



JOINT AREA COMMITTEES IN SOUTH SOMERSET

Officer Report on Planning Application

09/01861/FUL
(Excepted Business)

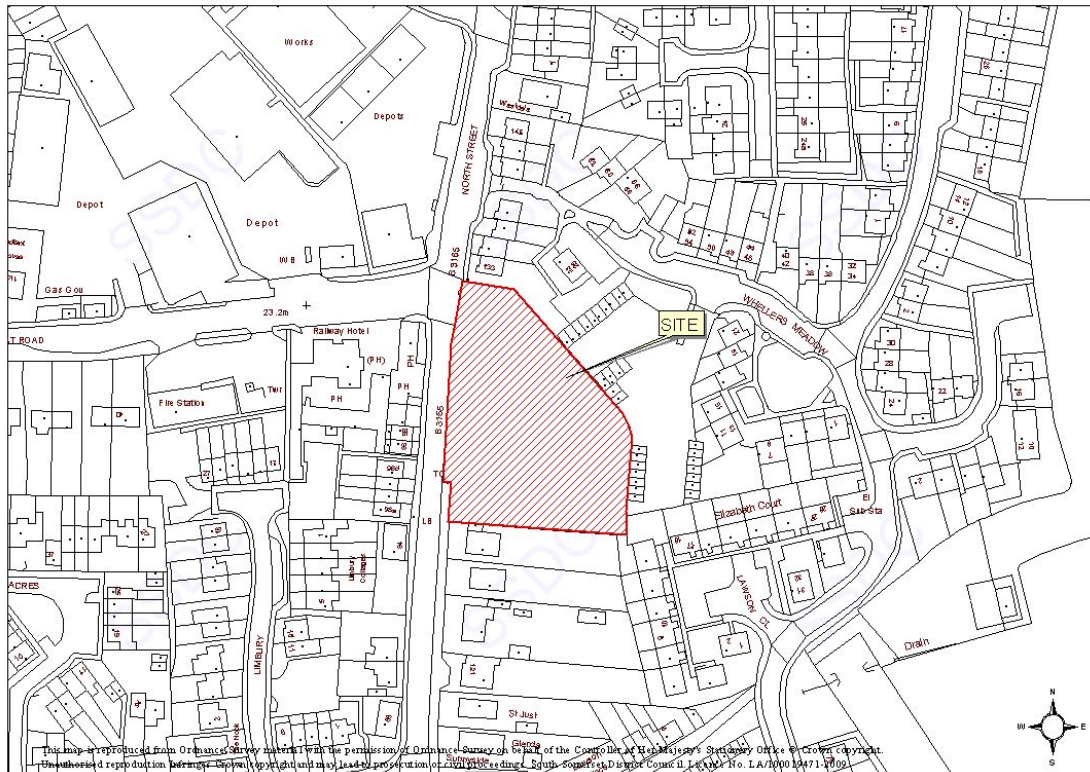


Proposal :	Demolition of existing garage/workshop and adjacent dwelling and the erection of 20 dwellings, associated parking, landscaping, highways and associated works. (GR 346256/119981)
Site Address:	Yandles Garage North Street Martock
Parish:	Martock
Ward: (SSDC Member)	MARTOCK Ann Campbell (Cllr), Patrick Palmer (Cllr)
Division (SCC Member)	MARTOCK John Bailey (Cllr)
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	31st July 2009
Applicant :	Mr & Mrs J Yandle
Agent: (no agent if blank)	Mr G Chambers APT Design 16 Angel Crescent, Bridgwater TA6 3EW
Application Type :	Major Dwlgns 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application is before committee at the request of both Ward Members as the officer's recommendation is contrary to the observations of the Parish Council and the comments of local residents.

SITE DESCRIPTION AND PROPOSALsupervisor



This is a garage site on the east side of North Street, opposite the public house at the junction of Coat Road. The existing buildings comprise a dwelling (129 North Street), a fuel

forecourt and shop and a large steel framed workshop building with hard standing/parking area. There are residential properties to the north and south, fronting onto North Street. These are 2-storey with a mix of stone (to south) and reconstituted stone (to north). There is a garage court to rear. Opposite are terraced properties, with the public house on the corner.

The proposal is for demolition of all existing structures and erection of 20 dwellings comprising 14 houses; 6 flats; associated parking and turning spaces (34 car parking spaces) and an area of Public Open Space (POS). The buildings would be arranged in two, 2-storey terraces either side of the entrance. To the rear would be a terrace of four 2-and-a-half storey houses, a 2-storey block comprising 4 flats and two 'flats-over-garages' (FOGs). Bin and cycle storage areas would be provided for the occupiers of the flats

The materials would comprise a mix of natural hamstone and render with tiled and slated roofs.

