

Development Management
Council Offices
Brympton Way
Yeovil
Somerset
BA20 2HT

FAO Mr Andrew Gunn

20th September 2018

By email

17/04604/FUL Probiotics International Ltd

**Lopen Head Business Park: Demolition of various outbuildings and greenhouse and the erection of a warehouse building (Use Class B8) and associated parking and landscaping. (Proposed building F)
Additional comments following submission of amended plans and LVIA**

Dear Mr Gunn,

Lopen Parish Council considered the revisions to this application and additional information submitted at length during our meeting on 18th September. Our position remains unchanged and we still strongly object to the application:

Material changes to the application appear to be limited to the reduction of the number of loading bays from 5 to 4. With the application largely unchanged, the comments and objections set out by Lopen Parish Council in our previous letter of 26th January 2018 remain valid in their entirety.

We also have the following comments arising from the amendments covering letter and LVA statement:

General size concern – LPC considers the building to be of a disproportionate size to the existing buildings and unsuitable for the hilltop & skyline location.

Comments on LVA

Section 7.4 states *“The siting of the proposed building has been considered in relation to both wider visual impact and localised setting. The proposed buildings and structures are of a scale and form consistent with that of the existing buildings on site.”* As stated in our previous letter, the new building is an increase of 45% of the existing buildings floor plans for the whole of Lopen Business Park. Therefore the LVA statement is factually incorrect and LPC DISAGREES with it.

Section 3.10 of LVA states *“Due to the proximity of the road, there is a reasonable amount of traffic noise. The topography of the surrounding area slopes away to the north and south and there is little to connect the viewer within the site to the wider context of the farm land that surrounds it.”* Comments in section 6.3 *“The building is a significant distance from the public highway so as to read visually as part of the existing business premises and helping the scale and massing of the building to recess into the site. This also provides the opportunity to provide a meaningful landscape buffer to the south to help integrate the building into the street scene.”* This is clearly a contradiction and the proposed building will be close to the Highway. The LVA identifies the topography whereby this is clearly on a hilltop and will have a 360 Degree impact on the surrounding area. LPC DISAGREES with the comments. Landscaping; users of the site have failed to comply with previous landscaping conditions of which the SSDC have seen fit not to enforce. LVA section 7.8 *“New tree structure planting as proposed, would enhance the current landscape characteristics and therefore the effect on the landscape character would diminish steadily over time.”* As stated for the size of the building the landscaping scheme is inadequate and LPC has serious reservations of the implementation of such a scheme given a blatant disregard for conditions imposed previously that have not been enforced.

Visibility in the landscape - In paragraphs 8.2 & 10.3 the LVA attempts to justify the siting of an extremely large building on the highest point of the highest ground for miles around by saying that it will be largely screened by other recently constructed industrial buildings (paras), which are themselves very prominent in the local landscape, especially from the north.

In paragraph 8.4 it is stated *“Public footpaths and bridleways within 1km of the site are mostly made up of a network of paths forming routes between residential areas, historic farmsteads and amenity buildings. There are very few views across to the site from public footpaths or bridleways.* LPC dispute this, with the site being clearly visible from a number of footpaths to the north of the site within 1.5 km, and also from a number of locations to the south within 3km. We consider that the prominent location on the south side of the site and huge scale of the proposed building will cause the proposed building to significantly add to the bulk of the overall development and thus have a detrimental effect on the landscape even seen from quite long distance.

The locations of the viewpoints used for the visual impact assessment photographs have been carefully chosen to downplay the effects. Photographs taken on a dull day and are not properly representative as the buildings stand out much more clearly when the sun is out and the northern side really catches and reflects the sun in late afternoon/evening when walking the footpaths to the north. In some cases the site is shown screened by trees that are outside the control of the applicant and could be removed by their owners, or blown down, with no obligation to replace.

