

APPLICATION NO.	P15/S2967/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	4.9.2015
PARISH	ROTHERFIELD PEPPARD
WARD MEMBERS	David Nimmo-Smith Charles Bailey
APPLICANT	Manor Mix
SITE	Unit 23 Manor Farm Peppard Common, RG9 5LA
PROPOSAL	Use of land and building (unit 23) by Manor Mix for concrete mixing business including internal storage of aggregates, cement and water, external deliveries to front of building, washdown area, and manoeuvring of front loader (internal and external)
AMENDMENTS	None
OFFICER	Rob Cramp

1.0 INTRODUCTION

- 1.1 The application is referred to the Planning Committee for determination as the officer's recommendation departs from that of the Parish Council.
- 1.2 The current application has been submitted following enforcement action relating to an unauthorised concrete mixing business at Manor Farm, Peppard Common. Initially the concrete business was required to cease the use of agricultural land at Manor Farm pursuant to an enforcement notice (EE09/070) issued in October 2010. The same use was subsequently required to cease the use of open areas of hardstanding within the industrial unit complex on Manor Farm in accordance with an enforcement notice (SE13/150) issued in January 2014.
- 1.3 The current application now seeks permission for the use of a building within the existing industrial unit complex to substantially house the concrete mixing business.

2.0 PROPOSAL

- 2.1 Manor Farm is situated in the open countryside of the Chilterns Area of Outstanding Natural Beauty (AONB) approximately 300m north of Rotherfield Peppard on the B481 (see **Appendix 1** extract from Ordnance Survey showing the location of the site.)
- 2.2 Although it is still an operating farm, the main complex of agricultural buildings is now lawfully used as an industrial unit complex containing approximately 23 industrial units with a combined floor area of approximately 4055m². The buildings within this complex all enjoy the benefit of planning permission for various industrial uses falling within use classes B1, B2 and B8. Planning permission has also been granted for the use of unit 1 as a nursery school (use class D1). Where planning permission has been granted for the use of buildings for industrial purposes, the council has consistently conditioned against external activities.
- 2.3 On 15 October 2010 the council issued a total five enforcement notices relating to the unauthorised use of agricultural land surrounding the industrial unit complex for various industrial uses, including a concrete mixing business, known as Manor Mix Concrete (EE09/070). The enforcement notices required these various activities to cease using the agricultural land. The notices were all upheld on appeal following a public inquiry. As a consequence of the above enforcement action Manor Mix Concrete relocated onto an open area of hardstanding within the industrial unit complex itself without the benefit of planning permission.

- 2.4 On 16 January 2014 the council issued a further enforcement notice (SE13/150) to require, among other things, the use of open areas of land within the industrial complex for the purpose of a concrete mixing business to cease. This notice too was upheld on appeal following a hearing.
- 2.5 The current application now seeks to substantially contain the concrete business within part of an existing building (Unit 23) in the industrial complex having an area of approximately 220m² (See **Appendices 2 & 3** – site plan and elevation showing day time and night time use).
- 2.6 The business currently operates 4 x concrete lorries and employs 6 x persons. However it is proposed to reduce the number of employees down to 4. The applicant is agreeable to conditions being attached to any planning permission restricting the use to no more than 4 concrete lorries operating from the site and requiring all loading, unloading and storage activities to be confined at all times within the building. The application has also suggested a restriction to the hours of use to Monday to Friday 0730 – 1830 hours only; Saturdays 0800 – 1330 hours; and no time on Sundays or public holidays.
- 2.7 The application is supported by a traffic statement, noise assessment and biodiversity statement and these documents can be accessed via www.southoxon.gov.uk.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 Rotherfield Peppard Parish Council – Recommend refusal for the following reasons:

- activity uncharacteristic of rural location in the AONB;
- storage of aggregates is not consistent with Policy CSR1 or with use class B8 which covers more general warehousing storage;
- enclosing storage and loading of the aggregate in one of the buildings does not mitigate the impact of the concrete mixing activity on the countryside and the amenity of local residents;
- over development of site;
- the local roads are not suitable for the size of lorries that are required;

3.2 Environmental Protection Team – No strong views:

- the activity is covered under Process Guidance Note 3/01(12) Statutory guidance for blending, packing, loading, unloading and use of cement September 2012 ;
- the use requires an environmental permit to ensure environmental pollution is controlled.

