

Area North Committee – 26 October 2011

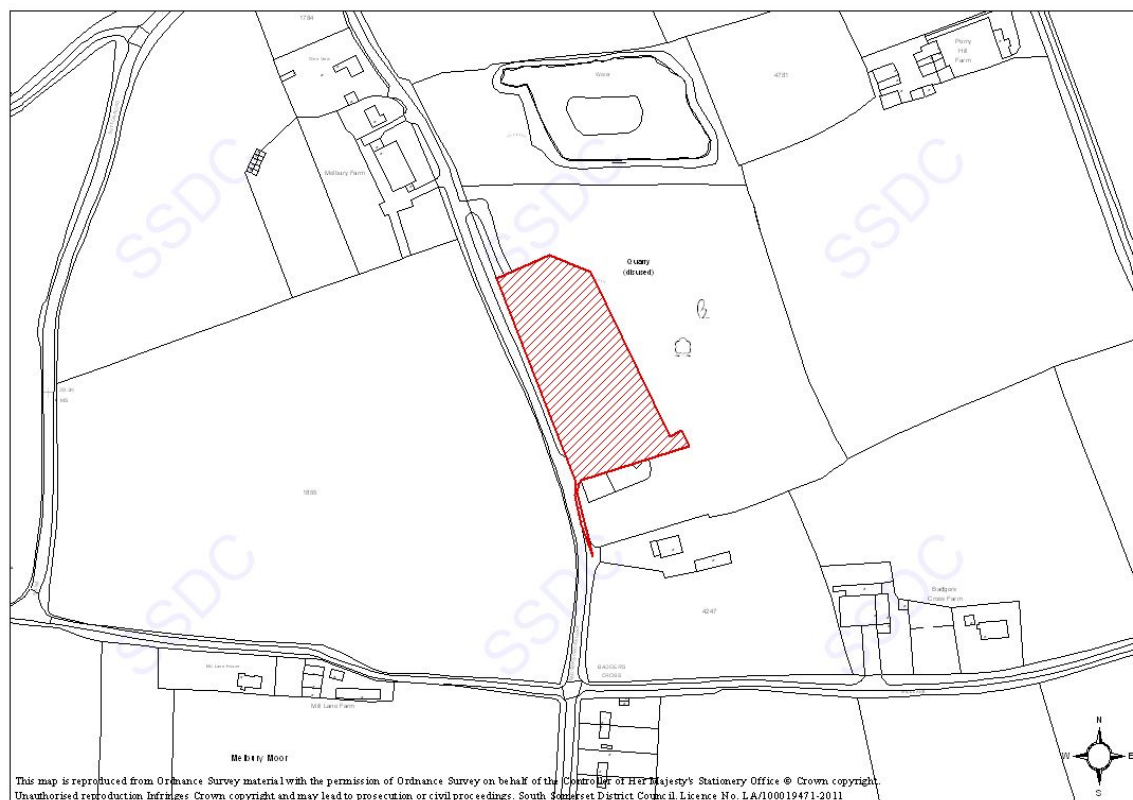
Officer Report On Planning Application: 10/02027/FUL

Proposal:	Use of existing building for B2 use, refurbishment and extension to existing building and associated improvements to access and landscaping (GR 348358/127733).
Site Address:	Land OS 3769 Part, Badgers Cross Lane, Somerton
Parish:	Somerton
WESSEX Ward (SSDC Member)	Ms P Clarke (Cllr) Mr D J Norris (Cllr)
Recommending Case Officer:	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
Target date:	5th August 2010
Applicant:	Mr Tony Canvin
Agent: (no agent if blank)	Shaun Travers Motivo, Alvington, Yeovil BA20 2FG
Application Type:	Minor Manfr less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee with the agreement of the Ward Members and Development Manager for determination due to the complex nature of the application and because the applicant was a District Councillor at the time the application was submitted.

SITE DESCRIPTION AND PROPOSAL



The site is located to the southwest of Somerton, approximately 1.5km from the town centre. The site currently accommodates a building adjacent to the western boundary of the site and is served by an access off Badgers Cross Lane, close to the southwest corner of the site. The existing building is constructed from a mix of metal sheeting and asbestos.

The site has extensive planning history and has accommodated various different uses over the last 60 years. Most recently the site was used for storage and repair of motor vehicles, however this use was granted on a temporary basis only. Since this current planning application was validated in 2010, a Certificate of Lawfulness has been submitted in an attempt to clarify the existing lawful use of the part of the site around the existing building. The Certificate of Lawfulness application sought a B2 use on the basis of the last permanent permission for a B2 use on the site dating from 1965. However the Certificate of Lawfulness application was refused as there was insufficient evidence to prove a B2 use at the site had been established for the required length of time. As the majority of the site currently has no lawful use, it is classified as a brownfield site.

