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APPL.NO: 08/03055/COU APPLICATION TYPE: Change of Use

PARISH: Somerton WARD: WESSEX

DESCRIPTION: The change of use of building from light industrial (Use Class B1) to an indoor childrens play centre (Use Class D2) (GR 347839/129098)

LOCATION: 14A Wessex Park, Bancombe Road Trading Estate, Somerton, Somerset TA11 6SB

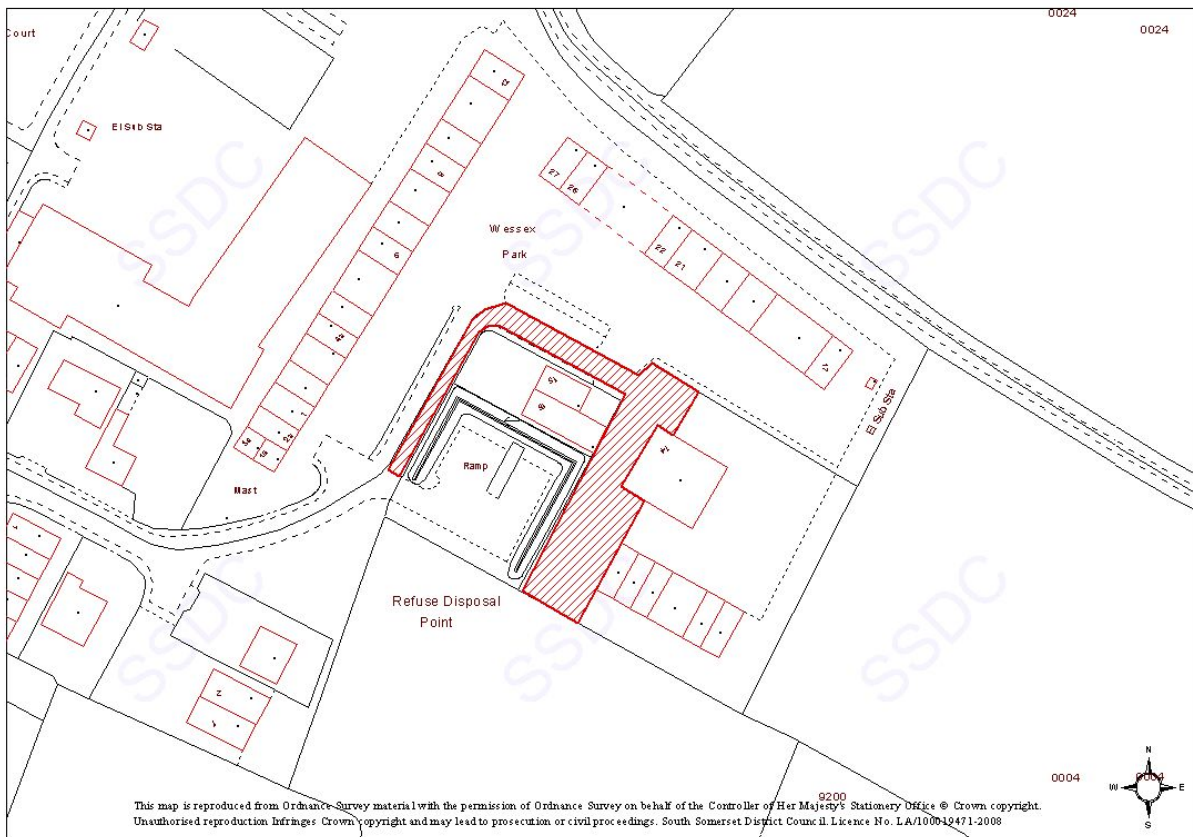
APPLICANT: Pitney Fabrication Co Ltd

DATE ACCEPTED: 30 July 2008

Reason for Referral to Committee

The application is to be considered by Area North Committee at the request of the Ward Members and with the agreement of the Area Chairman. It is felt that the issues should be given further consideration by Members.

Site Description and Proposal



This application relates to an existing industrial unit within Wessex Park, part of the Bancombe Road Trading Estate. The unit is one of a number of units within the curtilage of Pitney Fabrications, to the south east of Wessex Park and is closest to the entrance to the site.

The proposal is made for a change of use of the industrial unit to an indoor play area (D1 non-residential institution). The proposal includes the installation of fence and gates to separate the unit from those further into the site.

History

07//00721/FUL: Erection of covered yard - Permitted with conditions.

03/01029/FUL: Erection of four industrial units: Permitted with conditions.

02/03378/FUL: Removal of condition 2 on application 02/02379/FUL & 02/02380/FUL to allow the occupation of 6 no industrial units without the full road works being completed - Permitted with conditions.

02/02380/FUL: Erection of four industrial units - Permitted with conditions.

02/02379/FUL: Erection of two industrial units - Permitted with conditions.

