

<b>Application Number:</b>	P/FUL/2022/07513		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Frog Lane Farm Frog Lane Motcombe SP7 9NY		
<b>Proposal:</b>	Retain the change of use of existing agricultural building to allow the cutting and preparation of building stone, including the siting of a steel container & generator		
<b>Applicant name:</b>	M B Crocker Ltd		
<b>Case Officer:</b>	Simon Sharp		
<b>Ward Member(s):</b>	Cllrs Pothercary, Ridout and Walsh		
<b>Publicity expiry date:</b>	29 March 2023	<b>Officer site visit date:</b>	Various including 5 <sup>th</sup> January 26 <sup>th</sup> , January and 2 <sup>nd</sup> February
<b>Decision due date:</b>	19 <sup>th</sup> May 2023	<b>Ext(s) of time:</b>	19 <sup>th</sup> May 2023

## 1.0 Introduction and Update

1.1 This application was considered at the 16<sup>th</sup> May 2023 meeting of this Committee. Members resolved: -

“To defer the item to allow for further information regarding conditions to limit noise from the development, and the resultant impact on the amenity of the countryside, in this location.”

1.2 The applicant subsequently submitted an Acoustic Note that assessed the impact of the development on users of routes that “may be adversely affected by the noise generated by the development’s activities”. This included public rights of way in the vicinity of the site as well as Frog Lane.

1.3 The Acoustic Note stated: -

- a) “(The World Health Organisation’s (WHO’s) ‘Guidelines for Community Noise’ advises that for ‘outdoors in parkland’ and ‘conservation areas’ disruption of existing tranquillity should be minimised. Due to the transient nature of the use of public footpaths/public highway, we do not consider they fall within these categories.”
- b) “With regard to the perceived annoyance to noise, WHO advises that for outdoor areas during the daytime few people are seriously annoyed with

ambient levels below LAeq 55 dB; or moderately annoyed with levels below LAeq 50dB. We therefore conclude that for the 'average' person noise levels < LAeq 50dB are not expected to result in annoyance and moderate annoyance for levels between LAeq 50 – 55dB.”

- c) “Taking the above into consideration we consider suitable noise limits are:
- i. Public footpaths outside of the farm: <LAeq 50dB. This limit takes into consideration the transient use of the footpaths. Compliance with this limit would indicate that the noise emissions are unlikely to result in annoyance to passing walkers
  - ii. Public footpath within the farm yard: We do not consider noise limits for this section of the footpath is appropriate; it is reasonable to expect walkers passing through the farm to be exposed to activity/plant noise, be it from the stone cutting process or other farm related activities.
  - iii. Frog Lane: <LAeq 55dB. This limit takes into consideration the context that walkers would already be exposed to noise from passing traffic, the transient use of the public highway and that general farm activity noise would affect the adjacent section of the road.”

#### 1.4 The Acoustic Note concludes: -

“Noise emissions from the stone cutting processes and generator at Frog Lane Farm have been calculated at 8 receptor locations (3 on Frog Lane and 5 on nearby public footpaths. In all cases the aggregate noise emissions comply with our suggested noise limits, which are based on guidance given in WHO’s ‘Guidelines for Community Noise’. We therefore conclude that walkers using the public footpaths in the near vicinity of the development would not be exposed to noise emissions that would result in annoyance for the average person. The highest noise emissions on Frog Lane directly adjacent to the development have the potential for moderate annoyance; this is considered acceptable when taking into account the transient nature of walkers using the public highway, and that noise emissions from general farm activities at this location are to be expected.”

#### 1.5 Whilst the Acoustic Note concludes the no mitigation is required, it does note the following measures could be implemented if the Council deemed them necessary:-

- a) Noise barrier to the north of generator: A noise barrier of equal height or greater than the generator between the north-east corner of the barn and the existing concrete block wall will reduce the generator noise emissions to the north by up to 10dB. The noise barrier must be of solid construction, with a minimum surface density of 10kg/m<sup>2</sup>.
- b) Acoustic absorption: Acoustic absorption within the barn will reduce the noise build-up, with a potential 3 – 5dB reduction in overall noise emissions.

Recommend any absorbers are located at high level or suspended from the roof. Commercially available acoustic absorbers could be used or alternatively 25– 50mm mineral fibre which can be held in place using hit and miss timber battens or similar. The potential disadvantage is that performance will reduce over time.

