

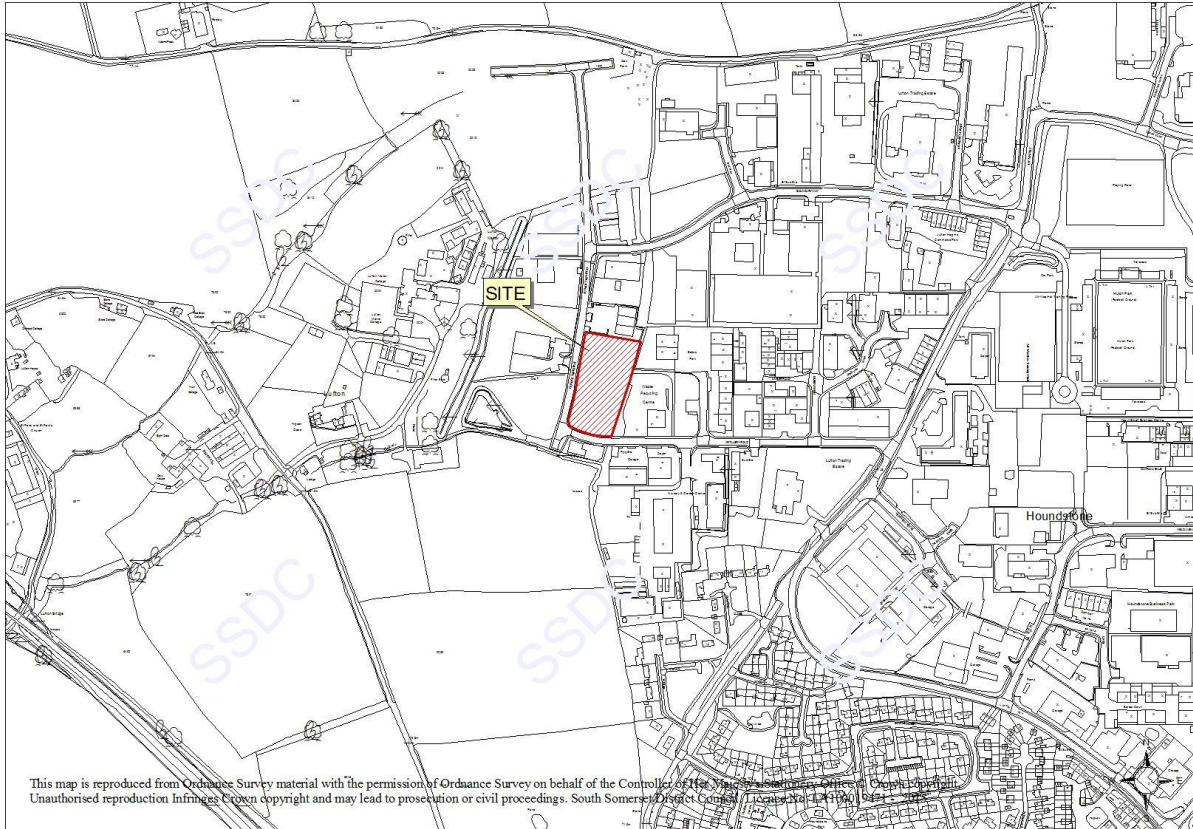
Officer Report On Planning Application: 13/01490/FUL

Proposal :	The use of industrial land for a builders yard, the formation of aggregate bays, the siting of a site cabin and the erection of 2.4 metre high boundary fencing (Part Retrospective)(GR 352162/116879)
Site Address:	Plot 21 Artillery Road Brympton
Parish:	Brympton
BRYMPTON Ward (SSDC Member)	Cllr S Lindsay Cllr P Seib
Recommending Case Officer:	Andrew Collins Tel: 01935 462276 Email: andrew.collins@southsomerset.gov.uk
Target date :	19th June 2013
Applicant :	Mike Lock Construction Ltd
Agent: (no agent if blank)	
Application Type :	Minor Other less than 1,000 sq.m or 1ha

Reason for Referral to Committee

This application is referred to the Area South Committee as the applicant is an elected member of South Somerset District Council.

