

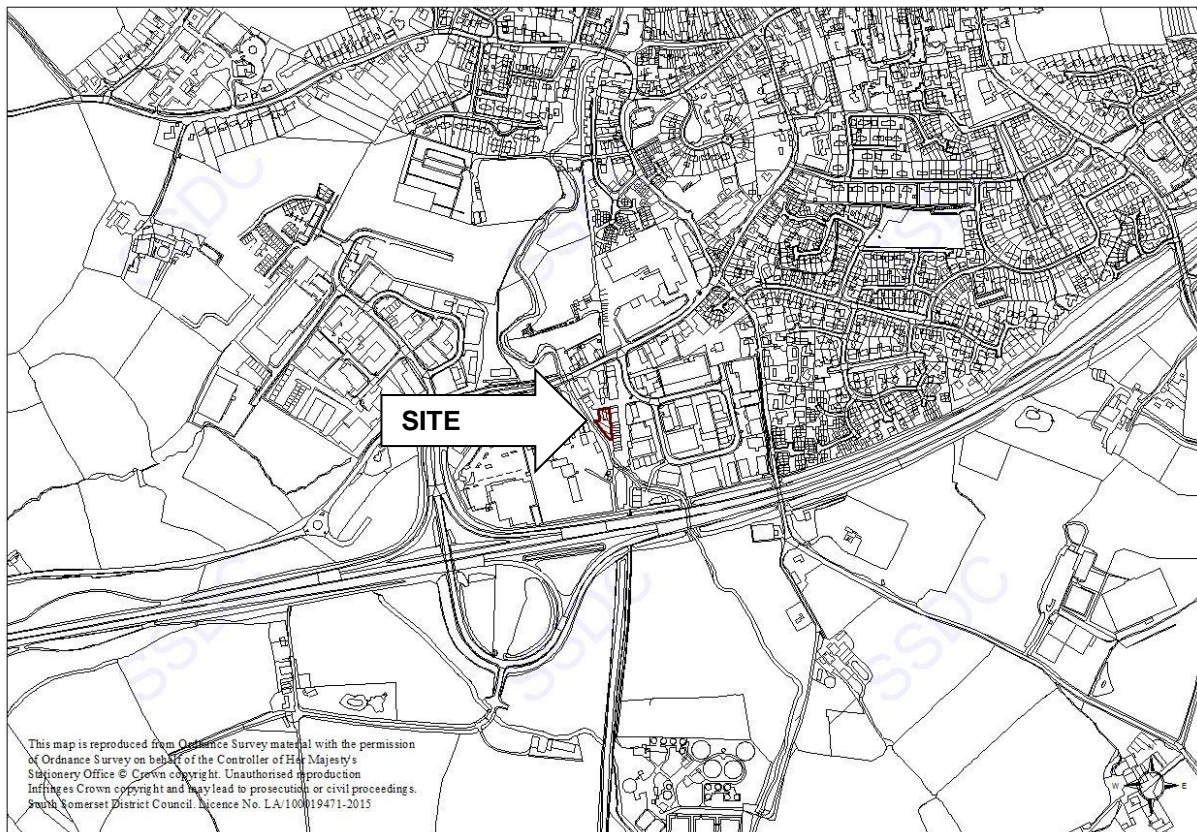
**AREA EAST COMMITTEE**  
**Officer Report On Planning Application: 15/04744/COU**

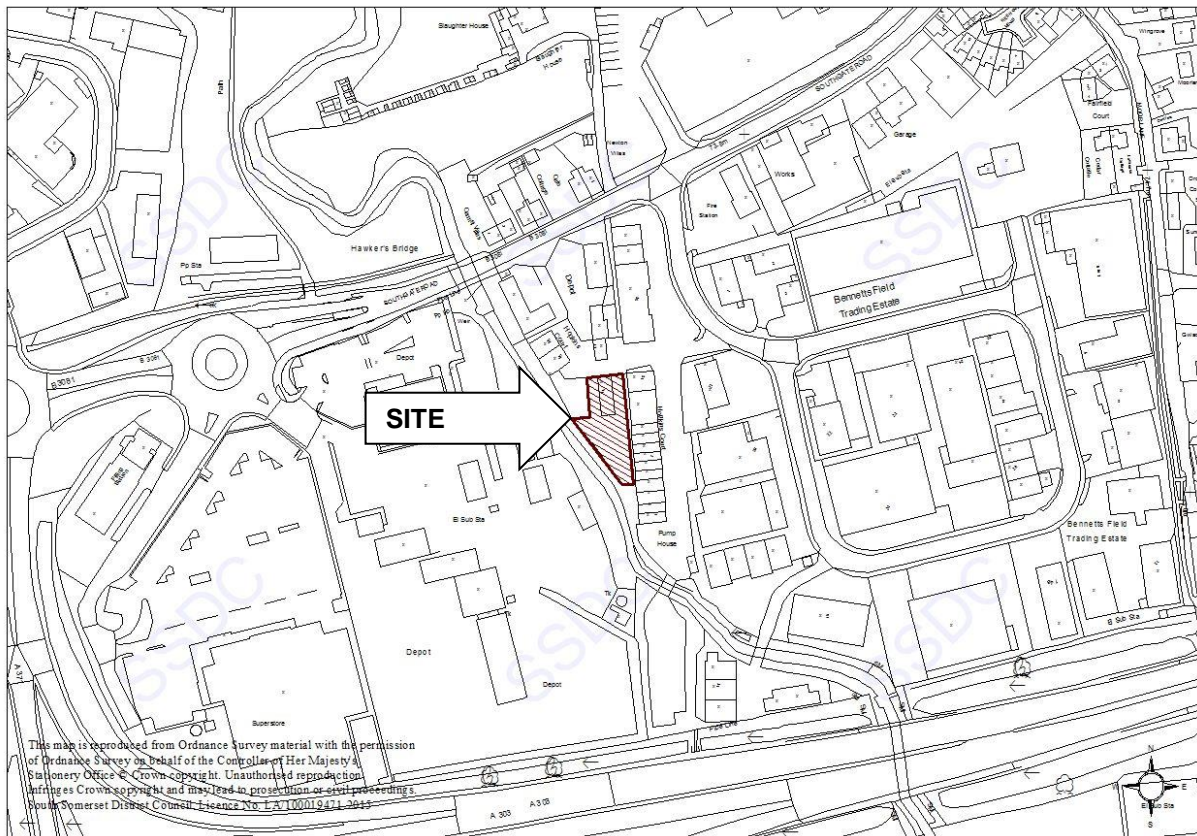
<b>Proposal :</b>	Change of use from B1 to A1 retail sales, selling horticultural products, plants, composts, sundries to both trade and the general public (GR 371038/127994).
<b>Site Address:</b>	Unit 14 Hopkins Court Bennetts Field Trading Estate Wincanton
<b>Parish:</b>	Wincanton
<b>WINCANTON Ward (SSDC Member)</b>	Cllr Nick Colbert Cllr Colin Winder
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	28th December 2015
<b>Applicant :</b>	Mr Andrew Cole
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