3.3 Highways Liaison Officer (Oxfordshire County Council) – **No Objection** for the following reasons:

- the proposal seeks the part change of use of the existing building from general storage to storage of aggregates;
- the proposal is unlikely to result in any significant intensification of transport activity at the property;
- no change is proposed to the existing access arrangements;
- the proposal is unlikely to have a significant adverse impact on the highway network; and
- the vehicle movements associated with the proposal in terms of the previous/existing usage of the site does not present “severe harm” to warrant a recommendation for refusal.

3.4 CPRE Oxfordshire – Object for the following reasons:

- use out of place and damaging to the Chilterns AONB;
- rural roads not suited to such heavy traffic;
- no guarantee that the business will not expand in the future;
- traffic generated by the business is detrimental to the local community.

3.5 Neighbour Object (4) – Object for the following reasons:

- inappropriate and uncharacteristic in rural setting in AONB;
- noise and dust from vehicles delivering materials to and from site;
- number of vehicle movements relate only to Manor Mix vehicles and exclude supplier vehicles;
- if the business continues to grow the number of movements could rise;
- opens the door to other equally inappropriate activities;
- harmful to the residential amenity in terms of dust, noise and disturbance;
- harmful to highway safety;
- Noise Report focuses on noise from the loading activities but not from traffic movements.

4.0 **RELEVANT PLANNING HISTORY**

4.1 Manor Farm has a long history of use and development for agricultural purposes.

4.2 Beginning in 1997 a series of enforcement investigations were commenced into the change of use of the complex of former agricultural buildings to non-agricultural uses (see references SE97/13, SE97/040, SE97/041, SE97/077, SE97/168, SE98/092, SE02/103, EE04/130).

4.3 Beginning in 2001 a series of planning permissions were granted for the use of various buildings within the existing complex of former agricultural buildings for various light industrial and storage activities (see references P00/S0656/RET, P00/S657/RET, P00/S0658/RET, P01/S1081/RET, P02/S0865/RET and P12/S2228/FUL).

4.4 On 15 October 2010 the council issued a total of five enforcement notices (EE09/070, EE09/251 and EE10/085) in relation to the unauthorised use and development of agricultural lands surrounding the industrial unit complex for various industrial purposes. This included the unauthorised use of agricultural land to the northeast of the industrial unit complex by a concrete mixing business (sui generis). The enforcement notices were subsequently upheld on appeal in a decision dated 25 August 2011. The policy issues underpinning the enforcement action can be summarised as follows:

- impact on rural character and landscape quality of the area; and
- impact on the natural beauty of the AONB.

4.5 On 13 June 2013 the council refused a retrospective planning application (P13/S1133/RET) for the use of land within the industrial complex at Manor Farm, as a 'concrete mixing business', for the following reasons: • impact on rural character and landscape quality of the area in the AONB; and • overdevelopment resulting in insufficient parking and circulation space and displacement of other activities into the countryside.

4.6 On 16 January 2014 the council issued an enforcement notice (SE13/150) to require, among other things, the use of open areas of land within the industrial complex for the purpose of a "concrete mixing business" to cease. This notice too was upheld in an appeal decision dated 11 September 2014. The policy issues underpinning the enforcement action can be summarised as follows:

- impact on rural character and landscape quality of the area in the AONB; and
- overdevelopment resulting in insufficient parking and circulation space and

displacement of other activities into the countryside. The operator now has until March 2016 to cease the use of the site.

- 4.7 On 10 December 2015 the council exercised its discretionary powers under Section 70C of the Town and Country Planning Act (as amended) by declining to determine a planning application (P14/S3345/FUL) for the use of Unit 23 for the storage of aggregates for use by Manor Mix. The decision not to determine the application was on the basis that the proposal failed to adequately contain the use within the building and the use of open yard areas otherwise formed part of a breach of planning control referred to in a pre-existing enforcement notice (SE13/150).
- 4.8 On 21 July 2015 a further planning application (P15/S1775/FUL) for the use of Unit 23 for the storage of aggregates for use by Manor Mix was withdrawn prior to determination. Again the proposal failed to adequately contain the use within the building and the use of open yard areas otherwise formed part of a breach of planning control referred to in a pre-existing enforcement notice (SE13/150).
- 4.9 The current application (P15/S2967/FUL) now seeks to better contain the activity within the building by inserting three roller shutter doors in the side of the building to better facilitate access by lorries, plant and equipment.