Site Description and Proposal





The site is located within the development area and there is an oak tree with a TPO on it located on the site.

The site is a corner plot located at the western end of Artillery Way where it meets George Smith Way. To the East of the site is the Waste Recycling Centre and to the West is Tuscan House and a commercial/industrial plot to the north.

The site currently accommodates mounds of aggregate (approx. 1m high) and earth bunds around the highway boundaries also approx. 1.5m high. The western bund is currently overgrown with large weeds.

Planning permission is sought to use the site as a builder's yard, place a site cabin and portaloo and to erect a 2.4m high palisade fence around the site. It is also confirmed during the course of the application permission is sought for the retrospective formation of aggregate bays and the storage and provision to sell bagged / loose aggregates and sand. It has been confirmed that the existing bund / topsoil would be removed from the Western boundary.

A dropped kerb and metal gates are in place on the Southern boundary together with temporary herras style fencing.

The application is supported by a Design and Access Statement, photos of the proposed site cabin and palisade fencing.

Lengthy discussions have been held with the applicant over time in relation to protection of the existing tree and landscaping. The culmination of these proposals resulted in the submission of amended plans received on 1 May 2015 to address concerns raised about landscaping. This followed remedial tree works in December 2014.

RELEVANT HISTORY

11/02536/CPO - The temporary storage of construction waste/aggregates - SSDC no objection to County Matter - 15/09/2011. This was subsequently granted by Somerset County Council's Minerals and Waste Department for a temporary period until 31/12/12.

00/01766/S73 - development of land for employment purposes without compliance with conditions 5 and 6 of decision notice 99/02363/R3D dated 26/01/11 (ie use and operating hours of part of site) - Application permitted with conditions - 2/11/00

99/02363/R3D - The development of land for employment purposes within Use Classes B1, B2 and B8 and the provision of associated roads, services and landscaping (Outline) - Application permitted with conditions - 26/1/00

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

On the 5th March 2015 the South Somerset Local Plan (2006 - 2028) was adopted. Therefore it is considered that the development plan comprises this plan.

Policies of the adopted South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS1 - Settlement Strategy

EP3 - Safeguarding Employment Land

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework

Chapter 1 - Building a Strong Competitive Economy

Chapter 4 - Promoting Sustainable Transport

Chapter 7 - Requiring Good Design

Other Relevant Documents

Somerset Parking Strategy

Development Brief for Land at Oak Farm, Lufton, Yeovil 1989

CONSULTATIONS

Brympton Parish Council - *"Recommends approval"*

Highway Authority - *"The proposal currently derives access onto a private road. Based on the submitted details, it is considered that the proposed development will not have any detrimental impact on the adjoining highway network to warrant an objection in this particular case."*

Area Engineer - No comment

Tree Officer - Remedial measures to the protected tree were carried out in December 2014 involving the de-compaction of the soil and feeding with a slow-release fertiliser. Protective fencing has been installed. Previously he raised objections to the proposals due to a lack of planting to soften the boundary fence and long term tree protection measures. A condition for long term tree protection measures would be required. Either the temporary fence should remain and the land can't be used or alternatively a cell web protection system is utilised in order to use this area. This aspect can be conditioned to ensure an appropriate way forward. A proposal for landscaping has now been submitted. Subject to the mulching of the tree and shrub areas with woodchip / bark to a depth of 70mm and the pavement edge is safeguarded with a small retaining structure to prevent mulch spilling has no objections subject to conditions.

Environmental Protection Officer - I have no comments.

Economic Development Manager - Due to the importance of these comments they are attached in full.

"I have no fundamental objection to this planning application because the proposed use

- a) *falls within the existing planning use categories for the site and*
- b) *will provide employment.*

However, because of its location, I do have a number of concerns that relate to the visual aspects of the proposed scheme. I would wish to make a few recommendations that may help to minimise the potential for visual intrusiveness.

