

<b>Application Number:</b>	P/FUL/2022/07710
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	Land And Buildings Known As Newlands Farm Coldharbour Chickerell
<b>Proposal:</b>	Part full and part retrospective application for the change of use of land and buildings from agricultural use to storage (B8) and the siting of up to 43 storage containers
<b>Applicant name:</b>	Mr Legg
<b>Case Officer:</b>	Bob Burden
<b>Ward Member(s):</b>	Cllr Dunseith, Cllr Worth

**1.0** This application has been brought to committee following a scheme of delegation consultation at the request of the Service Manager for Development Management and Enforcement.

**2.0 Summary of recommendation:** Grant subject to conditions

**3.0 Reason for the recommendation:**

- Para 11d of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Use of site acceptable in principle.
Effect on landscape and visual amenity	The use would have an acceptable effect on the Land of Local Landscape Importance and on the setting of the AONB.
Impact on residential amenity	Considered acceptable with days/hours of use condition.
Highway Safety	The site has an acceptable vehicular access and adequate on-site vehicle/customer parking.

## **5.0 Description of Site**

The site is located on the south side of the Coldharbour road with an existing vehicular access. It comprises an extensive crushed hardcore (chalky) surfaced yard area together with a large dual-pitched roof building of mainly corrugated metal walling under a grey cement sheet roof. Parts of the sides are open. There are a number of storage containers present on the site, mainly to the rear (south) of the main building with some to the west. An assortment of lorries, vans and pick-up vehicles are parked to the east side of the entrance.

There are areas of miscellaneous storage including downpipes, timber and roof tiles. Within the building are various items including a Range Rover, pallets, scaffold planks and recycling bins. There is a small timber shed (used as an office) within the larger building.

There are about 8 open skips of different sizes in the north-west part of the site as of January 2023.

The site frontage to Coldharbour mainly comprises a c 2m high bank with soil and apparent builder's waste. There are dwellings and other buildings on the opposite side of the road. The site is relatively level with a slight slope to the north. To the east and west of the site is open agricultural land. To the south the site flanks a corrugated metal sheet building c5.5m high, with a 7.38 ha solar farm site adjacent to the south and west of the site (Application reference WD/D/14/002675).

## **6.0 Description of Development**

The application seeks permission to use the land/buildings for storage purposes (Class B8) together with siting of up to 43 storage containers (shipping-type).

## **7.0 Relevant Planning History**

None relevant.

## **8.0 List of Constraints**

Land of Local Landscape Importance; Land north and east of Chickerell - Distance: 0

Outside of any defined development boundary

Landscape Character Area; Ridge and Vale; South Dorset Ridge and Vale - Distance: 0

Neighbourhood Plan - Made; Name: Chickerell NP; Status 'Made' 22/06/2021; - Distance: 0

National Grid Overhead Line AXMINSTER - CHICKERELL - MANNINGTON Operating 400; - Distance: 106.7

National Grid Tower 10031129.0 (height 44.14); - Distance: 267

National Grid Tower 10040000.0 (height 54.64); - Distance: 119.04

National Grid Tower 10031133.0 (height 46.12); - Distance: 465.67

National Grid Tower 10040817.0 (height 21.02); - Distance: 429.93

High pressure gas pipeline 1km or less from Regional High Pressure Pipelines (>7 bar); - Distance: 537.86

Natural England Designation - RAMSAR: Chesil Beach & the Fleet (UK11012); - Distance: 2022.3

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 1995.47

Minerals and Waste Safeguarding Area - Distance: 0

DESI - Minerals and Waste - Building Stone - Distance: 0

Setting of Area of Outstanding Natural Beauty: (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Historic Contaminated Land - Description: Quarrying of sand & clay, operation of sand & gravel pits

## 9.0 Consultations

All consultee responses can be viewed in full on the website.

**Chickerell Town Council** - Recommend refusal:

-Potentially significant noise disturbance to the area and neighbouring properties with a detrimental effect on local landscape.

-A significant increase in traffic and an effect on Local Landscape Importance.

**Ward Members** – No comments received.

**Highways Officer** – No objection, subject to the following condition(s):

Manoeuvring, parking and loading areas

Before the development is occupied or utilised the areas shown on Drawing Number 3114/02 for the manoeuvring, parking, loading and unloading of vehicles must be surfaced, marked out and made available for these purposes. Thereafter, these areas 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.