Policy:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents :

Regional Spatial Strategy:

VIS 1 - Expressing the Vision

VIS 2 - Principles for Future Development

EN 4 - Quality in the Built Environment

Somerset and Exmoor National Park Joint Structure Plan:

STR1 - Sustainable Development

49 - Transport Requirements of New Development

South Somerset Local Plan 2006:

ST5 - General Principles of Development

ST6 - The Quality of Development

MC5 - Location of Non-Shopping Key Town Centre Uses

MC6 - Location of Non-Shopping Key Town Centre Uses

ME6 - Retention of Land and Premises

Consultations:

Town Council

No objection.

SSDC Technical Services

No comments.

SSDC Economic Development

This application is unusual, yet ironically does not set the precedent for a change of use for premises to alternative uses away from B1, B2 and B8 uses. On the Bancombe Road Trading Estate, a children's nursery, accountants, dentist and community facilities have all been approved in recent years.

The access and car parking facilities featured among my original concerns for this application. I am however comforted by a) the offer by Pitney Fabrications for commercial vehicles access to the industrial units through their yard and b) the letters of support for this project by the majority of neighbours to the premises.

Clearly, there is a demand for a children's indoor play centre in the locality as evidenced by the numerous letters of support submitted with the design and access statement.

The suggestion of a speed hump in the entrance to the site to slow traffic as they enter and leave the site is clearly a positive addition with regard to site safety. I am concerned however of the detrimental effect a speed hump may have on commercial or agricultural vehicles, which need to access the site. A review of this idea may be considered after commencement of the children's activity centre (if approved).

Currently, the applicant has a personal interest in both Pitney Fabrications and the proposed children's activity centre. I would recommend that if approved, the change of use is restricted to the applicant only. This will prevent a situation in the future where if either unit is sold, there will be no conflict, particularly with regard to alternative access through the yard of Pitney Fabrications.

On economic grounds, I support this application.

County Highway Authority

(10/9/08) The proposal is for the introduction of a children's day care nursery within Bancombe Road Trading Estate where heavy vehicles are in constant use. I would question the suitability of such a location for the proposed development due to the potential conflict of pedestrians with these commercial vehicles.

From the site visit it appears that the proposed access is also currently utilised by other industrial units operating adjacent to the building. As the building as part of this application is not completely separated from other units in terms of its means of access and parking and turning facilities the concerns relating to potential conflict are still relevant. As a result, as the application stands I would recommend that the application be refused on highway grounds.

(25/9/08) As I am sure you are aware the Highway Authority in its initial response to the Local Planning Authority raised concerns regarding the likely conflict between pedestrians in connection with the nursery and the existing commercial traffic that operates within the site. It has since been brought to my attention that the section of Bancombe Road Trading Estate in which the application is to be served off is not public highway.

In this particular instance as the Highway Authority has no jurisdiction over this section of road I can only advise the Local Planning Authority of our views. However, it is the duty of the Highway Authority to highlight any potential safety concerns that a proposal may well create no matter what the status of road. As a result of the above, given the status of the approach road I would therefore withdraw my previously stated highway objection. However, I would reiterate my previous stated concerns and it must be a matter for the District Council to determine whether or not this is a suitable location for such a development in light of the concerns raised.

Representations:

The application has been advertised by press and site notice for the requisite period. One response has been received from the occupier of another unit within the same site. This objection raises concerns regarding ability to access the objector's unit, in respect to daily deliveries, farm machinery and tractors. Also concerns were raised regarding safety for members of public within the site and limited visibility for the operators of the larger agricultural machinery expected on site.

Several letters of support were received as part of the applicant's submission. These include a letter from the occupier of an adjacent unit and several potential users of the proposed facility, supporting the need for additional facilities for local children.

While not a formal response from Area Development North, notes have been forwarded highlighting comments made at July 2008 Area Forum Event, regarding a desire and a local need for additional child facilities.

Considerations:

The proposal is for the change of use of an existing light industrial use to a children's' indoor play area. It is considered that the key considerations are impact on loss of employment land and the introduction of a key town centre use away from a preferred location, accessibility of existing units on site and pedestrian safety.

Change of Use

As the proposal will lead to the loss of an industrial unit and will be likely to attract a lot of people, it is important that it meets the policy requirements of Local Plan policies MC6 and ME6.

The applicant has stated in their design and access statement that while the unit has been vacant for eight months at the time of submission, it has not been formally marketed. However, the applicant states that the proposed business will provide a similar number of jobs as an industrial unit would and that there is a clear and demonstrable need for facilities such as these for children.

The Council's Economic Development Unit has been consulted and has registered support for the scheme. It is considered that approval of the scheme will not set a precedent for change of use, as there are already a variety of non-industrial uses on the Bancombe Road Trading Estate. It is also considered that the need for the facility has been demonstrated and evidenced satisfactorily. As such, there are no economic policy objections to the scheme.

Access

The industrial unit is one of a row of units located to the rear of Pitney Fabrications and within its curtilage. The site is accessed off the main Wessex Park and gained through the existing gate to the Pitney Fabrications site. The other units are sited beyond the proposed business and are accessed further into the site, as such any deliveries or vehicle movements to these businesses need to pass the proposal unit.