The George Smith Way section of the Lufton Park is a newer and quite prestigious section of the Lufton Business Park. It is home to some key businesses who have contributed to the quality of building design that helps to maintain a strong business park environment and appearance. The proposed site is also close to the 'gateway' to the new Lufton (phase 3) extension. It is therefore important that businesses in the area strive to maintain the very positive visual impression that the Business Park currently enjoys.

Whilst I accept that this application is for a builder's yard and that it will include all the components that one would typically expect of this type of operation, we should ensure that the visual impact of Plot 21 does not detract from the overall appeal of the business park in this location.

I am sure that the applicant already appreciates this point and will concur with the following observations. I believe that in conditioning the application against adverse visual impact we particularly need to address the following areas:

- *The 'palisade fencing' referred to in the application.*

Many sites within the park do rely on fencing for security and this has to be accepted. The style, grade and obtrusiveness of the fencing should be no greater than that already used on the park for similar purposes.

- *Landscaping*

Wherever possible the applicant should use landscaping, screening and planting within the site (or to its boundaries) to minimise the visual impact of storing materials and parking large vehicles

- *The site office.*

This clearly indicates a metal 'portacabin' style as typically used on similar sites. That being

accepted, consideration needs to be given to the location of the office within the site. If necessary, screening should be considered and certainly a restriction on the height of the structure so that it does not intrude on the skyline or be unduly visible.

- *Access and road infrastructure.*

The site should be able to cope adequately with vehicular loading and unloading processes entirely within the site. This should include suitable areas of parking and turning within the site for vehicles waiting to unload or load. Parking or waiting on adjacent highways should not be permitted. The roadways of the business park already suffer from congestion at peak times - generated by traffic flows and roadside parking. The traffic on this highway will increase as the park expands and the road in question will become a more established through-route. We should be firm in imposing restrictions in this matter.

Looking beyond the life of the proposed business, the site will still offer a largely undeveloped footprint that can lend itself to a variety of uses. I feel we should ensure that any infrastructure introduced for the proposed use does not unreasonably limit the scope of the site for future development and employment use.

In summary I have no objection to this application provided we are able to condition the application reasonably against adverse visual impact."

REPRESENTATIONS

None received.

CONSIDERATIONS

Principle

The site is located within the development area as defined in the adopted Local Plan 2006 and outline permission existed for B1, B2 and B8 uses on the site. The proposed use is considered to fall within the employment definition of the above. Therefore the principle of using this site for a builder's yard is acceptable and complies with saved Policy ME3 of the South Somerset Local Plan.

Boundary Treatment / Landscaping

The development of Lufton 2000, a joint development between SSDC and a developer has been a long time in the planning process. A Development Brief was written to guide development over the site. It was an original intention that;

"6.1 Landscaping must form an integral part of this development."

It goes on to say that;

"6.4 b) Screening and Landscaping by individual occupants. Each plot should have land set aside for planting with trees, shrubs and ground cover plants as appropriate. A landscaping scheme will be required to be submitted with each site application."

Whilst it is noted that limited weight can be given to this document the Council's original intentions are clear and the sentiment is still relevant today. This stance is backed up by the Economic Development Manager's comments in relation to landscaping.

On the basis of this stance, the previous case officer outlined a proposed landscaping scheme for the site with low level shrubs and feature trees with a weldmesh fence behind. After lengthy delays the applicant responded to the District Council. Since then further discussions and negotiations have been undertaken with the applicant. This has resulted in the amended plan received in May 2015. This has confirmed that the palisade fence will be black, plane trees would be planted in the Western corners of the site and a shrub planting of suitable species along the Western boundary.

It is noted that there is a mix of fencing and planting throughout the industrial estate, but none is as harsh as the proposed details. The boundary along George Smith Way is over 100m long, but this is now proposed to be mitigated with tree and shrub planting along this elevation. In addition it has been confirmed that the fencing will be finished in black. On this basis it is considered that the proposals are acceptable and can be conditioned.