**Minerals and Waste Officer** - Although the proposed development is within the Mineral Safeguarding Area as designated by Policy SG1 of the Mineral Strategy 2014, it is within an existing curtilage and also within an urban area and as such Dorset Council as minerals/waste planning authority can confirm that in this case, on the site identified for this proposal, minerals and waste safeguarding requirements are waived and no objection will be raised to this proposal on mineral or waste safeguarding grounds.

**Environmental Health Officer** - This is a part retrospective and part full application for B8 storage (including that associated with a skip hire business) near to residential

dwellings. Such facilities have the potential to create noise which can affect sensitive receptors. The application as seen provides no characterisation of possible noise effects on nearby residential properties, and I can see no reference to operating hours. Additionally, it is not clear whether controlled waste will be stored at this site. In the absence of such clarification, there is the possibility of dust/odour etc. In the absence of such information about noise and possible dust/odour, I must at this stage recommend refusal of this application.

Whilst such matters do need to be addressed, and the location of such a facility is perhaps less than ideal, it is not my wish to unnecessarily stand in the way of this application.

Provision of the following written information may assist in clarifying matters for the planning authority:

1. Information on anticipated number of vehicle movements per day.
2. Information about any controlled waste, brought from any other location, which will be stored on site.
3. Information about management of dust from the site.

Case Officer Note: In response to the above, the applicant provided the following information:

- - *6 car/van and 3 skip lorry movements in the AM*
  - *4 car/van and 1 skip lorry movement in the PM*
  - *Gates were locked at 4.55pm*
- 1. *Movement/storage of controlled waste does not form part of the application. The application is for general use storage containers.*
- 2. *As above, I can't see dust being an issue?*

The Environmental Health Officer then commented on the above: "That's fine, no further comment".

It is also recommended that the Environment Agency be consulted if any waste is to be brought to the site.

**Environment Agency-** No objection- Based on the response provided to our objection dated the 4th May 2023 it is noted that only the storage of empty skips is intended as part of this proposal. The holding of empty skip containers falls outside the remit Waste Facility Permit under the Environmental Permitting (England and Wales) Regulations 2016. On this basis we withdraw our objection as stated in our response 21 March 2023 (Ref: WX/2023/137031/01-L01).

Advice to applicant: The applicant should be aware that they are required to apply to the Environment Agency for an Environmental Permit if their business uses, recycles, treats, stores or disposes of waste. Any business or occupant of a premises who operates without the appropriate authorisation under the Environmental Permitting (England and Wales) Regulations 2016 may be subjected to enforcement action.

**Senior Landscape Officer** – The development appears to be a retrospective application for the existing storage use without planning permission between the two

existing large shed/agricultural buildings on the site and an application for the expansion of this use with the addition of 20 containers in two rows to the west of these buildings.

The site occupies an elevated position (54m AOD approx.) relative to the surrounding landscape because of its location on the crest of one of the west/east orientated ridges within the Ridge and Vale Landscape Character Type; the Dorset AONB lies approximately 1km to the west and 3km to the north; and the site is within an area of Local Landscape Importance within the Local and Neighbourhood Plans (WDWPLP Policy ENV3 and CNP Policy CNP10).

However as can be seen from figures 1 to 7 below while the existing sheds/agricultural buildings are visible from close (figures 1 and 5 to 7), middle distant (Figures 2 and 3) and far distant (figure 4) viewpoints its current non-agricultural use is only really apparent within a framed view from the site entrance off the Coldharbour Road, though the proposed site is not visible from this location.

I therefore consider it unlikely that the current use and its proposed expansion would harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Natural Beauty or its uninterrupted panoramic views any more than the current permitted agricultural use (WDWPLP Policy ENV1); or that it would cause any more harm to the green infrastructure network than the present permitted agricultural use (WDWPLP Policy ENV3); or that it would adversely affect the role of the Area of Local Landscape Importance as the rural setting of Chickerell and Radipole villages and the wider rural backdrop to northwest Weymouth; its function as a green wedge between Chickerell, Southill and Radipole; and its function as part of the north-south wildlife corridor to and from Radipole Lake SSSI to its southeast (CNP Policy CNP10)

Furthermore, if any future planning permission conditioned the submission and approval of a substantial soft landscape planting scheme of trees and hedging on the eastern, northern, western and southern boundaries of the site it should be possible to moderate any adverse landscape and visual impacts of the development (ENV1) and promote and enhance biodiversity (ENV3 and CNP10).