- c) Reduce open gable end area: Reducing the open area of the east gable end will reduce the noise emissions; a 50% reduction will result in approximately 3dB lower noise emissions. There is potential for greater reductions if higher noise producing equipment is shielded by the closed element of the gable end.

1.6 This Acoustic Note was placed on the public file and was the subject of further consultation. Representations were received from the Council's Environmental Protection Officer and the Parish Council. These are outlined in Section 9 of this report.

1.7 The Council's Environmental Protection Officer advises:-

“Environmental Protection's recommendation are limited to concerns regarding statutory noise nuisance. Statutory noise nuisance legislation specifically mentions “interfering with the enjoyment of one's property.” The same guidance and reasoning cannot be put on annoyance caused by noise when walking along a public footpath. The World Health Organisation (WHO) guidance referred to in this additional note is what we would apply to outdoor amenity space such as someone's garden. We would not apply it to open parkland. There is no guidance for acceptable noise levels for these situations that I am aware of.”

1.8 In this context, members are advised that additional sound attenuation measures could not be robustly justified; the original officer's report assessed the impact on the character of the area given the baseline of relative tranquillity and concluded that, on balance, the development is acceptable.

1.9 Members are advised to determine the application as it stands with the same officer's recommendation as that for the May meeting of this Committee.

1.10 The report that follows is therefore unaltered from that produced for the May meeting with the exception of additional representations from the Parish Council and Dorset Council's Environmental Protection officer.

## **2.0 Summary of recommendation**

2.1 Grant permission subject to conditions, the latter relating to delivery and collection routes to and from the site and hours of working.

### 3.0 Reason for the recommendation

- 3.1 The development involves the reuse of an existing rural building to support economic development. In that respect it gains support for the principle of the use from policies 11, 20 and 29 of the North Dorset Local Plan Part 1 (2016).
- 3.2 Following the assessment of the noise report and further information supplied in relation to the highways impact, the development is considered to be acceptable.

### 4.0 Key planning issues

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The development involves the reuse of an existing rural building to support economic development. In that respect it gains support for the principle of the use from policies 11, 20 and 29 of the North Dorset Local Plan Part 1 (2016).
Scale, design, impact on character and appearance	<p>No visual or landscape impact from the stone cutting use contained within an existing building. The other ancillary structures are visually contained within the farmstead.</p> <p>There is some adverse change to the tranquil character of the area experienced by walkers and cyclists using Frog Lane and the nearby public rights of way.</p>
Impact on amenity	There is an impact in terms of noise as a result of the use, but the noise report evidences that this is not to the degree that it is determinative in the overall balance.
Impact on landscape or heritage assets	No landscape harm or harm to the significance of designated and non-designated heritage assets.
Economic benefits	There is direct employment (2 Full time equivalents) provided by the use .The cutting of local stone for use in local buildings also has economic sustainability benefits.
Access and Parking	The on-site arrangements and access are acceptable with no detriment to highway safety subject to conditions.
EIA (if relevant)	It is neither within Schedule 1 nor Schedule 2 and, as such, is not EIA development.

## **5.0 Description of Site**

- 5.1 The building in use is at the northern edge of the farmstead. It is rectangular in plan (26.25m x 14.7m) and is steel framed. The infill panels of the external envelope are pre-cast concrete up to 2m in height above ground level. Above this there is fibre cement cladding. The building rises to a height of 5.5m (eaves) and 7.5m (ridge) above ground level.
- 5.2 The ancillary generator and container are already on site and sit immediately to the east of the building. The container is rectangular in plan (6.1m x 2.4m) and 2.4m high. The generator is 2.4m x 1.2m in plan.
- 5.3 To the north is open pasture used for grazing livestock. There is an attenuation pond in the first field close to the site's boundary. Surface water from the site was observed draining to this pond. Beyond the first field is a broken hedge line adjacent to which (on its north side) is a public footpath (N69/2) that strikes north-eastwards over open countryside from Frog Lane. This footpath affords views southwards to the site. Another public footpath, N69(4), dissects this same landscape too, crossing N69/2 to the east of Frog Lane.
- 5.4 To the west is Frog Lane, a metalled, adopted highway of a single lane's width, popular with walkers and cyclists. It is infrequently used by motor vehicles but is used by vehicles accessing the application site. The rest of the buildings have an extant agricultural use and Frog Lane would be used to access this farmstead. Beyond this is open farmland with the rear of the main body of residential development fronting The Street, Motcombe clearly visible.
- 5.5 To the south is the rest of the farmstead, with an extant agricultural use. The farmhouse beyond the other farm buildings is tenanted but not in association with the farmland or the development under consideration. A Bridleway (N69/3) cuts eastwards through the farmstead immediately to the north of the farmhouse before striking east across open farmland.
- 5.6 To the east is a larger building with an extant agricultural use, beyond which the farmland rises up to higher ground. A dwelling is visible on this higher ground.