5.0 POLICY & GUIDANCE

5.1 South Oxfordshire Core Strategy policies

CS1 - Presumption in favour of sustainable development
CSEN1 - Landscape protection
CSR2 - Employment in rural areas

5.2 South Oxfordshire Local Plan 2011 policies;

A3 - Agricultural diversification
E5 - Business, industrial, warehousing and storage proposals
E8 - Re-use or adaptation of rural buildings outside built up areas
EP1 - Adverse affect on people and environment
EP2 - Adverse affect by noise or vibration
EP3 - Adverse affect by external lighting
G2 - Protect district from adverse development
G4 - Protection of Countryside
T1 - Safe, convenient and adequate highway network for all users
T10 - Development resulting in increase in lorries
T2 - Unloading, turning and parking for all highway users

South Oxfordshire Design Guide 2008

5.3 National Planning Policy Framework; and Practice Guidance

6.0 PLANNING CONSIDERATIONS

6.1 The main issues to be consider in the assessment of the current application are:

- Impacts on the character of the area and AONB;
- neighbour amenity;
- highway safety; and
- economic development and employment issues

Character Impacts

- 6.2 Over the past 5 years the Council has devoted considerable time and resources to enforcing against the use of the open countryside and areas of open yard at Manor Farm by the concrete business, which is the subject of the current application. The crux of the council's past objections to this business have centred around the adverse impacts of open yard activities on the rural character of the area, which is situated in the Chilterns AONB. This being contrary to policies G2, G4, E5 and A3 of the local plan; policy CSEN1 of the core strategy; and government guidance contained in the NPPF aimed at protecting valued landscapes and AONBs. The council has been supported in its past objections to this use by two Planning Inspectors at separate appeals against enforcement notices.
- 6.3 Through successive enforcement actions the council has seen this activity move from open areas of the countryside surrounding the Manor Farm industrial complex; to open yard areas within the industrial complex itself. Now the current proposal seeks to substantially contain the use to inside an existing building within the industrial complex. Two previous planning application for similar proposal have already been rejected on the basis that they failed to adequately contain the activities within the building and therefore failed to overcome the basis for previous enforcement action relating to the impacts of open yard activities on the character of the countryside and AONB.
- 6.4 The current application now proposes alterations to the building that will better facilitate access by lorries, plant and equipment to the building that will overcome the basis of the council's past objections. The containment of the activity to within the building is consistent with other lawful industrial activities operating from the Manor Farm industrial complex. It is also compliant with policy E8 of the local plan, which is generally supportive of proposals for the reuse of redundant agricultural buildings.
- 6.5 Conditions should be attached to any planning permission, if approved, to require that the storage of sand, aggregate, cement and water relating to the concrete business be contained at all times wholly within the building and that the loading of concrete lorries also takes place at all times wholly within the building. The activity should also be limited to no more than 4 concrete lorries. This is in order to protect the character of the countryside and the AONB in accordance with the above stated policies.

Neighbour Amenity

- 6.6 Policy E5 of the local plan states that proposals for business and industry will not be permitted which cause problems as a result of noise, smell, dust or other environmental problems; and policy E8 encourages the re-use of agricultural buildings for a range of non-agricultural activities provided among other things that there are no overriding amenity objections. Policies EP1 and EP2 similarly state that proposals that have an adverse effect by reason of dust or noise respectively will not be permitted.
- 6.7 Although the loading of concrete lorries does generate some noise and dust, the activity is situated approximately 250m away from the nearest residential property. At this distance it is unlikely that even the existing open yard activities would be having an adverse impact upon the amenity of neighbouring occupiers to any perceptible degree. The proposed containment of these activities within an existing building with its doors oriented away from residential properties, however, can only serve to further mitigate what little noise and dust impacts that may currently exist. The application is supported by a Noise Assessment report, which further supports this view.
- 6.8 Objectors have criticized the noise assessment for addressing only the noise associated with onsite loading activities and not the noise from lorry movements to and