I would have no landscape or visual objection to the proposed change of use subject to conditions being applied to any future planning approval for the submission and approval of a landscape scheme and its maintenance for a period of 5 years post implementation.

### **Representations received**

3 letters of objection. The main planning-related points include-

Weymouth Civic Society- object; over-industrialisation of what should be an agricultural use of the site. We would expect that the additional storage and

distribution involved would be increasingly liable to cause a nuisance in the neighbourhood of residential properties, with noise and disturbance from vehicle movements to and from the site. The use is incompatible with the general character of the area and contrary to the adopted Local Plan and the Chickerell Neighbourhood Plan, in which the site is designated as Land of Local Landscape Importance.

- Very noisy at various times of day.
- Verges eroded by HGV's using the site/access widened.
- Road unsuitable for large numbers of HGV's using it repeatedly on weekdays.
- Unsuitable use for a residential area.
- Should be retained for agricultural use.
- Apparent use as scrapyards with skips and bin lorries in mornings; query if this use will continue if changed to storage.

## 10.0 Duties

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.

## 11.0 Relevant Policies

### Development Plan

West Dorset, Weymouth and Portland Local Plan 2015:

- INT1 Presumption in favour of sustainable development
- SUS2 Distribution of development
- SUS3 Adaptation and re-use of buildings outside defined development boundaries
- ECON1 Provision of employment
- ENV1 Landscape, Seascape and Sites of Geological Interest
- ENV3 Green Infrastructure Network
- ENV 5 Flood Risk
- ENV10 The Landscape and Townscape Setting
- ENV12 The Design and Positioning of Buildings
- ENV16 Amenity
- COM7 Creating a safe and efficient transport network
- COM9 Parking standards in new development

Chickerell Neighbourhood Plan –

Policy CNP10- Locally valued landscape north and east of Chickerell Village

National Planning Policy Framework 2021-

- 2 Achieving sustainable development
- 3 Plan-making
- 4 Decision-making
- 6 building a strong, competitive economy
- 8 Promoting healthy and safe communities

- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

### **Other material considerations**

Design and Sustainable Development Guidelines 2009  
West Dorset Landscape Character Assessment 2009

## **12.0 Human rights**

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.

## **13.0 Public Sector Equalities Duty**

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:-

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

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. Parking opportunities are available in convenient locations to storage areas.

## **14.0 Financial benefits**

The use is likely to provide employment for 3 persons: 1 full-time and 1 part time (skip hire) and 1 full time (containers).

## **15.0 Environmental Implications**

The use would involve vehicles (if non-electric) arriving and leaving the site producing emissions. However, this must be balanced against the benefits of providing an alternative suitable use for the site with an element of employment.

## 16.0 Planning Assessment

### Principle of development:

Policy SUS2 (distribution of development), amongst other uses, allows for new employment-related development outside defined development boundaries subject to other material planning considerations. Policy ECON1 (provision of employment) indicates that employment development will generally be supported through the re-use of an existing building or “in a rural location where this is essential for that type of business”.

The applicant has clarified the following:

*The site is not used as a transfer site. It is for the storage of containers to be taken to the place of hire. The occupier owns and manages a waste transfer site in the area (Portland), the Newlands Farm site is for storing the skips for hire. The tenant's environment licence is for inert waste (building site waste, residential clearances etc). Occasionally a full skip may be stored on site (where the pickup is after the close of the waste transfer site). This will be removed the next working day. All full skips will be covered by netting (as could be seen on site).*

*The applicant states: As set out above the site is not for storing controlled waste. It is to store skips which will then be taken to site. When full, they will taken to a separate waste transfer site.*

The Environment Agency initially objected, requiring clarification regarding the precise use. Following the above clarification they raise no objection, making the following comment:

*Based on the response provided dated the 4th May 2023 (Ref ED707) it is noted that only the storage of empty skips is intended as part of this proposal. The holding of empty skip containers falls outside the remit Waste Facility Permit under the Environmental Permitting (England and Wales) Regulations 2016. On this basis we withdraw our objection as stated in our response 21 March 2023.*

Planning policy is broadly supportive of storage use, although this is also subject to other relevant material planning considerations which will be explored below.