This application seeks permission for the use of the site for B2 use and improvements to the access serving the site, as well as the erection of a small extension and refurbishment to the existing building on the site. The floor area of the extension measures approximately 4.5m x 5m, with a roof that is to be built in line with the existing roof. The material proposed for the extension and refurbishment of the building is profile metal sheeting. A landscaping scheme has also been submitted with the proposal.

Amended plans have been received to address the concerns from the Landscape Architect, by revising the amount of hedge removal required on the access alterations, and also to reduce the site area included within the red line to reduce the curtilage of the application site to incorporate the majority of the brownfield site and a smaller part of the disused quarry site (which is now classified as agricultural land).

Additional highways information in the form of a Technical Note has also been submitted in an attempt to address the issues raised by the Highway Authority.

HISTORY

Summary of history: Permission was granted for a quarrying use in the 1960's; quarrying on the application site ceased several years ago. Also in the 1960's permission was granted for a concrete business/manufacturing use (B2 use), which would appear to have been an ancillary business running alongside the quarrying. Since then the site has been used for various different uses, including maintenance and repair of coaches (unauthorised at the time), a laundry business (B1) and most recently a temporary permission for a salvage operator/repair and sale of damaged motor vehicles (B2 use), which expired in 2006.

11/02594/FUL: Application to extend the time limit of extant permission 08/03000/FUL, for implementation for the erection of 2 no. agricultural buildings for the storage of fodder and machinery and 2 no. polytunnels. Granted conditional approval on 23/08/2011.

11/00609/COL: Application for a certificate of lawfulness for the proposed use of the site and building thereon for any purpose falling within B2 use class. Application refused on 21/04/2011.

10/00231/CPO: Section 96 review of old minerals planning permission (ROMP) under section 96 of the Environment Act 195. Granted conditional approval on 01/04/2010.

09/04464/CPO: Construction of a household waste-recycling centre. Application withdrawn on 14/01/2010.

09/03655/CPO: Construction of a household waste-recycling centre. Application withdrawn on 22/10/2009.

08/03000/FUL: The erection of 2 no. agricultural buildings for the storage of fodder and machinery and 2 no. polytunnels. Granted conditional approval on 11/11/2008.

08/01021/AGN: The erection of an agricultural building for the over-wintering of cattle and for calving. Decision that planning permission is required made on 31/03/2008.

01/01430/COU: Use of land and buildings for storage, repair and retail of damaged motor vehicles, carry out engineering works and erection of new covered area for accident damaged cars. Granted conditional approval on 26/07/2001.

97/00664/COU: Change of use of site to laundry business (class B1) involving erection of chimney, provision for car parking and open storage. Application withdrawn on 10/09/2001.

90/02181/CPO: The use of land for the tipping of spoil arising from enlargement of fishing pond. Conditional approval granted on 18/03/1991.

871457: Carrying out excavation works to increase size of pond used for pleasure fishing. Granted conditional approval on 01/07/1987.

851909: Outline: Light industrial development of land to accommodate a civic amenity area. Application refused on 04/04/1986.

770454: Outline: Erection of workshop for light agricultural vehicle maintenance. Application withdrawn.

24771/C: Erection of garage/workshop. Granted conditional approval on 12/01/1973.

2621/E: Erection of dwelling and use of existing vehicular access. Application refused on 03/08/1972.

24771/B: Use of land as controlled refuse tip. Granted conditional approval on 04/10/1971.

2621/D: Formation of vehicular access. Granted conditional approval on 05/04/1967.

24771/A: Use of land as site for caravan and sectional wooden hut. Granted conditional approval on 06/12/1965.

A/5179: Erection of a non-illuminated sign. Granted conditional approval on 10/11/1965.

2621/C: Erection of cloakroom and concrete block making shed. Approved on 29/09/1965.

2621/B: Alterations of vehicular access. Approved on 01/06/1965.

2621/A: Erection of ready mix concrete batching plant and improvement of existing vehicular access. Granted conditional approval on 04/12/1963.

35925: Use of land for disposal of factory waste. Application withdrawn.

24771: Outline: Use of land for manufacture of concrete products and erection of a building in connection therewith. Granted conditional approval on 04/08/1954.

2621/A: Continued excavation of limestone. Granted conditional approval on 05/12/1951.

2621: Continued quarrying of stone. Granted conditional approval on 01/04/1949.

2691: Continued quarrying of stone. Granted conditional approval on 30/03/1949.

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.

