

Area North Committee – 26 October 2011

Officer Report On Planning Application: 11/02587/FUL

Proposal:	Erection of an extension to building for storage and production of cider (GR: 345330/126985).
Site Address:	Downslade Quarry, Hermitage Road, Upton
Parish:	Long Sutton
TURN HILL Ward (SSDC Member)	Mr S Pledger (CIlr)
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date:	8th September 2011
Applicant:	Mr Mike Wood
Agent: (no agent if blank)	Clive Miller And Associates LTD Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type:	Minor Manfr less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee, with the agreement of the ward member and the Area Chair, as the parish council recommendation for approval is contrary to the recommendation of the case officer.

SITE DESCRIPTION AND PROPOSAL



The application seeks permission for to extend an existing former quarry building and to use the extension for the production and storage of cider.

The building is located at the site of a former quarry and is located in the open countryside close to a railway line. The building is not located within a development area as defined by the local plan. In 2009 planning permission was granted for the use of the building for the manufacture of flagstones.

The proposed extension would be constructed from concrete blockwork and profiled metal sheeting.

RELEVANT HISTORY

Extraction of Blue Lias stone was conditionally approved at site in 1950, then subsequently and repeatedly extended. However extraction has now ceased.

09/00031/CPO - Application to use existing building for the manufacture of reconstituted traditional flagstones, formation of storage bays and formation of hardstanding - CPO appl. SSDC recommend refusal 27/01/2009 [Conditionally Permitted by County 19/03/2009]

08/02147/CPO - Application to use existing building for the manufacture of flag stone - CPO appl. recommend approval 06/06/2008

08/01606/CPO - Application to remove condition 4 of permission 04/00978/CPO dated 22/07/2004 to allow retention of building - CPO appl. recommend approval 29/04/2008

06/02372/CPO - Application for the establishment of a reconstituted flagstone manufacturing unit within an existing building - CPO recommend approval with conditions 20/09/2006

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

Somerset and Exmoor National Park Joint Structure Plan:

STR1 - Sustainable Development

STR6 - Development Outside Towns, Rural Centres and Villages

Policy 5 - Landscape Character

Policy 49 - Transport Requirements of New Development

South Somerset Local Plan 2006:

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EC3 - Landscape Character

ME4 - Expansion of Existing Businesses in the Open Countryside

CONSULTATIONS

SCC HIGHWAYS - *"The proposed development is located outside of any development limit, where it is remote from any urban area and therefore distant from adequate services and facilities and there are no regular public transport services in close proximity. As a consequence, users, i.e. staff/drivers of the new development will be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice.*

It would appear from the Design and Access Statement, the existing use will continue in the other part of the unit therefore the proposal will result in an increase in traffic over and above the existing use and should be recommended for refusal given the unsustainable location.

In terms of the detail the proposal derives access onto a private track that is narrow with limited opportunities for vehicles to pass each other, before joining an unclassified highway. The unclassified highway again is narrow and poorly aligned and visibility at junctions are also restricted. It would also appear that there may have been issues with local residents and HGV's traffic given the signage that has been erected directing it away from the nearby settlement.

The Highway Authority is therefore concerned about this additional use in this unsustainable location; which may set precedent for further additional business/commercial uses and recommends refusal for the following reasons:

- 1. The site is located outside the confines of any major settlement in an area that has very limited public transport services. The development, if approved, will increase the reliance on the private motor car and compromises sustainable development which is contrary to advice.*
- 2. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000), since the access onto the public highway does not incorporate the necessary visibility splays which are essential in the interests of highway safety.*
- 3. The approach road by reason of its restricted width, poor alignment and substandard junction is considered unsuitable to serve as a means of access to the proposed development. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, (Adopted April 2000) and ST5 of the South Somerset Local Plan."*

SCC ARCHAEOLOGY - No objections

PARISH COUNCIL - Support the application unreservedly

SSDC TECHNICAL ENGINEERING - Surface water disposal via soakaways

SSDC ENVIRONMENTAL PROTECTION UNIT - Raises no objection but suggests use of condition to prevent ingress and accumulation of ground gas, as site is close to several landfill sites.

REPRESENTATIONS

None received.

CONSIDERATIONS

Principle of Development

In order to justify the proposal the applicant relies to some extent policy ME4 of the South Somerset Local Plan, which is supportive of the small scale expansion of existing businesses outside defined development areas. However, the proposed business use is entirely different to the existing business carried out on site and cannot be considered to be part of the same enterprise for the purposes of policy ME4, notwithstanding the argument put forward that they will both be run by the same applicant. There is no satisfactory way of ensuring that the business continue to be run by the same owner in perpetuity and the proposal has to be considered to constitute the formation of a second planning unit in the open countryside, outside of any defined development area.

Policy ST3 of the South Somerset Local Plan states that development in the open countryside should be "...strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel." Although it could be argued that the proposed change of use does benefit economic activity and to a certain extent will maintain the environment, it will foster growth in the need to travel contrary to policy ST3. The applicant has argued that the proposal does not foster growth in the need to travel on the grounds that it will only involve the delivery of two loads of apples per annum, which already take place to another location within the district, and that all cider produced will be transported by the existing traffic movements associated with the flagstone manufacture. However, whilst this may be the case the LPA has no reasonable way of controlling this and ensuring that vehicle movements remain restricted in this way in perpetuity. If the level of business increases or the existing flagstone manufacture use ceases it is likely that the number of vehicle movements associated with the cider production use would increase. The applicant does not provide any details as to the traffic movements generated by employees of the business.

Highways

The county highway authority was consulted as to the implications of the proposal on the transport network. The highway authority had a concern regarding the unsustainable location of the proposed development similar to the argument outlined above.

They further object on the grounds that the necessary visibility splays for the safe use of the access onto the public highway do not exist and have not been proposed as part of the scheme. They raise a final objection on the grounds that the approach road by reason of its restricted width, poor alignment and substandard junction is considered unsuitable to serve as a means of access to the proposed development.

Character of the Area

The proposed extension to the building is unlikely to have any significant impact on the character of the area or the surrounding landscape.

Residential Amenity

The proposed extension will have no significant impact on residential amenity.

Conclusion

Notwithstanding the support of the parish council, the proposal is considered to compromise highway safety, contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, and to constitute unsustainable development contrary to policy ST3 of the South Somerset Local Plan. The lack of objection on visual and amenity grounds is not considered to outweigh the significant objection that the proposed development would be unsustainable. As such the proposal is considered to be

unacceptable.

RECOMMENDATION

Recommend refusal for the following reasons:

SUBJECT TO THE FOLLOWING:

01. The site is located outside the confines of any major settlement in an area that has very limited public transport services. The development, if approved, will increase the reliance on the private motor car and as such constitutes unsustainable development which is contrary to policy ST3 of the South Somerset Local Plan.
 02. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000), since the access onto the public highway does not incorporate the necessary visibility splays which are essential in the interests of highway safety.
 03. The approach road by reason of its restricted width, poor alignment and substandard junction is considered unsuitable to serve as a means of access to the proposed development. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, (Adopted April 2000) and ST5 of the South Somerset Local Plan.
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