### Effect on landscape and visual amenity-

The site is relatively elevated on an east-west ridge within the Ridge and Vale Landscape Character type. The Dorset Area of Outstanding Natural Beauty lies about 1km to the west of the site. The site itself is within Land of Local Landscape Importance (ENV3 Green Infrastructure Network) and affected by Neighbourhood Plan policy CNP10 -“Locally valued landscape north and east of Chickerell village”.

In built development terms, the site is dominated by the large pitched roof building and to some extent by various vehicles on the site.

The existing building is large and relatively high such that it is visible from various (more distant) viewpoints. It would be visible whether used for agricultural purposes or some other purpose. There are no public rights of way in close proximity to the site. However, it is clearly visible from the Coldharbour frontage.

The Senior Landscape Officer has been consulted and, whilst he acknowledges the visibility of the site in longer views (particularly the building) he takes the view that the (partially retrospective) use is only really apparent from the site entrance off the Coldharbour Road. The Case Officer agrees with this assessment. Historically, as an agricultural site its likely there would be various tractors, agricultural plant and machinery used and “parked” outside the main building. In this context, consideration of the current application should be mindful of this. As a former agricultural use there would be no control over the use, days/hours of operation, areas of storage/parking nor visual mitigation.

The proposed storage use would involve internal storage in the large barn, external siting of up to 43 storage (shipping) containers in the adjacent yard and a skip storage area between the frontage earth bund (with planting) and the shipping container storage behind. The container positions are set-back from the road, either behind or alongside the barn.

The Landscape Officer supports the application, but subject to a detailed landscaping scheme. The Case Officer agrees that the scheme needs visual mitigation to ensure the use and structures are satisfactorily assimilated into the local landscape. A suitable landscape scheme has now been received, and subject to an appropriate management/maintenance schedule the scheme would have an acceptable effect on the setting of the AONB (which lies about 1km to the west) and on the Land of Local Landscape Importance (which the site falls within).

#### **Effect on Residential Amenity-**

Whilst the site is located in the countryside there are a number of residential properties along the north side of Coldharbour near to the site. Traffic accessing/egressing the site will pass some of these dwellings. The heavier skip vehicles are likely to result in some noise to residents, however it must be borne in mind that as an agricultural site the movement of larger vehicles would occur in an uncontrolled way.

The Environmental Health Officer has been consulted and sought clarification on days/hours of operation, and measures to mitigate dust and potential odour. The applicant clarified the days/hours of use and the Environmental Health Officer then felt there was no further comment required. The “fall-back” position of an active agricultural complex should also be noted here.

The general storage use of the site would operate 7.30am -6pm Mon-Fri and 8am-6pm at weekends. The skip hire business would operate 8am-5pm Mon-Friday only. Hence, the general storage use would be limited to fairly conventional hours of operation. The skip hire business is however more restricted finishing at 5pm and not

involving any weekend use. That is beneficial as the skip lorries are likely to be those which could be associated with more noise.

Bearing in mind that the "fall-back" position would be an unregulated "24/7" agricultural operation from the site, the proposals could have some benefit in terms of reduced noise/disturbance to residents in the locality. It is considered the scheme is acceptable in residential amenity terms subject to a condition specifying the days/hours for the two elements of storage use.

### **Highway safety-**

The site has an existing vehicular access onto Coldharbour. The yard area associated with the building has ample scope for vehicle parking.

The applicant has provided the following information on traffic movements:

*The applicant anticipates the following average vehicular movements:*

*Weekday AM IN*

- 2x Car (skip hire staff) – (usually) 7.30-8am

*Weekday AM OUT*

- 2x Skip hire lorry

*Weekday PM IN*

- 2x Skip hire lorry

*Weekday PM OUT*

- 2x Car (skip hire staff)

Skip hire staff do not normally work weekends. The majority of skip lorry movements make a left turn out of the site access. The operator has a licence for two skip lorries but mainly operates only one out of the site. The skip lorries are generally parked in the building when not in use.