## **6.0 Description of Development**

- 6.1 The use, it is understood, commenced in 2022. It occupies one of the former farm buildings as described in section 5 above. It involves the cutting of Shaftesbury Greenstone, Portland Stone, Bath Stone, Purbeck Stone, Stalbridge Stone and Marnhull Stone.
- 6.2 The uncut stone is delivered to site, cut using a water cooled saw within the building and then collected for use in the construction industry (new buildings or restorations).
- 6.3 The business employs 2 full time employees who work 8am to 4pm Mondays to Fridays inclusive. The saw can be operational at any time during these periods as can the generator. The case officer observed that the building is open on its eastern side.
- 6.4 The following vehicular movements are associated with the use:-
  - a) One articulated lorry (2 two-way movement) once a month associated with the delivery of stone to the site.

- b) 8 tractor & trailer movements (16 two-way movement) per month to transport stone.
- c) Collections by builder's vans 1-2 per week.
- d) Staff movements – 2 cars per day (4 movements per day)

6.5 Members are advised that the application was amended following the officer's site visit and comments from the Parish Council. It was originally described as light industrial but was amended to a general industrial use.

## **7.0 Relevant Planning History**

7.1 There is no relevant planning history.

## **8.0 List of Constraints**

8.1 The ground upon which the container and the generator sit is recorded as being at 1 in 1000 year risk from surface water flooding. The building is outside of this risk zone.

## **9.0 Consultations**

### **Ward members**

9.1 Both Cllr Potheary and Cllr Ridout noted the comments made by third parties but did not express an opinion themselves. In light of the comments made by third parties, which include a number of material planning considerations, Cllr Potheary requested that the matter be referred to the Planning Committee in the event of an officer recommendation to grant.

### **Motcombe Parish Council**

9.3 In response to the post-deferral submission of the Acoustic Note, they advise "Motcombe PC has noted the report on possible noise reduction measures, however this does not address the reasons for the original objection to this application. Motcombe PC therefore maintains its objection to this proposal."

9.4 In their original response, the Parish Council object on the following grounds:-

- a) The village road infrastructure is not suitable for the operation involving large heavy transport. Any route through the village, from whichever direction, is totally unsuitable. In particular Frog Lane and Shorts Green Lane are too narrow with no provisions for pedestrians.
- b) The document on transport movements recently submitted on behalf of the applicant quotes transport movements when Frog Farm was a dairy farm. This information is 25 years out of date as Frog Farm has not been a dairy farm since that time. Any vehicle movements from that time cannot realistically be compared to current ones where maximum permitted loads are substantially higher.
- c) The tractors being used are far bigger than would be required for the current or previous agricultural operation. The movements associated with the stone cutting operation are in addition to the current agricultural use.

- d) In the four months of this operation there has been substantial damage to the roadside verges, in particular in Frog Lane, where there is a deep groove immediately along one edge of the tarmac for a considerable length. Any normal vehicle getting a wheel into this would incur serious damage.
- e) This is a very popular walking route for the villagers because of the views in all directions. The part of Shorts Green Lane leading to the Farm is designated as an Open Green Space in the Neighbourhood Plan.
- f) During the noise survey the wind speed was 0 m/s i.e. there was no wind, so no assessment was made for the effect of different wind directions. No measurements were published for areas accessible to the public via the three adjacent rights of way.
- g) No provision for the removal of waste has been mentioned in the application, which means one of two possibilities, either waste stone will be deposited on site spoiling the views or will be removed causing more transport movements. Neither of these solutions are acceptable.
- h) It is believed that cutting operations have already taken place outside of the hours recommended by Environmental Protection.

### **DC Highways**

- 9.5 The transport note expands on both the historic and proposed use of the site. It confirms that large HGVs have visited the farm, negotiating the approach roads to do so without issue.
- 9.6 Allowing for this fact and the relatively low numbers of vehicle movements associated with the development proposal, the Highway Authority considers that residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) - July 2021.
- 9.7 Hence, the Highway Authority raises no objection subject to a condition securing the retention of the parking and manoeuvring areas.