from the site. In response to this criticism, however, it should be noted that this is an existing industrial unit complex and the level of HGV activities relating to the concrete business is not inconsistent with what might reasonably be expected from a range of other industrial uses, falling within use classes B1, B2 and B8, that might lawfully occupy the same building without the need for planning permission. The Noise Assessment has therefore limited itself to the consideration of those aspects of the proposed sui generis use that mark it as different to other activities falling within the above use classes, namely loading and unloading activities. The council's environmental health team has reviewed the noise assessment and raised no objection.

- 6.9 Subject to the imposition of a condition restricting the hours of use to Monday to Friday 0730 – 1830 hours only; Saturdays 0800 – 1330 hours; and no time on Sundays or public holidays, the proposed use is compliant with policies E5, EP1 and EP2 of the local plan.

Highway Safety and Convenience

- 6.10 Policy T1 of the local plan requires proposals for all types of development to provide safe and convenient access to the highway network; and that they be served by an adequate road network which can accommodate traffic without creating traffic hazards or damage to the environment; policy T2 requires proposals for development to make adequate provision for loading, unloading, circulation and turning space; and policy T10 states that development which would significantly increase the number of lorries on unsuitable roads or where there would be serious and adverse effects on the environmental quality of rural areas and villages of the district will not be permitted.
- 6.11 Through a succession of past planning applications and enforcement notices the local highway authority has consistently raised no objection to the concrete business operating from this site on highway safety grounds. The local highway authority maintains that the level of HGV activities relating to the concrete business is not inconsistent with what might reasonably be expected from a range of other industrial uses, falling within use classes B1, B2 and B8, that might lawfully occupy the same building in the industrial complex without the need for planning permission. The Inspector in the 2010 appeal concluded that the amount of HGV traffic on local roads generated by Manor Mix Concrete was not sufficiently serious in itself to warrant the refusal of planning permission. The Inspector in the 2014 appeal similarly concluded that "there is no significant detriment to highway safety resulting from the current use of the Land as a concrete mixing business". This remains true also of the current proposal for the same use.

Economic and Employment Issues

- 6.12 Paragraph 19 of the NPPF states that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 28 similarly states that planning policies should support economic growth in rural areas in order to create jobs and prosperity. However this should not be at the expense of other legitimate planning principles (see paragraphs 8 and 17).
- 6.13 The thrust of this government advice is carried forward in policy CSR2 of the core strategy and policies E5 and E8 of the local plan which are generally supportive of proposals that support the economy of the rural areas provided that they do not conflict with policies relating to the protection of the countryside and the character of surrounding areas; and provided that there are no overriding amenity, environmental or highway objections.
- 6.14 Manor Mix Concrete currently employs up to 6 persons and therefore contributes to the local economy and employment opportunities in a modest way. The substantial

containment of the use within an existing building in the industrial complex will overcome the council's previous objections relating to the impact of open yard activities on the countryside and AONB. There are no overriding amenity, environmental or highway objections. The proposed development is therefore compliant with the above stated policies and government guidance aimed at supporting economic growth in rural areas.

7.0 CONCLUSION

7.1 The proposed containment of storage and loading activities of Manor Mix Concrete to wholly within an existing building in the industrial unit complex overcomes the council's previous objections relating to the impact of open yard activities of this use on the character of the countryside and the Chilterns Area of Outstanding Natural Beauty. The use does not otherwise give rise to any overriding amenity, environmental or highway objections. The proposal is otherwise compliant with policies and government guidance aimed at supporting economic growth in rural areas.

8.0 RECOMMENDATION

8.1 **That planning permission is granted subject to the following conditions:**

- 1 : Development in accordance with the approved plans**
- 2 : Storage and loading activities to be contained within the building**
- 3 : Use limited to the operation of no more than 4 concrete lorries**
- 4 : Restriction to hours of use**

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