The application, as submitted includes a proposal to erect new gates and fencing within the Pitney Fabrications site to separate the unit and the associated parking area from the other businesses.

The design and access statement refers to potential issues regarding deliveries and other traffic movements to existing businesses. The applicant feels that the proposed division of the site will not cause any problems to existing units. Furthermore, it is noted that HGV deliveries are few and far between and at present are booked well in advance. As the proposed business is under the same ownership as the main Pitney Fabrications business, the applicant has stated that there will always be someone about to manage the car parking facilities and will be able to cordon off any areas required to allow access of large vehicles. At all other times, there should be no restriction on the daily movements of vehicles associated to the other units.

One objection has been raised from the occupier of one of the units within the site. The objector is concerned that they have daily deliveries and due to the nature of their business

there are also tractors and other large farm machines brought on site. These will have to negotiate the newly laid out car park and will find visibility and accessibility restricted. Also concerns have been raised about the safety of members of the public using the car park while vehicles are passing through to the other units.

The applicant has responded by pointing out that the existing yard already has consent for use as car parking but has not been marked out. There are currently large steels and other obstructions laid out on site covering the proposed parking spaces and these have caused no problems so far. Furthermore, the car park is to be well signed and policed by the applicant at Pitney Fabrications or his wife from the proposed business to ensure that visitors stick to the marked spaces and do not cause any disruption to the existing businesses.

Taking into account the close relationship between the proposed business and Pitney Fabrications, it is considered that there is likely to be adequate control in place to guard against inconveniencing the existing businesses. It is also considered that there should still be sufficient room for daily traffic movements to be maintained. However, it is noted that these vehicles still have to pass through the car park and directly to the front of the proposed business, which may create safety issues.

In the Economic Development Managers observations, comments have been made about the shared access to the site. It is recommended that due to the personal interest that the applicant has in the proposed business and Pitney Fabrications, it may be advisable to impose a personal condition if the application were to be approved. This is to ensure that the units cannot be sold off separately, potentially affecting the proposed management of the car park, which is crucial to maintaining access to the existing businesses. While a condition is unsuitable for a personal permission, it may be that a legal undertaking is appropriate if consent were to be granted.

Highway Safety

As discussed above, the only access into the site is shared by Pitney Fabrications and the other businesses, which also have to drive through the proposed car parking area. The proposal includes the division of the site to keep visitors to the play area separate from the activities taking place at the other units but this does not stop a conflict when vehicles are passing through the site.

Concerns have been raised by a neighbouring business and also objections raised by the Highway Authority. The Highway Authority has commented that the Bancombe Road Trading Estate is utilised by heavy vehicles on a regular basis and that the access is utilised by other industrial units. As the access, parking and turning facilities are not completely separated, it is considered that there is the potential for conflict between pedestrian and commercial traffic, which would prejudice safety, amenity and convenience of users. However, the point has been raised that the Highway Authority has no jurisdiction over this site, as the approach road is privately owned. The Highway Authority have considered this point and agreed, withdrawing their objection. They do however comment that it is their duty to highlight any potential safety concerns that a proposal may have no matter the status of the road.

These comments have been seriously considered by the Local Planning Authority and it is felt that this concern is legitimate. Local Plan policy ST5 states that "proposals should make provision for a satisfactory means of access into and within the site and traffic resulting from development can be accommodated on the local transport network". While it is noted that there is a proposed speed hump at the access and there is to be clear signage, it is still not considered that the proposal satisfies this criterion in regard to safe access and movement within the site. It is particularly important to give this matter consideration, bearing in mind

that this proposal is aimed at young children between the ages of 0 and 10 years old, who will have to use the yard.

The applicant has raised the point that there is an existing day nursery across the Wessex Park site, however it is deemed that this unit is very different. Acorns Day Nursery, as referred to, is located within the main business park where users have direct access from the main car park, which is open and spacious, allowing users to easily negotiate the area. In contrast, the proposal is located within the private curtilage of another business, with a narrow and confined space that is shared with vehicles associated with the other existing businesses.

Conclusion

To conclude, no objection is raised to the proposal on economic grounds. It is considered to be meet an identified need and have no detrimental impact on employment provision locally. However, it is not felt that this should override the concerns regarding safety within the site. It is considered that the proposed development is likely to result in a conflict between pedestrian and commercial traffic, which would be prejudicial to the safety, amenity and convenience of users. Even though the County Highway Authority have only been able to make a recommendation in this case, it is considered that as a responsible Local Authority, the only option is to recommend refusal of the scheme.

RECOMMENDATION :

Refuse

Application Refused

01. The proposed development is likely to result in a conflict between pedestrian and commercial traffic, which would be prejudicial to the safety, amenity, and convenience of users. As such it is contrary to policy ST5 of the South Somerset Local Plan 2006.
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