### **DC Environmental Protection**

- 9.8 In response to the post-deferral submission of the Acoustic Note, they advise: -  
"Environmental Protection's recommendation are limited to concerns regarding statutory noise nuisance. Statutory noise nuisance legislation specifically mentions "interfering with the enjoyment of ones property." The same guidance and reasoning cannot be put on annoyance caused by noise when walking along a public footpath. The World Health Organisation (WHO) guidance referred to in this additional note is what we would apply to outdoor amenity space such as someone's garden. We would not apply it to open parkland. There is no guidance for acceptable noise levels for these situations that I am aware of."
- 9.9 In their original, pre-deferral, response they advised that the activity is inherently noisy. However, the Noise Impact Assessment (NIA) demonstrates that there is no meaningful increase in noise level at the nearest residential dwellings. The Proposed operating hours are 08:30 – 16:30hrs Monday – Friday. The NIA is based on this. Therefore, recommend a condition that the operating hours are the same as proposed.

## Other representations received

Total - Objections	Total - No Objections	Total - Comments
29	0	0

9.10 The objections can be summarised as follows: -

Highway safety: -

- a) It is not possible to bring a 16.5m articulated lorry to and from the site without compromising on road safety.
- b) Approaching from the north, a lorry would have to negotiate several miles of country lanes unsuitable for the purpose before making a tight turn from The Street onto Shorts Green Lane in the centre of the village. It would then have to negotiate approximately a kilometre of single-track road with houses on both sides for approximately half its length.
- c) To approach from the south, a lorry would have to come through a narrow, congested area by the primary school, an area that is on record as being of significant concern to the village already. It would then have to pass through a choke point on Bittles Green before making a tight left turn onto Frog Lane; it is doubtful that a lorry could make this turn in one attempt. It would then have to go approximately 500m up a single track road with no footway.
- d) Frog Lane is popular with pedestrians and riders and has no walkway.
- e) There has not been a swept path analysis submitted for vehicle access and vehicle egress.
- f) The verges along the route to the site are not suitable for HGVs and they are already heavily rutted in places. There are limited passing places along Frog Lane.

Residential amenity: -

- g) There will also be intrusive noise from the stone cutting.
- h) The increase in traffic will increase the level of noise in the village which will impact people working from home, children's concentration at school and the local wildlife.
- i) It would have quite an impact on mental health if people were working all day.

Character and landscape: -



- j) The development is inconsistent with the Motcombe Neighbourhood Plan. Frog Lane Avenue was designated a Local Green Space. The Plan states "The planted verges to either side of the northern section of Frog Lane are also proposed for designation. The oak trees to either side are owned and maintained by the owners of Frog Lane Farm, and form a distinctive avenue, and were donated to Motcombe. The lane is well used by walkers and provides extensive views out over the countryside to both the east and west, as well as a local wildlife corridor."
- k) MOT4 - Local Green Spaces. Policy MOT4 states that "The local green spaces listed in Table 2 and shown in the Policies Map will be given special protection. Development within these areas will only be supported where it would enhance the enjoyment of the space and not undermine its importance. Development adjoining these areas must respect their reason for designation and should not significantly detract from their enjoyment."

Waste and air pollution: -

- l) No provision for the removal of waste has been mentioned in the application, which means one of two possibilities, either waste stone will be deposited on site spoiling the views or will be removed causing more transport movements. Neither of these solutions are acceptable.
- m) No information has been about the treatment of dust/slurry created and its safe disposal.
- n) There is also the problem of air pollution and the impact it would have on grazing animals.

Flooding:-

- o) The development will increase the flooding risk in the village, which is already a huge problem where many residents have been forced to leave their homes due to flooding damage over the last 2-5 years.

Planning application after the development: -

- p) So far there has been a blatant disregard for Planning Procedures, in that it would have been well known that Planning Permission would be required, yet the operation was started anyway.

## **10.0 Duties**

10.1 s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise. This provides for the primacy of the development plan in decision making.

