

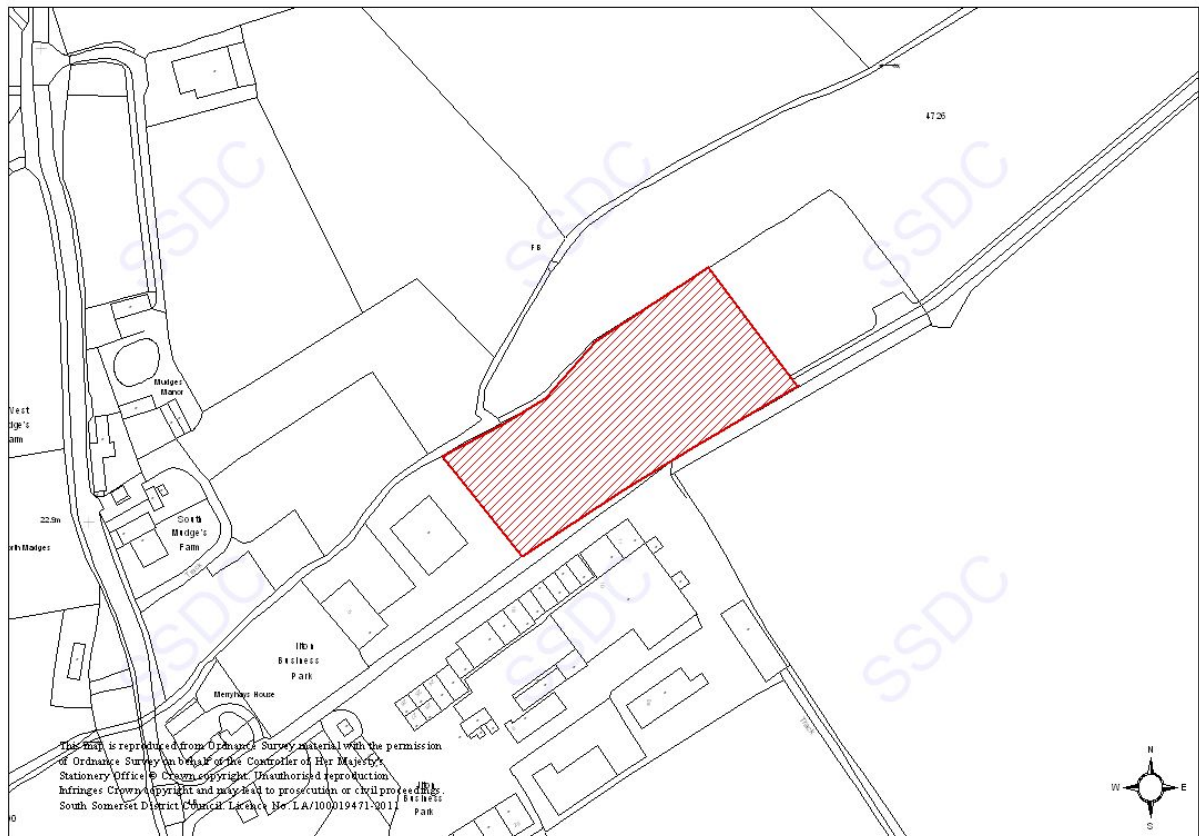
Officer Report On Planning Application: 11/01397/COU

Proposal:	Change of use from B1 and B2 industrial to B2 (general industrial) or B8 (storage and distribution) (GR 335274/118108)
Site Address:	Land Rear of Merryhay, Main Street, Ilton
Parish:	Ilton
ISLEMOOR Ward (SSDC Member)	Ms Sue Steele (Cllr)
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date:	24th May 2011
Applicant:	Ilton Estates Ltd. Mr C Dunn
Agent: (no agent if blank)	Clarke Willmott FAO Miss L Urch Blackbrook Gate, Blackbrook Park Avenue, Taunton BA4 4HX
Application Type:	Other Change Of Use

REASON FOR REFERRAL TO AREA NORTH COMMITTEE

This application is referred to committee at the request of the Ward Member, with the agreement of the Area Chair, as the officer's recommendation is contrary to the views of the Parish Council and local residents.

SITE DESCRIPTION AND PROPOSAL



This is an application that seeks a Change of Use from B1 and B2 (Industrial) to B2 (General Industrial) or B8 (Storage and Distribution).

The application site is part of the Ilton Business Park that caters for B1 and B2, with a number of B8 uses. The business park is divided between lower and upper sites. The latter concerns the extension of the business park in 1994 and relates to the current application site. The legal obligation dated 30 December 2003 (Planning Permission 940602) that covers the upper site seeks to limit delivery vehicle movements to no more than 1968 per month or 656 per week.