It is anticipated that the container users will visit once a week (on average) giving an estimated 6 visitors per day (assuming each container has a unique user and at maximum capacity). This is likely to be spread over the day. Visitors are anticipated to visit in cars or commercial vans.

The submitted plan shows 5 parking spaces. It is anticipated that the skip hire will use one or two (informal parking is within their unit as well) with three spaces for visitors. Users of the containers will likely only stay for short periods and not need parking as they would need their vehicle near the storage container (for loading/unloading).

The applicant has also provided a plan to clarify the area for the skip (and container) storage, together with 5 parking spaces for persons using the storage facilities and the 2 skip lorries parking in the barn. The existing vehicular access off Coldharbour would be retained. The Highway Authority have been consulted regarding the above information and advise that they have no objection subject to a planning condition

clarifying the parking, manoeuvring, loading/unloading of vehicles in accordance with the submitted plan 3114/02 E.

#### **Case Officer Comments on Town Council's Concerns-**

The Town Council recommend refusal and consider this will cause "*potentially significant noise disturbance to the area and neighbouring properties with a detrimental effect on local landscape*".

The applicant has clarified the days/hours of operation as: the general storage use of the site would operate 7.30am -6pm Mon-Fri and 8am-6pm at weekends. The skip hire business would operate 8am-5pm Mon-Friday only. As mentioned above, these are not unreasonable days/ hours of use, and do exclude the skip hire element operating at the weekend. This can be conditioned accordingly.

The Town Council also mention: *a significant increase in traffic and an effect on Local Landscape Importance*. It should be acknowledged that the site has an existing "traffic credit" by reason of the agricultural use of the land and buildings. The Highway Authority have reviewed the application and the uses and are satisfied that the traffic generation would be acceptable in relation to the highways network. Regarding the effect on Land of Local Landscape Importance, as a change of use application there would not be any new buildings added to the site. An acceptable landscaping scheme has been submitted and this would be a clear benefit as it would help visually "soften" any views of the containers and skips, as well as enhancing the lack of planting present to the site's current boundaries. In this way it would help to visually improve this part of the Land of Local Landscape Importance by the planting of native species hedgerows, together with oak and hornbeam trees.

### **17.0 Conclusion**

It is considered that the storage use of the site would be acceptable in visual terms subject to landscaping being carried out and to the other conditions as set out below. The scheme would be acceptable in residential amenity terms and in terms of traffic generation. This change of use allows planning control over issues such as operating days/ hours, site layout and landscaping-controls which could not otherwise be imposed if the site remained in agricultural use. It is considered that the scheme is in accordance with the policies and guidance as set out earlier in the report.

### **18.0 Recommendation**

Grant subject to conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan 3114/01

Site and location plans 3114/02 F

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

2. The use of the building and land hereby approved shall be only for purposes restricted to uses within Class B8 Storage & Distribution of the Town & Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). A maximum of 43 storage containers shall be sited on the land.

Reason: To ensure the authorised use is clearly defined for the avoidance of doubt.

3. The land/buildings shall not be used for activity/vehicle movements for general storage purposes outside the hours of 07.30 to 18.00 hours on Mondays to Fridays, and outside the hours of 08.00 to 18.00 hours on Saturdays and Sundays. The land/buildings shall not be used for activity/vehicle movements connected to the skip hire use outside the hours of 08.00 to 17.00 on Mondays to Fridays. Neither uses shall be operational on Public Holidays.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

4. Within 2 months of the date of this permission the areas shown on plan 3114/02 F for the manoeuvring, parking, loading and unloading of vehicles must be surfaced, marked out and made available for these purposes. Thereafter, these areas 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.

5. The soft landscaping works detailed on approved drawing 3114/02 F must be carried out in full during the first planting season (commencing November 2023) and completed by December 31/12/2023. The soft landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

6. Prior to November 2023 a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority and shall include maintenance schedules for the landscape areas. The subsequent management of the development's landscaping shall accord with the approved plan.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape features of communal, public, nature conservation or historical significance

**Informatives:**

NPPF

EA informative