## **11.0 Development Plan policies**

### **North Dorset Local Plan (2003) saved policies**

11.1 The site is outside of settlement limits in the countryside.

### **North Dorset Local Plan Part 1 (2016)**

11.2 The following policies are considered relevant: -

- 1 – Presumption in favour of sustainable development.
- 2 – Core spatial strategy
- 4 – The Natural Environment
- 5 – The Historic Environment
- 11 – The Economy
- 20 – The Countryside
- 23 – Parking
- 24 – Design
- 25 – Amenity
- 29 – The re-use of existing buildings in the countryside

### **Motcombe Neighbourhood Plan (2019)**

11.3 The site is outside of the settlement limits. Frog Lane's avenue of trees is designated as a Local Green Space (LGS3). Two local views identified by the Plan have the potential to be affected by the development. These are:-

- c) the view along Frog Lane's avenue of trees;
- d) the view looking east from Frog Lane (including footpaths N69/2 and N69/4) across the fields towards Kingsettle Wood;

The following policies are considered relevant: -

- MOT4 - Local Green Spaces
- MOT6 - Protecting and Enhancing Local Biodiversity
- MOT7 - Local views
- MOT8 - Dark Skies
- MOT10 - Locational criteria for new development
- MOT15 - Meeting the area's employment needs.

## **12.0 Other material considerations**

### **Dorset Council Local Plan**

12.1 The Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

### **National Planning Policy Framework 2021**

12.2 Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

12.3 Other relevant NPPF sections include:

- 4 - Decision taking
- 6 - Building a strong, competitive economy,
- 14 - Meeting the challenges of climate change etc.
- 15 - Conserving and Enhancing the Natural Environment'

### **13.0 Human Rights**

13.1 Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property. This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

### **14.0 Public Sector Equalities Duty**

14.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims:-

- a) Removing or minimising disadvantages suffered by people due to their protected characteristics.
- b) Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- c) Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

14.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

14.3 The Duty has been considered in the assessment of this application. No specific persons with protected characteristics would be directly impacted by the proposal.

## 15.0 Financial benefits

What	Amount / value
Material Considerations	
Employment provision	2 Full time equivalent (FTE)
Non Material Considerations	
Business rates	As per charging bands

## 16.0 Climate Implications

- 16.1 The trips to and from the site are all by vehicles with internal combustion engines. These include HGVs as well as tractors. These journeys are predominantly local; the stone for cutting is sourced locally and then, when cut, delivered locally too.
- 16.2 There are inevitably contributions to climate change from these movements, albeit the sourcing of stone from further afield would have more implications.
- 16.3 The cutting process itself is dependent on electricity and water. The case officer observed that the use of water for cooling was ever present in the cutting process.

## 17.0 Planning Assessment

### **Principle**

- 17.1 The development involves the reuse of an existing rural building to support economic development. In that respect it gains support for the principle of the use from policies 11, 20 and 29 of the North Dorset Local Plan Part 1 (2016).

### **Residential amenity**

- 17.2 There are two main considerations here; the noise from the cutting process, and that derived from the vehicular comings and goings associated with the use.
- 17.3 The cutting process is, as the Council's Environmental Health Officer describes, "inherently noisy". This is not just the case inside the building but also outside; the noise emissions are such that the case officer had difficulty conversing with the applicant when standing next to the open east end of the building (they had to move about 10m away from the building to be heard and to hear).
- 17.4 The case officer also noted that, in addition to the open eastern end of the building, there were other opening and holes within the external envelope. This is acknowledged in the applicant's Noise Impact Assessment.

17.5 The Noise Impact Assessment recorded the following noise levels within the building and near to it:-

<b>From the cutting process</b>	
<b>Location</b>	<b>Noise (dB)</b>
Inside the building	94
10m from west end of building	62
3m from north side of building	77
95m from east side of building	49
45m at a 45° from the east side of the building	58
<b>From the generator</b>	
<b>Location</b>	<b>Noise (dB)</b>
2m west	76
10m east	67

17.6 The Assessment assessed the impact of both the generator and the cutting process itself on five sensitive receptors. These are all dwellings:-

- A. The last dwelling on Frog Lane (Woodpeckers) (approx. 350m north-northwest near to where Frog Lane becomes Shorts Green Lane)
- B. Kingsettle Farmhouse (approx. 750m east on the higher ground).
- C. The next dwelling south of Frog Lane Farm on the west side of Frog Lane (approx. 200m south).
- D. Dwellings on The Street to the north of Motcombe Memorial Hall (approx. 450m west)
- E. Frog Lane Farmhouse (approx. 65m south)

17.7 Points were used adjacent to these homes; point 1 being adjacent to dwelling A, point 2, being adjacent to dwelling B and so on. Adjustments were also made for tonality, intermittency and impulsivity in accordance with British Standard BS4142 (2014 (amended 2019)). Tonality is the psycho-acoustic character of the sound where the tone of the noise emission is identifiable over background noise. Impulsivity is sharp changes in volume.