The application has been amended from 24 to 20 units with the incorporation of the area of POS and changes to the detail of the access as requested by the highways officer.

The application is supported by a Design & Access Statement; a Statement of Community Involvement; a Flood Drainage/Flood Risk Assessment; an Environmental Investigation Report and a Desk Study Report into Land Contamination; and a viability report into the future of the existing use.

08/04349/FUL Planning permission refused for erection of 47 sheltered flats for the elderly on the grounds that:-

- 1. The proposed development, by reason of the substantial three storey frontage to North Street, would introduce an overly dominant and visually incongruous element to the streetscene to the detriment of with the established character of the locality. As such the proposal is contrary to policies ST5 and ST6 of the South Somerset Local Plan (adopted 2006).*
- 2. The proposed development would fail to provide 35% of the units as affordable housing on the site. No acceptable justification for off-site provision has been submitted, nor has the commuted sum offered been justified. As such the proposal is contrary to policies HG7 and HG8 of the South Somerset Local Plan adopted 2006.*

Previous history relates to the operational development of the garage/forecourt business

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

Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008):
Development Policy C - Development in Small Towns and Villages
Development Policy D - Required Infrastructure for Development
Development Policy E - High Quality Design

Development Policy G - Sustainable Construction
Development Policy H - Reusing Land
TR1 - Demand Management and Public Transport
H2 - Housing Densities
RE5 - Renewable Energy

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000):

STR1 - Sustainable Development
Policy 39 - Transport and Development
Policy 48 - Access and Parking
Policy 49 - Transport requirements of new development

South Somerset Local Plan (adopted April 2006):

Policy ST1 - Rural Centres
Policy ST5 - The Quality of Development
Policy ST6 - Landscape and Architectural Design
Policy ST9 - Crime Prevention
Policy ST10 - Planning obligations
EH5 - Development Affecting the Setting of Listed Buildings
Policy EU4 - Drainage
Policy HG1 - Provision for New Housing Development
Policy HG4 - Housing Density
Policy CR2 - On site Outdoor Play and Amenity Space
Policy CR3 - Off site provision of Outdoor Play and Amenity Space
Policy CR4 - Amenity Open Space
Policy TP1 - Pedestrian Provision
Policy TP4 - Road Design
Policy TP7 - Car Parking
ME6 – Retention of employment space
EP5 – Contaminated Land
EH12 – Archaeology
MS1 – Loss of shops

Policy-related Material Considerations

None relevant

National Guidance

PPS1 - Sustainable Development
PPS3 - Housing
PPG13 - Transport
PPG17 - Planning for open space, sport and recreation
PPS25 - Flooding

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
Goal 4 - Services and Facilities
Goal 8 - High Quality Homes
Goal 9 - A Balanced housing Market

Parish/Town Plan - Martock

No conflict

Other Relevant Documents:

None

CONSULTATIONS

Martock Parish Council – “welcomes the reduction to a total of 20 dwellings. We still feel that the 2 ½ storey block should be lowered to 2 storeys and that the gabled end house on the left entrance from North St should be of the same design as the house on the opposite side of the entrance. Members also do not wish to lose any shopping facilities at the North end of Martock.”

Highways Officer – did not support the scheme as initially submitted due to a number of technical points (including layout and geometry of parking spaces, pedestrian crossover at entrance). In relation to the amendments has raised no objection subject to clarification of pedestrian crossover at entrance.

Economic Development Officer – has no objection to the loss of the garage use, noting that the Yandles site is almost entirely surrounded by residential, which could impact on future business use, particularly the noisy ones, or those that depend on significant HGV and other large volume vehicle movements. Furthermore he accepts that the location and size of the existing use of the site is relatively small when considered as a percentage of the whole. The proximity of the Great Western Industrial estate to this site is close enough to consider that any loss of B8 use at Yandles could be relocated elsewhere in Martock.

However the loss of the shop is strongly resisted:-

“Whilst it may be argued that the shop is ancillary to the garage premises, it clearly serves a need for the residents to the north of Martock. It is appreciated that at present the fundamental purpose of the shop is to pay for fuel and other forecourt services, with the opportunity to purchase essential items. It is my opinion that the loss of this retail premises will impact significantly on the lives of those who have become used to using the premises.

“Whilst I fully appreciate that some of my observations in 3) above are more community than economic orientated, it is in examples such as this difficult to separate the two. I can accept the loss of the workshop, forecourt and car sales premises for the reasons detailed. I find it extremely difficult to come to terms with the loss of the shop.”