Protected Trees

The matter of the two trees subject to preservation orders within the eastern boundary-part of the larger BRYM75 Oak Farm TPO 1981 has been investigated. In 2008, an ash tree was felled and removed from the land, and the roots of an oak tree were cut by the construction of a retaining wall on the land. Both trees were the subjects of a preservation order, and a criminal offence was therefore committed by the person(s) who had carried out that work to those trees. The landowner was subsequently interviewed under caution at the Council offices in respect of the offence of unauthorised work to the protected trees. From the available evidence at that time, it was considered inappropriate to proceed with prosecution action in the courts.

Despite the damage the oak tree remains on site and aggregate bays have been erected in close proximity to the North. However in December 2014 works were undertaken to the ground near the oak and this has addressed damage previously undertaken. A temporary herras fence has enclosed this area. Subject to suitable tree protection measures that can be conditioned, the works undertaken and measures put in place have restored any damage to the tree. On this basis it is not considered that the proposal complies with Policy EQ5 of the South Somerset Local Plan.

Highways

The site is reasonably large and parking on site is possible. The amended plan has moved the proposed buildings towards the Eastern boundary on the site of the originally indicated parking area. It is not clear where parking would be located within the site. Therefore this aspect could be conditioned.

Conclusion

The principle of using the site for a builder's yard is accepted. An amended plan has now been received that has addressed the visual impact and the character of the estate with a planting scheme. In addition the de-compaction, remedial works and tree protection measures that have been undertaken ensure that, subject to conditions, the protected tree on site would be adversely impacted upon. On this basis it is considered that the application can finally be supported.

RECOMMENDATION:

That application **13/01490/FUL** be granted:

01. The use is appropriate on an industrial estate and the amended plan satisfactorily addresses impacts upon visual amenity and subject to appropriate conditions the protection of a the protected tree. As such the proposals comply with Policies EP3, TA5, EQ2 and EQ5 of the adopted South Somerset Local Plan 2006 - 2028 and the aims and objections of the NPPF.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from May 2011.

Reason: To comply with Section 73A of the Act.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: location plan received 9 April 2013, plans of site office and wc received 24 April 2013 and amended site plan including landscaping and tree details received in email 1 May 2015. In addition the proposal shall be carried out in accordance with the email from Mike Lock dated 9 May 2014.

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

03. The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of decision notice.

The tree and shrub areas shall be mulched with a woodchip or bark to a minimum depth of 70mm. In order to prevent spillage onto the highway a retaining gravel board is required.

For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Policy EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

04. Within 3 months of the date of this permission the existing bund / topsoil along the western boundary shall be removed as agreed in email form Mike Lock dated 9 May 2014.

Reason: In the interests of visual amenity and the character of the area in accordance with Policy EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

05. Within 6 months of the date of this permission a scheme of tree protection measures relating to the adjoining protected tree shall be submitted to and agreed in writing with the Council and it will include the following details:

o A specification relating to the installation of a permeable, anti-compaction cellular confinement system for the de-compaction area within the Root Protection Areas of the adjoining protected tree as detailed on drawing received 1 May 2015;

o A commitment to avoiding machinery movements, ground-works, amendments to the soil (including rotavating & additions to soil-grade), the storage of materials, the mixing and discharge of cement liquids, the lighting of fires & the installation of below-ground services (including drainage & soak-aways) within the Root Protection Areas of the adjoining protected trees;

Upon approval by the Council, the measures specified within the agreed scheme of tree protection measures, shall be implemented in their entirety.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the objectives within Policies EQ2 and EQ5 of the adopted South Somerset Local Plan 2006 - 2028.

06. The area allocated for parking on the submitted plan shall be properly consolidated and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Policies TA5 and TA6 of the adopted South Somerset Local Plan 2006 - 2028.