17.8 The Assessment found that the stone cutting/preparation equipment did not contain impulsive elements and was not considered tonal. It's dominant noise emissions however were noted to be within the higher frequencies. Generator noise emissions were characterised by a low frequency rumble. Activity/generator noise emission from the development at Positions 1 and 2 were just audible. At Positions 2 and 3 the noise emissions were inaudible. At Position 5 the noise emissions were audible at a low level; they were however not considered to be intrusive. The main general environmental noise source consisted of road traffic on the local roads, and in the case of Position 4 notably from the A350. The dominant noise leakage from the barn

was noted to be from the gaps in the construction, notably the gap between the fibre cement sheets and block walls.

- 17.9 The Assessment noted that commonly occurring background noise level at Positions 1 – 4 was between LA90 36 – 37dB, with the former taken as a robust baseline position for dwellings A to E. LA90 is a measurement of the average level over a 90 min period.
- 17.10 The Assessment concluded that the noise levels at Dwellings A – D are below the representative background noise level, which according to BS4142 indicate a low noise impact. At Dwelling E the Rating Level is 1dB above the representative background noise level but this is imperceptible, and the difference would need to be at least 5dB to indicate an 'adverse' impact.
- 17.11 The Council's Environmental Health Officer is noted to conclude that this is a robust assessment and raises no objection.
- 17.12 A number of comments, including from the Parish Council, note that the assessment was confined to the impact on dwellings and not the experience from public rights of way or adopted highways such as Frog Lane.
- 17.13 The case officer noted from his site visits that the use, specifically the cutting process, could be heard from Frog Lane, from Public Footpath N69/1 at points both east and west of Frog Lane, from Bridleway N69/2 in the vicinity of the Farm and from Public Footpath N/69/4 close to its intersection with N69/1. These site visits were undertaken when there was both a light easterly wind (the Met Office had forecast it to be circa 5 mph) and a stronger south-westerly (around 15mph) on dry days.
- 17.14 The points along these public rights of ways and highways are considered to be sensitive receptors given their use (the case officer passed walkers on all of his site visits on these routes). The noise was distinctly more noticeable and higher than the background noise from these receptors. However, members are advised that the Noise Impact Assessment being limited to the impact on the dwellings has been endorsed by the Council's Environmental Officer and is considered robust. The case officer has considered the impact of the noise on the character of the area when experienced from the public rights of way and Frog Lane as a separate consideration later in this report.
- 17.15 Comments from third parties also raise the concern that the assessment was undertaken when there wasn't any wind to carry the noise, the inference being that windy conditions would carry the noise more; a south-westerly carrying the noise towards Kingsettle Farmhouse and easterlies and south-easterlies taking it to the main body of the village. Again, members are advised that the Council's Environmental Health Officer considers that the applicant's Assessment is robust.
- 17.16 Their conclusions are based on specific operating times, acknowledging that the assessment was based on these times and that the background noise levels will fall during the evenings, nights and weekends. Therefore, as a consequence, there is likely to be a greater difference in the background noise levels and those

experienced when the cutting process takes place (with the generator on). As such, a condition is necessary to restrict the use to weekday daytimes.

- 17.17 Turning to noise and disturbance from vehicles, it must be emphasised that the baseline, extant use of the building is for agriculture. In this context, a building of this size could generate farm traffic not materially different to the tractor and light vehicle (the cars of employees) to the stone cutting use.
- 17.18 The HGV trips are, in the case officer's opinion, a variance to an agricultural use of the building, even accepting that there could be bulk feed delivered by HGV or livestock.
- 17.19 However, the movements as evidenced in the Transport Note are not considered to result in a material adverse impact on residential amenity given their infrequency. This conclusion acknowledges that routes would pass close to existing dwellings.
- 17.20 There are no other relevant residential amenity considerations e.g. overshadowing or overlooking, given that the development involves the use of an existing building screened from the Farmhouse by other existing buildings.