The lower site refers to the then (pre-1994) existing business park site on the south side of the entrance road. The lower site is covered by a legal obligation dated 7 October 1994 (Planning Permission 930979) and likewise seeks to limit the number of delivery vehicle movements accessing that part of the business park.

The application site is located in the northeast corner of the business park, and is part of the upper site for the purpose of considering the legal obligation that is associated with the extension of this part of the business park that was given outline planning permission in 1994.

The existing building was approved under ref: 09/02442/FUL. At the time of the officer site visit the building was largely complete and an application to change its use is the appropriate way forward. The approved building has a footprint of 1125 square metres. The change of use includes the area of open ground to the east of the building that offers open storage and overflow parking.

The applicant's Design and Access Statement details the site history and legal agreement(s) applicable to the current application. A traffic movement count was undertaken by the applicant and submitted as part of the application.

HISTORY

09/02442/FUL Erection of Industrial Unit (Officer Note: that would permit B1 and B2 uses). Approved. A legal obligation rescinded the outline and reserved planning permissions ref: 94/00602/OUT and 99/02784/REM, Industrial development of land within the area of the 2009 application.

02/03310/FUL. Industrial development of land - Revision to approved scheme 9902784/REM that involved alterations to one of the units. Approved.

01/02410/REM. Erection of industrial units no 1 and no.2 (reserved matters application no. 94602). Approved.

99/02784/REM. Industrial development of land. Approved.

99/02141/FUL. Variation of condition 3 on permission 940602 to extend the period of 3 years for the approval of reserved matters to 5 years. Approved.

94/00602/OUT. Industrial development of land. Approved. The original legal obligation was supplemented by the one dated 30 December 2003. This limits delivery vehicle movements to no more than 1968 one-way movements and covers the area on the north side of the access road, referred to as the upper site.

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.

For the purposes of determining current applications the local planning authority accords significant weight to the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review, and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Save policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Save policies of the South Somerset Local Plan:

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EP1 Pollution and Noise

Policy EP2 Pollution and Noise

Policy EP3 Lighting

Policy TP6 Non Residential Parking Standards

Policy ME3 Employment within Development Areas.

South Somerset Sustainable Community Strategy

Goal 5 High Performance Local Economy

Goal 8 Quality Development

National Guidance:

PPS4 Planning for Sustainable Economic Growth

CONSULTATIONS

ILTON PARISH COUNCIL - Objection. The amount of traffic movements and increasingly large vehicles in the village currently gives rise to issues of noise and pedestrian safety, particularly along Church Road where there is no pedestrian footway. Councillors are concerned about the increase in fast moving heavy traffic associated with warehousing and distribution and the effect this will have on these two issues of pedestrian safety and noise. Councillors are very concerned that any change of use may increase the amount of heavy traffic in the village.

COUNTY HIGHWAY AUTHORITY - No objection. The site is part of a large, gated industrial estate lying to the north of the settlement of Ilton, and as such is served by a private road with the nearest part of the Highway being a short distance west of the estates gate, Main Street, a classified unnumbered road. Although traffic from the site must in the main pass through the centre of Ilton this is already the case for the existing use and it is considered that this scale of change of use is unlikely to have a significant impact in terms of further detriment to the place role of the village streets.

The change in use may generate different vehicle sizes and numbers, the site must cater for the parking and turning of all vehicles likely to be generated. The Highway Authority would expect that there would be less traffic generated by the proposed uses but that a small but greater proportion than at present (of the potential vehicles generated by the

current use) would likely be HGVs. However, if the proposed use was ultimately for self-storage then this would generate a lower proportion of HGVs.

It will be important to manage where items are stored in the open storage area such that vehicles can park and turn at all times without being impeded (this to be conditioned).

AREA ENGINEER - No comment

ENVIRONMENT AGENCY. No comment.

ENVIRONMENTAL PROTECTION. No observations.

REPRESENTATIONS

A site notice (General Interest) was posted on site and 36 Neighbour notification letters issued. There have been 56 received responses that object to the proposal. The objections concern:

- Highways safety,
- Increased traffic and increased dangers from the presence of children, dog walkers, horse riders,
- A school route,
- The lack of pavements and the presence of narrow roads (possibly to be narrowed even further with the application for Greenacre/ Rod Lane),
- There are no traffic calming features
- Speed of traffic
- Lots of on road parking
- Increased likelihood of an accident
- Poor approach roads to the village overloaded with traffic.
- Vehicular movements have been restricted since 1994 (legal agreement).
- Wear and tear on roads,
- Many larger vehicles having a significant adverse impact on neighbour amenity,
- Structural damage to listed building and inability to have double glazing and amenity of occupants
- A distribution use will result in a completely difference pattern of vehicular movements with the possibility of larger vehicles.
- Unknown use. Can they not be more specific
- The description is ambiguous, why not refer to the Ilton Business Park.
- The terms of construction have changed from an identified user to a proposed B8 use. Why (and implications for current application)_
- Limits on the hour of use and size of lorries.
- The business park is not currently operating after 1pm Saturdays and on Sundays.
- Potential use (B8) is limitless.
- Traffic survey is flawed. Not a true reflection on numbers given vacant units and length of time assessment was undertaken.
- Additional noise, dust and light pollution in addition to existing from the business park and air base.
- Day and night time access that will change the character of the business park and will have a significant and detrimental impact on the character and appearance of the village.
- Property devalued.
- A village in the countryside

- Quality of life implications.

CONSIDERATIONS

The main considerations concern the principle of development, highway safety and impact on amenity.

Principle of Development:

The application site is part of the Ilton Business Park, a grouping of purpose built office accommodation and other business uses with shared facilities and car parking. Policy ME3 is considered most applicable and concerns employment uses within development areas. Policy ST6 considers residential amenity and where necessary the use of conditions to restrict the hours of operation, and so on.

The application site is part of the extended business park permitted by planning permissions ref: 94/00602/OUT and 99/02784/REM. The Design and Access Statement distinguishes the planning history between the upper and lower sites in the business park wherein B1, B2 and B8 uses are located. The 1994/99 permission allowed B1, B2 and B8 uses, and conditioned the hours of use for service, delivery and collection vehicles to exclude trips between 8pm and 7am. The approved development was not fully implemented and application 09/02442/FUL replaced the approved units with one larger unit, the subject of this application.

The planning history shows that B8 (storage and distribution) use was previously accepted, and that there are other B8 uses within the business park site with legal obligations in place that seek to limit the number of delivery vehicle movements. The traffic assessment in support of the application claims to show that there is a potentially significant capacity to accommodate a B8 use.

Highway Safety:

The County Highways Authority was asked to respond specifically to the potential impact considered to derive from the B8 use, mindful of the scale of the building. Their response indicated that while the types of possible end use can include a wide variety of outcomes, such as in the case of self storage, many more individual movements that are likely to occur, generally a B8 (storage and distribution) use is unlikely to give rise to a significant increase in movements over and above that of the extant permission. However, it is stated that there might be an increase in heavy goods vehicles that would replace smaller lorries and vans.

The traffic movement count submitted with the application is a snapshot taken over two working days in January 2011. This indicates that there would be sufficient capacity to accommodate additional traffic that might be generated by a B8 use. The findings acknowledge that even if the survey days were unusually quiet days; allowing for variables, the findings indicate sufficient capacity to keep within the limits imposed by the legal agreement(s). Even allowing for a significant distortion of the figures a B8 use is considered would not exceed the imposed limits.

The Highways officer also considers that although traffic from the site must in the main pass through the centre of Ilton this is already the case for the existing use and the scale and type of change of use to include storage and distribution is unlikely to have a significant impact in terms of further detriment to the place role of the village streets.

Neighbour responses have drawn attention to their current concerns about highway safety and the potential for further detrimental impact on local roads from the increased

traffic, with conflict between pedestrians, cyclists and horse riders in what is otherwise a rural community. There is particular concern about the likelihood of increased heavy goods vehicles. The Highways officer considers that there is the possibility of increased HGVs but generally no particular increase in overall traffic volume.

In part the overall scale of the building is another factor that results in limitations placed on the site's use. At 1124 square metres, while the largest unit on site, this remains relatively modest in scale as a base for an extensive distributions operation. While aware of the local concerns about larger vehicles entering the village, the Highways Authority, has not objected to this aspect or raised concerns as a result of the proposed B8 use. The current proposal seeks the flexibility required by the owners to let the units to any number of users whether involving either B1, B2 or B8 uses.

Neighbour Responses:

There have been a large number of objections concerned about the increase in traffic, the presence of larger heavy goods vehicles on local roads, and concerns about the location, the approach roads, and the highway safety implications that arise from the conflict between local users and the business park traffic with particular concern about the lack of footpaths, the negotiation of narrow lanes, and the presence of on road parking.

Other concerns relate to the existing current situation with noise derived from the air base and the anticipated impacts that result from the introduction of the B8 use, as well as general disturbance from the activities within the business park. In discussion with residents it is generally accepted that it is the increased presence of HGVs on the local roads considered to be of particular concern, whereas in the case of a self-storage use the resultant level of domestic cars accessing the site is considered less likely to be a concern. The lack of specific knowledge about the end user is contrasted with the specific user identified for the site at the time of the 2009 planning permission - that did not materialise, and this introduces a high level of scepticism against the current application.