**REASON FOR REFERRAL TO COMMITTEE**

This application is referred to the committee at the request of the Ward Member(s) with the agreement of the Area Chairman to enable the comments of the Town Council to be fully debated.

**SITE DESCRIPTION AND PROPOSAL**





The application site is part of an industrial estate within development limits that is accessed off Southgate Road. The unit is free standing and set back behind a row of industrial units on the east side, with a stream to the south-west boundary and other industrial uses beyond. The property is a single storey detached building finished in reconstituted stone and render, with a profile sheet roof. The building is set within a wire fenced compound. The property is vacant.

The proposal seeks change of use from B1 (the surrounding estate is B1, B2 and B8) to a A1 retail sales use, selling horticultural products, plants, composts, sundries to both trade and the general public.

**RELEVANT HISTORY**

14/05348/P3KPA - Prior approval of change of use from office to children nursery - Application permitted.

**POLICY**

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

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

**EP3 - Safeguarding Employment Land**

Will be safeguarded and planning permission will not be granted for development to alternative uses unless it can be demonstrated that the loss would not demonstrably harm the settlement's supply of employment land/ premises and/or job opportunities.

Applicants will be expected to submit a marketing statement with the planning application, which demonstrates that the site/ premises has been actively marketed for a maximum of 18 months or a period agreed by the LPA prior to application submission.

To be supported the proposed use must be:

- compatible with existing surrounding uses and not detrimental to the operation of existing businesses in the area,
- adequate access exists,
- the proposal results in significant environmental enhancements to the character of the area, and
- the site is part of a sustainable location.

SD1 - Sustainable Development

SS1 - Settlement Strategy

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General development

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 1 - Building a strong competitive economy

Chapter 4 - Promoting sustainable transport

Chapter 7 - Requiring Good Design

National Planning Policy Guidance

Other Relevant Documents

Somerset County Council Parking Strategy, adopted March 2012 and re-adopted September 2012 following corrections made.

Somerset Highways Standing Advice - June 2015.

## **CONSULTATION**

**Wincanton Town Council** - recommends approval.

**SSDC Environmental Health Officer** - No comments

**County Highways** - standing advice applies to consider parking and turning.

## **REPRESENTATIONS**

None

## **CONSIDERATIONS**

### **Principle of Development:**

Local Plan Policy EP3 is central to the considerations raised by this type of application. The site is part of a wider employment location (B1, B2 and B8 uses). The applicant sought pre-application advice although their subsequent application does not address the need for justification that is referred to in the pre-application advice given the applicant. This requires that the premises have been suitably marketed for at least 18 months. There is therefore no 'in principle' support.

### **Other Matters:**

This employment location includes a variety of business types including the tyre/ exhaust centre that while it attracts individual motorists the use remains a B1 use that falls within the permitted use of the site. B1, B2 and B8 uses can result in a percentage of business income being derived from retail foot-fall, while retaining the original 'B' type use class. The applicant's case is quite straightforward. While their existing business is Design and Landscape and the premises would offer an outlet to other traders the fact of general advertisement is considered by them would attract significant retail footfall hence the application.

The prior approval procedure for Part 3 of Schedule 2 (Class K) of the Town and Country Planning (General Permitted Development) (England) Order 2013 considered in 2014 the change of use from

office (B1) to a registered day nursery. While this was permitted the use was not subsequently undertaken, in part possibly the reliance on the need for physical alterations that in their own right required planning permission stopped that proposal coming forward. Without the operational changes having taken place this planning history is not considered to add any favourable weight that might have supported the current application.

**Concluding remarks:**

The application is submitted without a marketing appraisal for the site and as such is contrary to Policy EP2 of the South Somerset Local Plan.

**RECOMMENDATION**

Refuse

**FOR THE FOLLOWING REASON**

01. The application is not supported by a marketing appraisal contrary to Policy EP3 of the South Somerset Local Plan 2006- 2028
02. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
  - offering a pre-application advice service, and
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent was advised that the proposal did not accord with the development plan and advised of the need to justify the proposed change of use.