

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
16th September 2014

Agenda item 7

Ref 13/00245/FUL & 12/00068/207C2

Old Springs Farm, Stoneyford

Since the report was prepared a representation has been received which is summarised as follows:

- It was the committee which rightly insisted on a Section 106 obligation to ensure that not only was the application properly dealt with, but that, in addition, the wider breaches of control as to use and as to the size of the development were also brought under proper control.
- If the application were to be dealt with on its own it should be refused as it would exacerbate the consequences of breaches of control that have occurred already.
- Unless all the operations are brought within control it will be impossible to tell whether the terms of the S106 are being adhered to or not which points to the obvious conclusion that all movements must be controlled.
- It has long been established through case law that when a planning application is made within an existing site it is proper to take account of the whole site so that conditions (and obligations) pertaining to the use of the site are relevant to the development being permitted. The breaches of control and the planning unit problems are relevant and material considerations within the scope of the consideration of this application.
- There are 11 private residences that are affected.
- The Conservation Area referred to is the Shropshire Union Canal Conservation Area, designated contains 5 Graded 2 Listed Buildings. Tyrley Road is designated as a cycle route. Its amenity value is accepted and acknowledged in the report and has been confirmed by the Highway Authority.
- There has been creeping industrialisation at Old Springs Farm. This is the 14th application in 17 years with no effective planning control until now. 10 of those permissions have been for the erection of agricultural storage buildings.
- The applicant indicated in the 2009 application (09/00137/FUL) HGV miscanthus movements at 86 per annum. The 2012 Shropshire Pelleting Plant application (11/04052/FUL) 3 years later indicated 843 vehicle movements per annum with the indication that such movements would reduce upon implementation. There is no sign of construction of the plant.
- Adding in the non-miscanthus movements the figure rises to over 1000 per annum.
- The applicants increased their own liveried HGV fleet with the Vehicle Licensing Agency in September 2013. The vehicles are principally 6 axle 44 tonne articulated, the largest currently permitted on British roads.
- It is noted that officers have not advised the Committee about the heritage point. This is important. The setting of a heritage asset is not simply affected by visual impacts, it extends to all situations which affect the way in which the asset is 'experienced'. The 5 listed buildings and the Conservation Area are all affected by the noise and vibration as well as the visual aspects of the lorry movements along this lane. It is of concern that this consideration has not been evaluated and taken into account and the Committee are reminded that it is a statutory requirement. The development will not enhance the assets, it will harm them, it would be wrong to approve it.
- It is unclear whether the proposal before the committee for the larger building is a separate recommendation for enforcement action to be taken. The recommendation to enforce against the breach of planning control is fully endorsed.

Your Officers' comments

It is correct to say that in assessing a proposal consideration should be given to the cumulative impact of the proposed development and existing activity/development. Any controls imposed, however, could only be applied to the proposed development to ensure that any existing problems were not exacerbated. If controls could not be imposed that would address any issues arising from the proposed development and ensure that it was acceptable, taking account of the existing situation, then planning permission could be refused. It is not accepted that the required routeing agreement should apply to other buildings and activity which is currently lawful.

The representation suggests that unless the legal agreement controls all vehicle movements enforcement action would not be possible as it would not be possible to identify a breach of control. It is considered, however, that a breach of control could be identified by observing the buildings which they were serving and as such the controls imposed as recommended would be enforceable.

Whilst not specifically addressed within the discussion part of the report the impact of the development on the nearby heritage assets is referred to in the reason for recommendation and the taking of enforcement action and the recommendation. For the avoidance of doubt it is considered that in the absence of a routeing agreement that suitably directs vehicles in a manner that limits the impact of the development on the national cycle route and the Conservation Area the development would have a detrimental impact upon highway safety and amenity of the locality.

Finally it is suggested that the recommendations are unclear. For the avoidance of doubt recommendation B relates to a different unauthorised building to that referred to in recommendation A. The building referred to in recommendation B was built instead of that permitted under reference 09/00137/FUL, being larger than the permitted building and larger than the building which is referred to in recommendation A which is the subject of application reference 13/00145/FUL. A plan is attached in the following appendix identifying the two buildings.