All objections have been considered, although a number are not directly relevant in considering the planning merits of the proposal. Planning can consider restricting the hours of operation, which is a common concern of objectors. This also enables additional control to be exercised that might also naturally limit the number of delivery vehicle movements imposed by the 2003 legal obligation. It is also noted that there is no overall coverage that limits the hours of use for the whole business park. While a number of permissions seek to control this aspect there are other users whose hours are not limited by planning condition.

In the case of additional noise and disturbance, we have to consider the suitability of the site, which is a business park location. The actual site is to the rear of the business park, closest to neighbouring properties across the watercourse. There is also the permitted use and any additional disturbance, over and above that which is permitted for the site. In limiting the actual hours of operation, it is considered, the fears of unrestricted activities on site can be controlled. It is considered that the proposed use does not give rise to any significant material impact in terms of increased noise and disturbance over and above what might be envisaged by the extant planning permission.

The wider concerns reflect the uncertain relationship between local residents and the business park. The road safety issues, as indicated above, need to be balanced against the observations of the Highways officer who has access to local records and technical considerations that form the more solid evidence base, notwithstanding the local concerns.

Parish Council:

The implications of a change of use to B8, is considered, would likely result in the presence of larger vehicles, rather than a general increase in traffic numbers. This was an aspect of the scheme considered by the Highways Officer who made no objection to the proposal. Notwithstanding the local concerns the planning decision needs be based on the available evidence monitored by Highways, as well as (in the case of noise and disturbance) the Environment Protection Unit. While acknowledging the local concerns, about the amount of existing traffic movements and the increasingly large vehicles in the village that give rise to issues about noise and pedestrian safety, as perceived or experienced by local residents, much of this does not often appear in official records on which the technical and professional consultation responses are based, and whose response is given particular weight by an appeals inspector. The management of individual drivers who behave badly is not a planning matter, and there is also a question, whether the drivers concerned can be directly associated with the actual B8 use rather than the other use classes on site.

Concluding Remarks:

The Ilton Business Park is a preferred location for employment type uses. The legal obligation that seeks to limit the number of delivery vehicle movements is another consideration. The traffic count has been criticised that it might have been undertaken more independently and the length of time was unrepresentative of actual traffic movements, although the findings show a significant capacity to accommodate additional delivery traffic even allowing for the many variables involved.

Whilst the local concern is noted, it is considered, the information does not justify overriding the advice of the Highways officer in this instance.

It is also important to consider the proposal in context and this seeks for the applicant the greater flexibility to include B8 uses in seeking to let the premises. A B8 use is likely to give rise to increased HGVs, and this is of particular concern for local people, as against the Highway Authority's anticipated limited increase in overall traffic movements. While the local concerns are acknowledged by the planning officer, without the support of the Highways Authority the planning officer is unable to support the local concerns. Furthermore, there is a legal obligation in place that seeks to restrict the number of delivery vehicles, and this in combination with the restriction on the hours, is considered, would reasonably limit any detrimental impact that arises.

RECOMMENDATION**APPROVE**

01. The proposal, by reason of its size, scale and uses, respects the character of the area and causes no demonstrable harm to residential amenity in accordance with the aims and objectives of policies ST5, ST6, and ME3 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. Approval of the plans and particulars relating to the siting and dimensions of the parking and turning area to serve the building -shall be obtained from the local

planning authority in writing before any change of use is commenced. Prior to the occupation for the purposes of the new use the works are to be carried out in accordance with the agreed scheme, unless agreed in writing by the Local Planning Authority and maintained at all times thereafter free of obstruction.

Reason: In the interests of highways safety further to policy 49 of the Somerset and Exmoor National Park Joint Structure Plan.

03. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Site Plan and Block Plan date stamped 29 March 2011.

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

04. Within the open storage areas of the site no storage shall exceed 3 metres in height unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to enable control of heights within the open storage area further to policy ST6 of the South Somerset Local Plan.

05. No deliveries shall be taken at or despatched from the site outside the hours of 6am and 9pm nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the nearby residential occupants in accordance with policy ST6 of the South Somerset Local Plan.

06. The use classes hereby permitted shall be B1, B2 and B8 in accordance with the provisions of the Town and County Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification).

Reason: To clarify what is permitted as part of the application.

Informatives:

01. There is a legal obligation signed in 2003 being a supplemental agreement relating to Ilton Industrial Estate, Ilton, dated 28 November 1994 that places limits on the number of traffic movements that the applicant/ developer should be aware of.
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