### **Highway safety**

- 17.21 The applicant's stated traffic movements associated with the use are detailed in paragraph 6.4 of this report. Some third party representations suggest that the trip rates are higher but no evidence is provided of this nor has the case officer witnessed movements on and off site during his unannounced visits to the area which would suggest that there are higher trip rates than stated.
- 17.22 A Note was prepared on behalf of the applicant in response to the Highway Authority's interim response. Members will note the comments of the Authority summarised in paragraphs 9.3 to 9.5 of this report; they raise no objection following receipt and assessment of the Note.
- 17.23 The following route is used, and is proposed to continue to be used by HGVs to access the site:-
- B3081 – Motcombe Turnpike – Church Road – Bittles Green – Frog Lane
- This is because, as third parties state, approaching or leaving the site via the Hollow to Shaftesbury is inappropriate due that route's restrictions. Likewise, heading north from the site onto Shorts Green Lane and into the heart of the northern part of the village is also not reflective of the destinations and sources of vehicular trips from the Shaftesbury and Marnhull directions.
- 17.24 A number of third parties advise that that the route used is also not appropriate. This is because of its restricted width in places; the lack of segregated footways; conflict with pedestrians, cyclists, horse-riders, pets and wildlife; the turns that need to be made e.g into Frog Lane from Bittles Green; and the fact that the route passes the village primary school.

- 17.25 The Transport Note does assume the cessation of all of Frog Lane Farm's agricultural activities whereas, of course, most of the buildings at the farmstead still have an extant agricultural use and could still be used in the future. Nevertheless, the case officer's observations of movements to and from the site corroborate the Note's conclusions that there isn't and will not be a significant increase in movements from the site than if the building was to remain in its previous agricultural use.
- 17.26 One articulated lorry (2 two-way movement) once a month associated with the delivery of stone to the site and 8 tractor & trailer movements (16 two-way movement) are not significant. As per the Highway Authority's comments, allowing for this fact and the relatively low numbers of vehicle movements associated with the development proposal, the Highway Authority considers that residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) - July 2021.
- 17.27 Such a conclusion is reached acknowledging the route passes the primary school on Church Road.
- 17.28 The case officer noted that the geometry of the mini-roundabout at the intersection of Church Road, The Street and Bittles Green would not impede the occasional safe passage of HGVs travelling to and from the site. The intersection of Frog Lane and Bittles Green results in a relatively tight turn having to be negotiated and the case officer noted that large vehicle tyre tracks were evident on the bell mouth to the field access opposite, suggesting its use by HGVs as they sweep into and out of Frog Lane. However, the width of metalled carriageway, geometry of the junction and visibility afforded means that its use by the low levels of traffic associated with the use is safe.

### **Character and appearance**

- 17.29 These considerations are limited to the change in character brought about by the use rather than operational development. This is because the cutting process utilises an existing building and the container and generator are considered to have minimal landscape and visual impact given their modest scale and visual containment within the existing complex of buildings. They are visible from the public rights of way to the north but only in the context of much larger modern structures i.e the two much larger buildings to their immediate east and west.
- 17.30 Turning to the use, the character of the area has changed as a result of the development. Frog Lane is clearly used by walkers, cyclists and horseriders and, when the stone cutting is not in progress, there is a distinct rural tranquillity to the experience in contrast to, say, the traffic and activities within the village's main built-up envelope. The case officer fully acknowledges that Frog Lane, including the avenue of trees and fields that flank it, are not only a visual experience but an aural one too and locals and visitors alike will seek out the Frog Lane area for this tranquillity.



- 17.31 There is background noise perceptible when one lingers at points on Frog Lane and the public rights of way, but it is distant and not intrusive. When the cutting commences the experience changes particularly when one is close to the site on Frog Lane within the avenue of trees recognised as the Local Green Space and referenced in policies MOT4 (local green space) and MOT7 (view c) of the local views) of the Neighbourhood Plan. The noise is also clearly heard when one is tracking eastwards along footpath N69/2 from Frog Lane to the intersection with footpath N69/4 and beyond to a point where one starts climbing onto higher ground.
- 17.31 Undoubtedly the experience of the landscape changes when the development is in use. The change in the aural experience affects one's visual enjoyment of the landscape, this not being a Valued Landscape falling within the NPPF's definition, but nevertheless a landscape of value recognised in the Neighbourhood Plan's designations.
- 17.32 Indeed, there is harm arising from the change in the aural experience of this landscape as a result of this development and a degree of discordance with policies MOT4 and MOT7 of the Neighbourhood Plan.
- 17.33 This is a very finely balanced matter and one that the case officer has considered for a significant period of time. On balance it is advised that the level of harm is not of the significance to be determinative, but it is recognised that the way each person experiences the landscape is different as is the value that they will place on it. As such members may conclude differently to the case officer and afford greater or less weight to the impact in their balancing exercise.

