engines rather than the engines being allowed to run dry;
- Noise arising from the use of the compressor or any other mechanical equipment giving rise to significant levels of noise (which should include vehicle movements) limited to the following hours: Monday–Friday 0800-1600, Saturday 0900–1300. There should be no noisy works arising outside of these times, or at all on Sundays or Bank Holidays

Devon County Council (Highways) - The Highway Authority has visited the site which is accessed off a C Classified County Road which is restricted to 30 m.p.h. and where the access is 60 m.p.h.

This road is a typical Devon lane with high hedge banks and no footway or street lighting. From the National Speed Limit signs it is approximately 300 metres to the yard access, with 3 passing places.

The proposal is for the B2 area to be extended from 75 square metres to 800 square metres, replacing some of the B8 area. The proposed development will only result in authorised activities that are already taking place on the site in an alternative location within the site boundary, and the change therefore will be no change in the trip generation to the site.

Therefore the County Highway Authority has no objection to the proposal.

## **6. REPRESENTATIONS**

There are 71 contributors to this application, 55 contributors in objection, and 16 letters of support.

The letters of support raise the following summarised comments (see file for full representations):

1. Provides much needed service to the village, which ultimately is centred around the boating community;
2. Hours of operation sought in variation seem reasonable;
3. On the river we have vessels of all shapes and sizes and to limit this business to only be able to work on certain sizes is just impractical and will certainly affect the services they can provide;
4. Should encourage young entrepreneurs who are prepared to take the risk of running a business in our village;
5. I feel that running up an engine and a jet wash machine for 10 minutes next door to the workshop will not cause much inconvenience within working hours;
6. Trees and shrubs around the perimeter already create a very effective noise-barrier, professional gardeners and builders working around the village frequently use equipment with very similar noise levels;
7. There is a great shortage of facilities for this type of use in our area and I would urge the Committee to grant consent;
8. This business adds a strength to the village, bringing new business in, enabling it to grow and prosper over years to come;
9. I live at the bottom of Short Lane and have not experienced any new noise nor any appreciable increase in traffic as a consequence of the activities of Shaldon Marine. It should have been clear from the start that a business of this type would need to operate on a Saturday morning and that there are certain activities that cannot take place inside (e.g. pressure washing). It must be possible with agreed organisation of work, timing and topography, to ensure that any inconvenience is minimised whilst ensuring that a new business can develop;
10. I think it is unfair to rate their work as more disturbing to the rural community than any other form of rural work place such as a farm;
11. I cannot see how allowing Shaldon Marine to continue and expand their work would create a significant difference to a rural setting;

12. The site is already in commercial use the small variation in planning consent will enable them to continue to run their business in the best interests of the boat users of the area;
13. Facility that enables larger boats to be serviced and repaired means that the local economy benefits;
14. Think site is far enough from domestic residences not to disturb the occupiers and site itself is secluded almost to the point of being unnoticeable I have never noticed any adverse environmental effects from the businesses which use the site having regularly walked in the immediate area.

The letters of objection raise the following summarised comments (see file for full representations):

1. Concern that the site will become a major industrial site;
2. Use unsuited to this rural location;
3. Concern about extra volume of traffic using the lane;
4. Concern about size of boats being transported on the lane;
5. Concern hours they work has already ignored hours granted under 2016 consent;
6. Concern about noise generation from proposal and possible pollution particularly in relation to use of yard;
7. Concern that the character and appearance of the area and undeveloped shoreline would be damaged irreparably by the development;
8. Concern that there would be a detrimental effect on wildlife and conservation in the area;
9. Concern proposal results in the creation of an isolated general industrial space in an otherwise residential and rural valley will fundamentally change the character of Ringmore.

## **7. PARISH COUNCIL'S COMMENTS**

Shaldon Parish Council state that whilst the Parish Council wishes to support businesses in the community, particularly those employing young local people, in this case the concern expressed by neighbours is at such a level that we are unable to support this particular application. We are ready to work with the applicants to find another solution that meets their business needs without causing this level of concern to the community.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.