For example: From the north, their viewpoint 5: Their photographs have been taken from a specific location on a footpath (Smokeclose Lane) where the whole development is screened by a line of trees, yet move a few metres in either direction and the site is in direct view. Our own photographs taken from:

a) a few metres north along the same footpath



b) a few metres south on the same foot path (Frogmary Green farm in foreground)



and c) another footpath/road junction a few hundred metres north east



From the south, their viewpoint 6 clearly shows the large additional bulk of the proposed development, directly on the skyline. This is also true of various other locations on public roads and footpaths along the ridge running from Merriott to Hinton St George and on westwards. Viewpoint 7, shows it will be quite

visible even from lower elevations although care has been taken to go far enough eastwards for a stand of tall trees to obscure part of the site. Our own photographs show the true visibility more clearly.

Layby opposite Niddons farm at junction with public highway and two footpaths



Junction of Lopen Road Hinton St George and public footpath going east towards Niddons Farm (approx 50m ASL)



Junction of Lopen Road Hinton St George and public footpath going west (approx 45m ASL)



Public highway on the ridge west of Hinton St George



From the west, a direction entirely discounted by the survey, the whole site is clearly visible from a public footpath running across a field from Hurcott Cross to the A303



NB. Their viewpoint 12 is incorrectly captioned as “View from Southern edge of South Petherton”. It is actually taken from a junction with a public highway and footpath east of Hinton St George.

Relevant Planning Policy LVA section 4.2 references Policy EQ2 “*General Development sets out the requirements necessary to meet if development proposals are to meet to achieve a high quality, locally distinct appearance acceptable to the Council. The appraisal having particular regard to whether it: “Conserves and enhances the landscape character of the area and reinforces local distinctiveness and respects local context.”* The appraisal has done nothing to demonstrate compliance with this policy with the LPCs comments with regards to the size and impact to date not being addressed. Therefore the LPC is of the opinion that the application FAILS to meet this policy.

Traffic

3. Car Parking. The LVA section 6.2 advises of 24 car park spaces and three disabled spaces. There is insufficient car parking on the existing site. At present there are vehicles parked either side on the access to the site and in the lay by opposite the site. These alone would use the proposed increase in car park spaces and given Probiotics intend to expand the business by 150% the proposed scheme provides a clearly inadequate parking facility.

4. HGV Parking. Reference is made to the proposed building forming part of an existing planning unit. This could only be true if the whole Probiotics site were being assessed as a single planning unit, which it is not. All buildings to date, including building F have been considered separately and therefore must stand alone in planning terms.

Further, although they acknowledge that a distinction between B8a and B8b shown in the 2013 County parking strategy has no basis in law and does not clearly distinguish between the two for HGV parking spaces, they would still like to claim that the full 13 HGV spaces should not be applicable to them as they will be using the building for storage rather than distribution. WE have two problems with this:

- The parking strategy division of B8 into two categories has no basis in law (as they admit) and does not clearly define the difference in parking requirements between the two.
- Unless specifically conditioned to the business (which would be unusual), any permission granted would apply to the building itself and not the business. Consequently the building might later be used for full distribution purposes for which the full 13 spaces requirement would clearly apply.

It is quite clear that the HGV parking available falls well short of the 13 spaces required for a B8 building of this area and we also consider the claim that "there is space for HGVs to wait between the estate road and the access into the yard should this be necessary" is extremely optimistic at best!

Need

No attempt is made to justify local need beyond the terms of the commercial convenience of the company and vague references to local employment.

Sole justification given is the rate of company expansion citing local employment. We understand that the majority of employees are eastern European and bussed in from Yeovil.

Further, we have concerns that this rate of expansion is unsustainable even in the medium term and creates the following risks

- Either the company will be shortly be wanting more room to expand (onto adjacent hill-top high-grade agricultural land) and using local jobs as blackmail.
- Or the new US owners will consider location unsuitable for further growth and move away leaving large buildings empty to be exploited separately to the full extent of whatever permissions they hold (ie B8 for full distribution).

The complete Lopen Head site was originally "justified" as being necessary to provide units for small scale local businesses, not principally one large scale international one.

We have a further concern that a large business is being built up by constant addition of buildings which are each being considered separately and consequently the cumulative effects of the additions are not being properly assessed.

Should you have any questions or wish to discuss this, please don't hesitate to get in touch

Regards

Nick Jones

On behalf of Lopen Parish Council