Environment Agency – conditional approval

Area Engineer – supports findings of the FRA. Requires details of surface water attenuation to be agreed at a rate no greater than the existing rate of 10l/sec. This rate should be confirmed.

Planning Policy – No objection.

Open spaces officer – Initially objected to lack of POS. No further comments received at time of writing. Any further observation will be the subject of an oral update.

County Archaeologist – initially requested further information prior to approval. Given built/hard surfaced nature of site clarification has been sought.

Play & Youth Facilities Officer – Comments awaited, however it is anticipated that a contribution will be sought towards the provision of equipped play areas and youth facilities to meet the demands arising from the occupiers of the new dwellings. An oral update will be required.

Leisure Facilities Officer – Recommends that a contribution of £2,692.18 per dwelling be sought towards the provision of playing pitches and strategic community facilities to meet the demands arising from the occupiers of the new houses.

Police Architectural Liaison Officer – concerned about alley way and bin/cycle storage under FOG (plot 8)

Environmental Health Officer – notes potential for land contamination arising from previous use. Recommends safeguarding conditions.

REPRESENTATIONS

3 letters have been received offering the following comments:-

- 2 ½ storey not in keeping;
- Petrol station and shop should be retained;
- Loss of viability – Martock is becoming a ‘ghost town’.
- Entrance is unbalanced with one building gable end onto North Street;
- Loss of employment site

CONSIDERATIONS

The proposal for the re-use of this brownfield site, within development limits, is considered acceptable in principle subject to local plan considerations. The access and parking arrangements are considered acceptable, and subject to clarification of the pedestrian crossover at the entrance comply with policies ST5, TP4 and TP7.

The application is supported by a drainage statement and investigations into land contamination. These are considered acceptable in light of policy EU4 and EP5 respectively. Whilst the comments of the archaeologist are acknowledged it is noted that the site is entirely covered by buildings and hardstanding. It is difficult therefore to see what work could be carried out prior to development and a condition to require a watching brief is considered reasonable to meet the requirements of policy EH12. However the final comments of the county archaeologist will need to be reported.

On this basis it is considered that the key issues are:-

- the loss of the garage and shop;
- the design and layout of the development and
- any impact on amenity

Loss of the garage and shop

The application is supported by an appraisal of the existing business. Given the availability of units on the nearby trading estate and the comments of the economic development officer, it is not considered that the loss of this Sui Generis site is objectionable in light of policy ME6.

Policy MS1 seeks to prevent the significant or total loss shops/services to a community. However in this instance the shop is ancillary to the garage use, rather than a use in its own right and in planning terms only operates on the back of the petrol station use. Accordingly, whilst the comments of the economic development officer are noted, it is considered that it

would be unreasonable to apply policy MS1 to this shop. Furthermore it is pointed out that there are other shops in the village centre.

With regard to the fuel station there are no local plan policies that seek to resist the loss of such facilities. The applicant has submitted a viability appraisal and this is not disputed. On this basis it is not considered that the loss of this shop would be contrary to policy MS1.

Design and Layout

It is considered that the layout with terraced development across the site frontage is acceptable and now includes adequate amenity space and scope for landscaping. Subject to the agreement of sample materials, the palette of materials and general detailing is considered appropriate to the location. Whilst the comments in relation to the arrangement of houses with the frontage and the 2 ½ -storey element are noted it is not considered that either would be incongruous. Rather interest and variety would be added to the street scene, without disturbing the established character and appearance of this part of Martock

Accordingly it is considered that this aspect of the development complies with policies ST5 and ST6.

Impact on amenity

It is considered that the proposal would not adversely impact on the amenities of existing residential occupiers in North Street on either side of the site. To the rear, the existing garages raise no amenity issues. In this respect the proposal complies with policy ST6

With regard to the amenities of future occupiers the proposal provides for gardens to all dwellings and area of public open space that would create amenity opportunities for all residents, including the occupiers of the flats. Bin and cycle storage facilities would also be provided. In this respect the comments of the police architectural liaison officer are noted, however it is considered that subject to the detail of the storage facilities being agreed no undue crime risk would arise.

Other Issues

The applicant, whilst not objecting to the principle of sports, arts and leisure contributions has sought clarification of the basis on which they are sought. In light of recent appeal decisions officers are confident of their position, and information is to be provided in support of the requested contributions. An oral update will be required in light of their response.