The policies of most relevance to the proposal are:

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

Policy STR1 - Sustainable Development

Policy STR6 - Development Outside Towns Rural Centres and Villages

Policy 5 - Landscape Character

Policy 18 - Location of Land for industrial, Warehousing and Business Development

Policy 19 - Employment and Community Provision in Rural Area

Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan:

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EC3 - Landscape Character

Policy EP5 - Contaminated Land

Policy ME4 - Expansion of Existing Businesses in the Countryside

National Guidance

PPS1 - Sustainable Development

PPS4 - Planning for Sustainable Growth

South Somerset Sustainable Community Strategy

Goal 5 - High Performance Local Economy

Goal 8 - Quality Development

CONSULTATIONS

TOWN COUNCIL - Recommends refusal of the application, primarily due to the inadequate highway system that would be required to serve any development on the site. Concerns also raised over potential impact of a B2 use on the surrounding area and infrastructure. Notes that no details of hours of working, processes envisaged at the site or parking arrangements have been submitted. A detailed report raised several issues,

namely: incomplete application form; access to the site; suitability of surrounding highway network; traffic management systems are unenforceable; site is unsustainable as it is not accessed by public transport, footpaths or cycleways; strong potential for contamination of land from previous uses; potential of more B2 uses moving onto application site should permission be approved; piecemeal development of site.

COUNTY HIGHWAY AUTHORITY - Raises concern over the standard of the surrounding highway network, particularly the substandard junction at the northern end of Badgers Cross Lane and the southern end of Watts Quarry Lane in terms of the visibility that could be achieved by vehicles emerging on to the B3165 and the A372 respectively. Consequently it is commented that the Highway Authority would not wish to see any development proposal established in this location that is likely to result in a material increase in traffic movements at these point. Given the application is seeking permission for a B2 use there is great potential for a large amount of traffic to be generated from the site. Concern is also raised over to the suitability of the site in sustainable transport terms as the site is not served by a frequent bus service, and cycleway and footway provision to the site is also very limited. As a consequence staff and customers/visitors in connection with the proposed use will access the site by private car, contrary to PPG13, RPG10 and Policies STR1 and STR6 of the Structure Plan, which seek to minimise the need for journeys particularly by the private car.

FOLLOWING THE SUBMISSION OF THE TECHNICAL NOTE - further comments are made, which are summarised as follows: The Technical Note admits that both the junctions in question are substandard in some way and that increased use would be made of these junctions. It also suggests mitigation to overcome the highway objection. In relation to the Badgers Cross Lane/Sutton Road junction the Highway Authority accepts that if the flanking vegetation were to be trimmed this junction could be made safe. The junction of Watts Quarry Lane with the A372 is more problematic - the contention in the Technical Note that vehicles can safely turn left because visibility to the west is good is not valid. Vehicles from the east overtaking slower moving vehicles will mean traffic approaching from the east will be in the nearside carriageway, which would be a hazard to vehicles turning left, right, or carrying straight on. The Technical Note also contends that most of the turning movements from the junction will be to the east (left) so the increase in dangerous movements is insignificant. As just stated, any movement out of Watts Quarry Lane onto the A372 would be dangerous with the current visibility splays available, so this argument falls away. The development would lead to a significant increase in movements at the junction which is substandard, and this is unacceptable.

LANDSCAPE ARCHITECT - Has no landscape issue with the building refurbishment as there is an established structure on site, with minimal change proposed. Confirms that as hedge removal to achieve required visibility splays from the site is restricted to two short lengths only, with replacement planting to follow, then no objection raised.

ENVIRONMENTAL PROTECTION UNIT - Confirm that records show the landfill site received household wastes, and industrial/commercial wastes including liquids/sludges. As such there is scope for both pollution to be present and ground gases to be produced that may impact upon site end-users. Recommends that a contamination survey of the site is secured by condition. Is not concerned over potential noise generated from the site, given the previous use of the site.

AREA ENGINEER - Surface water disposal via soakaways

REPRESENTATIONS

137 LETTERS OF OBJECTION - Have been received, of which 92 letters are identical. The letters raise the following concerns:

- Land requires a full survey for any contaminants on the site due to the nature of uses that have occurred at the site
- Another development here will significantly increase the number of HGV vehicles accessing the site
- The junction off the A372 which serves the site is dangerous and unsuitable for HGVs
- Have appropriate notifications to relevant landowners been carried out?
- The proposed extension will encroach into what is currently a brownfield site. The site lies outside the curtilage for previous B2 permissions
- This proposal is not needed and is not appropriate, therefore contrary to Policy ME4.
- This proposal will not maintain or enhance the environment, therefore contrary to Policy STR6
- Pollution from noise and dust
- Release of Radon Gas could be a health hazard
- A covenant exists on the land which restricts the activities on the land, and does not allow what this application is applying for
- Visibility splay proposals will not improve the access
- Application does not state what the building is going to be used for
- Applicant has stored and crushed stone on site in the past and has no respect for neighbouring properties
- The surrounding road network is unsuitable to accommodate HGVs
- There is already a stone processing site at Ashen Cross, so another here is not needed
- Noise disturbance to fishing lake used by Royal Navy
- Pedestrians will no longer be able to walk along this road
- Proposals presents danger to pedestrians, cyclists, horse riders and other traffic
- There is no pavement or street lighting here
- The junction with Sutton Road is prone to flooding
- Blind bends on surrounding roads are dangerous
- The application is vague
- Stone is being stored outside the approved B2 area
- No parking area is provided within the site
- Detrimental impact on nearby residents
- Any industrial expansion should be at Bancombe Road trading estate
- Industrial development is out of character with the area
- Environmental impact on an area of natural beauty
- Negative and financial impact on established local businesses
- Site has no lawful use
- Lack of surveys for contaminated land and flood risk assessment
- Traffic count data in Technical Note was carried out on a Saturday with inevitable light weekend traffic flow and is over two years old
- Technical Note considers general increase in traffic, but does not focus of the type of traffic likely to be increased, i.e. HGVs.
- How can a new development which seeks to use HGVs not increase traffic on a substandard road?
- Monitoring and restricting any further traffic caused by development is impossible
- There are regular accidents at the Watts Quarry Lane junction

- Vehicle speeds on the A372 are very high and overtaking on this stretch of highway often occurs

CONSIDERATIONS

Principle

The re-use of a brownfield site in the countryside is considered to be acceptable in principle, and is supported by various national, regional and local planning policy. The majority of the site falls within the brownfield area. A small area to the east of the application site falls outside the brownfield designation, however this area is relatively small and therefore is supported by Policy ME4 of the local Plan which allows small scale expansion of business sites within the countryside.

PPS4 supports the re-use of suitably constructed existing buildings in the countryside, particularly those adjacent or closely related to a town, for economic development. PPS4 also states Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development. Policy ST3 of the South Somerset Local Plan and Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review restricts development in the countryside to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. Policy 18 of the Somerset and Exmoor National Park Joint Structure Plan Review states the location of employment generating activities should be close to the existing County or National road network. Policy 19 of the Somerset and Exmoor National Park Joint Structure Plan Review encourages development, which creates or enhances local employment. The proposal could be considered to be in line with all of these policy requirements.

Extension and Refurbishment of Building

The refurbishment and extension proposed to the building are considered acceptable in principle. These works would tidy up the appearance of the existing building, and the extension proposed is of small scale and is subservient to the main building.

Visual/Landscape Impact

The proposal would have very limited impact on the visual amenity of the area. The proposal incorporates minimal hedgerow removal for improved visibility splays and the refurbishment of the building will improve the overall appearance of the building.

Access and Highways

The County Highway Authority has raised an objection to the increase in use of nearby substandard junctions that would be resultant from the development, which would be prejudicial to highway safety. The number of vehicle movements accessing the site is stated as being 37 per day. The Highway Authority confirm that this level cannot be restricted by condition. While the Technical Note submitted identifies improvements that can be made to the Badgers Cross Lane/Sutton Road junction, the objection raised by the Highway Authority still stands on the reasoning that improvements cannot be made to bring the Watts Quarry Lane/A372 junction up to a suitable standard to accommodate the likely increase of traffic created by the proposed development.

Other Issues/Objections

Potential contamination of the site has been raised as an issue, and the Environmental Protection Unit has advised that in the event of permission being granted, a full site assessment would need to be carried out before the commencement of any works to ascertain the extent of any contamination on site, and to appropriately mitigate any contamination found. The Environmental Protection Unit has also advised that noise

from the site is not a key consideration with this application, given the previous quarrying use of the site.

The following observations are made in response to concerns that have been raised by local residents:

- The site is not in a Flood Zone 2 or 3, and hence a flood risk assessment is not required for the site
- Restrictive covenants are not a planning consideration
- The plans show sufficient area on site for parking
- Financial impact on other businesses is not a material planning consideration

Conclusion

The proposal submitted meets some of the requirements of the planning policies in terms of redevelopment of brownfield sites for economic benefit in the open countryside. However, the majority of relevant planning policy is also intrinsically linked to highway safety, and the potential for traffic movements generated by the development and the suitability of the surrounding highway network also need to be considered as part of this application. The County Highway Authority has expressed concern over the increased use of the surrounding road network, particularly nearby substandard junctions, which would be prejudicial to highway safety.

Notwithstanding the merits of the application by re-using a brownfield site and benefiting the local economy, the use proposed is considered to be unacceptable due to the inadequate surrounding road network.

RECOMMENDATION

Permission be refused

SUBJECT TO THE FOLLOWING:

01. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy ST5 of the South Somerset Local Plan since the increase in the use made of the sub-standard junction of Watts Quarry Lane with the A372 to the south, such as would be generated by the proposed development, would be prejudicial to highway safety.
