

Officer Report On Planning Application: 16/00291/COU

Proposal :	Change of use of building to a gym from use class B8 (Storage or distribution) to use class D2 (GR: 371306/127902)
Site Address:	12 Bennetts Field Trading Estate WINCANTON Somerset
Parish:	Wincanton
WINCANTON Ward (SSDC Member)	Cllr Nick Colbert Cllr Colin Winder
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	11th March 2016
Applicant :	Mrs Sandra Catley
Agent: (no agent if blank)	
Application Type :	Other Change Of Use

REASON FOR REFERRAL

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

SITE DESCRIPTION AND PROPOSAL





The site is located within development limits on Bennetts Field Trading Estate (typically B1, B2 and B8 uses). The property is a detached commercial unit currently vacant whose last use is given as storage and distribution (B8). The property provides approximately 477 square metres of space with off road parking to the front.

This application seeks permission for a change of use from B8 storage and distribution to a gym (Use Class D2). The applicant indicates up to 9 parking spaces would be available, with one full time employee and a target within 12 months of 5 part timers. The gym would provide for extreme sports and training.

The application is supported by a Business Plan.

HISTORY

99/02034/FUL - The erection of an extension for use as a cook/freezer facility. Approved.

Various applications submitted before 1999.

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)

SD1 - Sustainable Development

SS1: Settlement Strategy

SS3 - Delivering New Employment Land
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General development
EP3 - Safeguarding Employment Land
EP11 - The Sequential Approach

Regard shall also be had to:

National Planning Policy Framework (March 2012):
Chapter 1 - Building a strong competitive economy
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities

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.

CONSULTATIONS

Wincanton Town Council - Recommend approval.

County Highway Authority - Standing advice applies to consider whether there would be sufficient on-site parking provision in line with the SPS optimum standards and dimensions for the proposed D2 use.

SSDC Policy Planner - Bennetts Field Trading Estate is identified in the South Somerset Employment Land Review (Stage 1, August 2009) as a mixed employment site comprising two large employers both involved food processing and distribution, and a small number of start-up units which are in demand when vacancies occur.

The Council's Employment Land monitoring illustrates that the site is a healthy and fairly successful one with a number of applications for extensions and changes of use for a range of traditional employment uses since 2006. There appear to be a couple of units currently vacant and currently available.

South Somerset Local Plan

The South Somerset Local Plan 2006 - 2028 was adopted on 5th March 2015. As established in law by Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town and Country Planning Act (1990) (as amended), the starting point for considering this application must be that it is determined in accordance with the development plan unless material considerations indicate otherwise.

Policy SD1: Sustainable Development clearly sets out that the Council will take a proactive approach when considering proposals for development. In line with the spirit of the NPPF, the Council will seek to secure development that positively improves the economic, social and environmental wellbeing of the District.

Wincanton is identified as a Primary Market Town in Policy SS1: Settlement Strategy, of the Local Plan. Provision should therefore be made in Wincanton for housing, employment and other services that increases the settlement's self-containment and enhances its role as a service centre.

Policy SS3: Delivering New Employment Land identifies the additional employment land required over the plan period and the number of jobs that should be encouraged in each settlement to support sustainable and balanced growth. 599 jobs are to be encouraged in Wincanton to 2028, 61% of which will be in traditional B uses. 7.94 hectares of employment land is required over the plan period.

Policy EP3: Safeguarding Employment Land identifies that employment land will be safeguarded and planning permission will not be granted for alternative uses unless it can be demonstrated that the loss would not demonstrably harm the settlement's supply of employment land or job opportunities. There is a requirement for the applicant to submit a marketing statement alongside the application which demonstrates that the site has been actively marketed. Policy EP3 is also clear that changes of use will not be permitted unless a number of criteria can be met. These criteria include the requirement that the proposed use is compatible with existing surrounding uses and not detrimental to the operation of existing businesses in the area.

It should be noted that the proposed development falls into the NPPF definition of a "main town centre use" and as such Policy EP11 requires the applicant to submit a sequential test to demonstrate that there are no sequentially preferable sites that could accommodate the development whilst enhancing the vitality and viability of Wincanton town centre. The policy states that where applications fail to demonstrate compliance with the sequential approach, they should be refused.

Policy EQ2: General Design requires development to be designed to achieve high quality places with consideration given to creating safe environments along with site specific considerations.

In summary, the proposed development satisfies Policy SS1 and SS3 as it would enhance Wincanton's role as a service centre and provide a small number of jobs (1 full time and 5 part time). It is however contrary to Policy EP3 and EP11 as no marketing statement or sequential test have been submitted alongside the application. On the basis of the above, the proposed development is not in accordance with the development plan.

Additionally, there may be an issue regarding the compatibility of the proposed use alongside existing uses. There are examples elsewhere of non B uses having an adverse impact on the operation of existing users, this should be given consideration as identified in Policy EP3, when coming to a decision on the acceptability of the proposed development.