CONCLUSION

Whilst local concerns are noted, the existing shop is ancillary to the main fuel station/garage use of the site and does constitute a lawful use in its own right to which policy MS1 should be applied. Its loss therefore is not considered objectionable in policy terms. The development is considered acceptable in terms of its design and layout and the inclusion of a 2 ½ -storey element to the rear is not considered objectionable. No harm to the amenities of existing or future residents would arise and technical matters (drainage/land contamination) have been addressed and any outstanding matters can satisfactorily be addressed by condition.

SECTION 106 PLANNING OBLIGATION

A Section 106 planning obligation would be necessary to deliver Sports, Arts and Leisure contributions at the appropriate rate.

RECOMMENDATION

That planning permission be granted subject to the final comments of the youth and play facilities highways officer and county archaeologist, the prior completion of a Section 106 planning obligation in relation to reasonable sports, arts and leisure obligations and the following conditions.

JUSTIFICATION

The loss of the existing petrol station forecourt shop, which is ancillary to the garage use, would not be contrary to policy MS1. The proposed development is of an appropriate density with an adequate design, layout, access and parking provision that would safeguard the character and appearance of the locality without detriment to residential amenity or highways safety. Provision has been made for any land contamination and the drainage of the site and contributions have been secured towards sports, arts and leisure facilities to meet the extra demand that would be generated by the development. As such the proposal complies with policies ST5, ST6, ST9, ST10, TP1, TP4, TP7, HG1, HG4, CR2, CR3, CR4, EP5 and EU4 of the South Somerset Local Plan,

SUBJECT TO THE FOLLOWING

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. No development hereby approved shall be carried out until such time as the recommendations of the Environmental Investigation Report and Desk Study Report by Yeandle Geotechnical Ltd (ref. BC 6961, November 2006), submitted with the application, have been fully implemented. In this respect no development shall take place until the recommended Phase II intrusive site investigation and the further testing in areas of WS11 and WS12 have been carried out and their findings and recommendations submitted to, and approved in writing, by the local planning authority. Once approved the recommendations shall be fully carried out prior to the commencement of development unless agreed otherwise in writing by the local planning authority.

Reason: .To ensure that land contamination can be dealt with adequately prior to the use hereby approved by the Local Planning Authority in accordance with policy EP5 of the South Somerset Local Plan.

03. Upon completion of any remedial works the findings and recommendations of a Completion Report shall be submitted to and agreed in writing prior to the commencement of the development hereby approved. Once approved the recommendations shall be fully carried out prior to the commencement of development unless agreed otherwise in writing by the local planning authority.

Reason: To ensure that land contamination has been dealt with adequately prior to the use hereby approved by the Local Planning Authority in accordance with policy EP5 of the South Somerset Local Plan.

04. Before the development hereby approved is commenced a full surface water drainage proposal, including the supporting calculations and confirmation of the existing run-off rate, shall be submitted to and approved in writing by the local planning authority. Once agreed the approved drainage scheme shall be fully implemented prior to the first occupation of any of the units and fully maintained in good working order at all times thereafter,

Reason: To ensure the adequate drainage of the site and to mitigate any flood risk in accordance with policy EU4 of the South Somerset Local Plan, adopted 2006.

05. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of sustainable development and prudent use of natural resources in accordance with policy EU4 of the South Somerset Local Plan (adopted April 2006).

06. Apart from demolition, no development hereby permitted shall be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with policies ST5 and ST6 of the South Somerset Local Plan, adopted 2006.

07. Apart from demolition, no development hereby permitted shall be commenced until details of the design, material and external finish to be used for all windows and doors shall be approved in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with policies ST5 and ST6 of the South Somerset Local Plan, adopted 2006.

08. The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the local planning authority before any work on the dwellings hereby permitted is commenced.

Reason: In the interests of visual amenity in accordance with policies ST5 and ST6 of the South Somerset Local Plan, adopted 2006.

09. Apart from demolition, no development hereby permitted shall be commenced until particulars of all boundary treatments and hard surfacing materials have been submitted to and approved in writing by the local planning authority. Such details shall include the use of porous materials to the parking and turning areas. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and to ensure the adequate drainage of the site and to mitigate any flood risk in accordance with policies ST5, ST6 and EU4 of the South Somerset Local Plan, adopted 2006.

10. Prior to the commencement of plot 8 details of the design and security for the bin and cycle storage areas shall submitted to and approved in writing by the local planning authority. Once approved such details shall be fully implemented prior to the occupation of this unit and maintained at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of residential amenity in accordance with policies ST6 and ST9 of the South Somerset Local Plan, adopted 2006.

Possible conditions as reasonably recommended by the highways officer and county archaeologist.

The following informative to be attached to the decision letter:

You are reminded of the contents of the Environment Agency's letter of 05/06/09, a copy of which is attached.³