### **Flood and drainage**

- 17.34 The site is at low risk of fluvial, pluvial and groundwater flooding. The generator and container are structures mounted on areas of existing hardstanding with no increases in impermeable area on the site as a result.
- 17.35 Water is used for cooling purposes in the cutting process and this water drains to the existing pond to the north of the site. The case officer noted that there was a constant flow of this water in a gully in the hardstanding. The pond includes an area of high and medium risk of surface water flooding, as does some of the field within which it is situated.
- 17.36 The case officer visited the site during and following a period of heavy rainfall and noted that there was no overtopping of the pond following a number of hours of stone cutting. It is not considered to be a determinative issue but, nevertheless, given the recorded constraint on this adjoining land, it is reasonable and necessary for evidence to be submitted that the existing arrangements function without increasing flooding on this adjoining land and, if not, that attenuation can be provided to ensure that it doesn't.

### **Air pollution and biodiversity impact**

- 17.37 There is no evidence before the local planning authority to indicate that there are significant levels of air pollution as result of the development causing adverse

impacts to human health or wildlife. Of note is that there was no airborne dust or stone particle emissions evident outside of the building when the cutting process is taking place. The case officer observed that the cooling water also has the effect of suppressing such emissions.

## **Process**

17.38 It is unfortunate that the development proceeded the application for planning permission. However, it is not illegal; no formal enforcement action has been pursued by the Council. The case officer understands from the applicant that they were unaware of the need to apply for permission and there is no evidence before us to suggest otherwise. The application must be considered on its own merits against development plan policies in the first instance as with any other application. The only difference here is that one is able to experience the effects of the development for real rather than having to calculate what they may be.

## **Other matters**

17.39 The Parish Council and other third parties raise an issue about waste from the site, such as stone. The case officer notes that this does not appear to be an issue – on unannounced visits, there was no evidence of stone or other waste on site. There was discolouration of the water runoff but this drainage can be dealt with through the drainage condition.

## **18.0 Conclusion**

18.1 As detailed in paragraph 17.32, there is a degree of discordance with neighbourhood plan policies due to the harmful impact of the development on the aural experience of the landscape from sensitive receptors along public rights of way and on Frog Lane. The sensitivity of these receptors is recognised in the Neighbourhood Plan policies, specifically MOT4 and MOT7.

18.2 In other respects there is accordancy with development plan policies subject to the imposition of conditions in relation to HGV routes, the hours of operation and surface water drainage.

18.3 There are also benefits arising from the employment provision, albeit very modest given only 2 full-time employees are employed, and the use's contribution to the use of local building stone for developments in the local area. There are sustainability benefits in keeping this part of the process local although, again, this benefit is relatively small.

18.4 The case officer finds that this is finely balanced matter. However, the harm it is not considered determinative and, when balanced against the benefits and the accordancy with policy considerations such as highway safety and residential amenity, it is recommended that permission be granted subject to conditions.

## **19.0 Recommendation**

19.1 Grant planning permission subject to the following conditions.

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - IP/MBC/01 Location plan
  - IP/MBC/02 Proposed site plan
  - IP/MBC/03 Proposed floor plans & elevations

Reason: For the avoidance of doubt and in the interests of proper planning.

2. No preparation of the equipment using powered machinery for the stone cutting use hereby approved, or use of the generator shall take place outside of the hours 08:30 – 16:30hrs Monday – Friday (excluding Bank and Public Holidays).

Reason: In the interests of residential amenity.

3. The areas shown on Drawing Number IP/MBC/02 for the manoeuvring, parking, loading and unloading of vehicles must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

4. Deliveries to and collections from the site for the use hereby approved shall be via Church Road, Bittles Green and the part of Frog Lane from the site southwards only, unless there are road closures in place affecting this route.

Reason: In the interests of highway safety.

5. Within 3 months of the date of this permission details of a surface water drainage scheme shall be submitted to the local planning authority. The scheme shall be implemented in full within 3 months from the approval in writing by the local planning authority of this scheme and retained thereafter for the remaining lifetime of the development.

Reason: To ensure no increase in the risk of flooding.