National Planning Policy Framework

The NPPF is an important material consideration and should be read as a whole. Of particular relevance to this application are paragraphs 20, 22, 24 and 27. Paragraph 20 indicates that planning authorities should proactively plan to meet the development needs of businesses and support the economy. On the other hand, paragraph 22 identifies that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Applications for alternative uses should be treated on their merits having regard for the relative need for different land uses to support sustainable local communities. Paragraph 24 outlines the application of the sequential test and 27 outlines where an applications fails the sequential test it should be refused.

Conclusions

The Local Plan is supportive of new services and facilities that stimulate the economy and provide jobs locally; however, the proposed development is not in accordance with the Local Plan as it is contrary to policies EP3 and EP11. It is for you to determine whether there is evidence or other information which constitutes a material consideration which indicates that the application should be approved.

SSDC Economic Development - Whilst the application is for D2 use employment purposes, the extant use for the premises is for B8 use. To be consistent with our marketing policy for applications for COU, the applicant/owner should have tested the market first.

There are a number of reasons for this:

- Demand for B use employment premises in Wincanton is evidenced in the Local Plan.
- There is evidence from recent planning applications of reasonable demand for B use workspace in Wincanton
- The primary purpose of the Trading Estate is for B1, B2 and B8 use and we should avoid the proliferation of COU to preserve the integrity of the estate for its intended purpose.
- We need to be consistent in the application of our marketing policy and consistent in our process for all planning applications requiring a change of use

To underline the response already submitted by our Planning Policy Officer, the application is contrary to policy and with no marketing undertaken for the premises; we are unable to support the application.

REPRESENTATIONS

There has been a letter of support that acknowledges Wincanton has a few gyms but none compare to what this one will be. This gym is going to be more sports specific for strongman training and others.

CONSIDERATIONS

Principle of Development:

The primary purpose of Bennetts Trading Estate is for employment type (B1, B2 and B8) uses. The estate appears a vibrant business community with two or three currently vacant units of which the application site is one. From the Officer's visit there were no immediate signs of non B type uses within the wider site other than for the single A1 permission (ref: 15/04744/COU) recently given by Area East Committee that is nearer the estate's entrance. The only other non B type use is the snack bar that serves the estate's workers and visitors. The Planning Policy response is given in full above. This draws attention to the need to preserve the estate's integrity and that non B type uses alongside existing uses can have an adverse impact on the operation of existing users.

In policy terms the application fails to provide a sequential test to identify other possible alternative sites and lacks a marketing appraisal whose purpose seeks to safeguard existing uses, contrary to Policy EP3 and EP11 that are applicable in considering the proposal. Without compliance with Policy there is no 'in principle' support. We have therefore to consider whether there are any material considerations in support of the application.

Character and Appearance:

There are no external alterations proposed by the current application. The proposal is not considered would have a detrimental effect on character and appearance.

Highway Safety:

The applicant advises that there would be no external storage requirement and has indicated up to 9 parking spaces are possible that appears to be the case notwithstanding the presence of the adjacent security fencing that defines an outdoors storage compound for the adjacent unit. It is considered that the application generally accords with Highways Authority standing advice.

Neighbour Amenity:

The introduction of non 'B' type uses introduces a different client base. During the planning officer's visit in exiting the estate there was a HGV stopped blocking the highway during a delivery/ collection thereby creating an element of inconvenience. While compatible business users will put up with this shared experience a broadened range of customers visiting the estate undoubtedly would take a different view that is considered to have a long term detrimental impact for existing users contrary to Policy EP3. Without the relevant policy supporting evidence base the neighbour amenity concerns that come down to the differences in work practices should be given great weight.

Other Matters:

The applicant refers to the site employing 1 and a half staff with an anticipated increase up to 5 part timers in addition to the full time worker, although a continuing B type use is likely to employ more.

Bennetts Trading Estate is seen to be a vibrant employment location having seen a large extension (10/02091/FUL) in support of bringing business to the estate, while other sites within the estate continue to present opportunities to grow and extend. The limited number of vacant unit turn over acts to provide an opportunity to support the B type uses within the trading estate. The non- B use class types identified (A1 permitted by committee and the snack bar serving workers and visitors to the estate) indicates the current and continuing viability of the trading estate.

Concluding Remarks:

While the Local Plan is supportive of new services and facilities that stimulate the economy and provide jobs locally, the proposed development is not considered to accord with the Local Plan, being contrary to

policies EP3 and EP11. In addition, the Bennett estate remains largely a home to a range of compatible B type uses whose concentration in this locality supports the estate's continued viability in providing a concentration of B type uses.

RECOMMENDATION

Refuse

SUBJECT TO THE FOLLOWING:

01. No evidence is submitted in support the application to demonstrate the undertaking of a sequential approach to sites in the locality, or that the premises has been the subject of a robust and extensive approach to its marketing to determine what demand there is for the continued use of the premises within the B1, B2 and B8 Use Classes. By virtue of that lack of evidence it is considered that not every reasonable attempt has been made to secure the site's continuing business use and as such this would lead to a detrimental impact on the vitality and vibrancy of Bennett's Trading Estate being contrary to Policy EP3 and EP11 of the South Somerset Local Plan 2006- 2028.

Informatives:

01. 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 did not take the opportunity to enter into pre-application discussions.