

Area North Committee – 27 November 2013

Officer Report On Planning Application: 13/03132/OUT

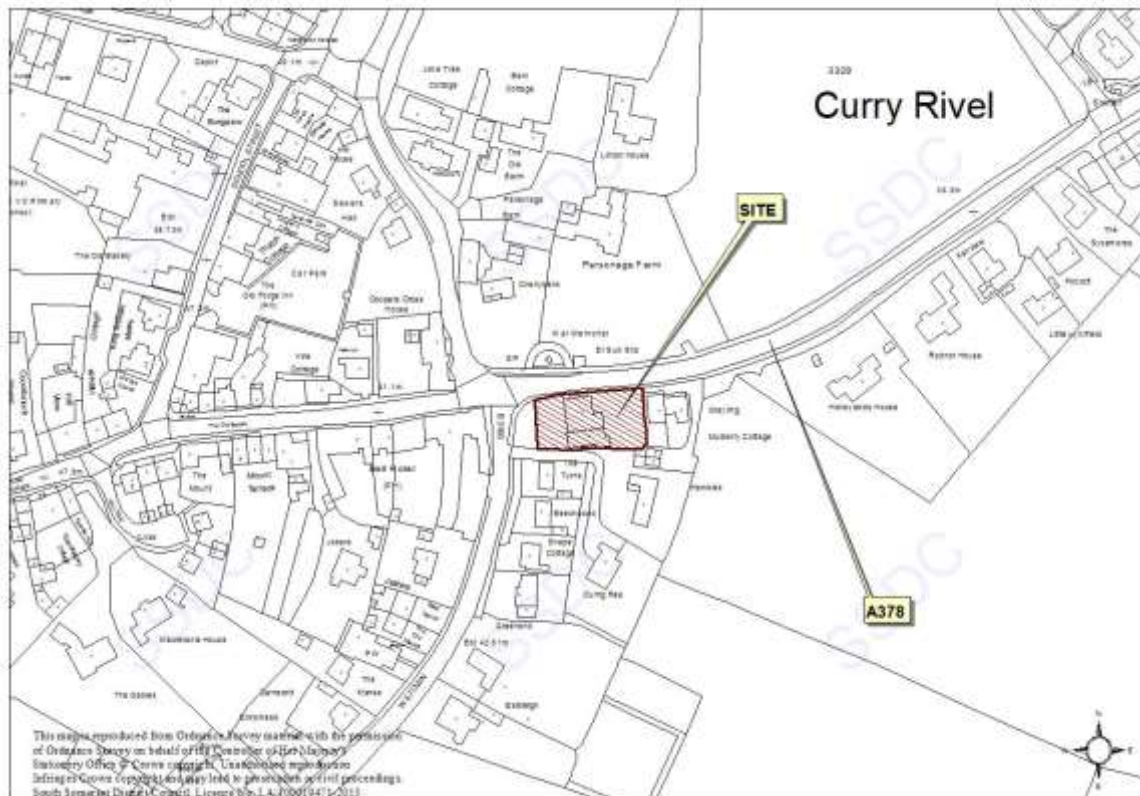
Proposal :	Outline planning permission for demolition of filling station and construction of four houses and one flat with associated parking and access. (GR 339222/125182)
Site Address:	Country Stores Garage, High Street, Curry Rivet.
Parish:	Curry Rivet
CURRY RIVEL Ward (SSDC Member)	Cllr Terry Mounter
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	30th September 2013
Applicant :	The Country Stores Ltd
Agent: (no agent if blank)	Mr Peter Moat, Saxum House, 4 Billetfield, Taunton TA1 3NN
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward member, and with the agreement of the Area Chair, in order to allow discussion of the issues raised by the Parish Council and local objectors.

SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for the demolition of a filling station and the erection of four houses and one flat, with associated parking and access. The scale of development and the access details are to be determined now, with all other matters reserved. The site consists of a filling station, laid to hardstanding with a single storey natural stone shop building and a metal forecourt canopy over the pumps. The site is located within the development area of Curry Rivel and close to two Grade II listed buildings. The site is located immediately adjacent to the junction of the B3168 with the A378 at the heart of the village. The site is close to various residential and commercial properties.

The proposed access will derive from the main road through Curry Rivel (A378). The indicative layout shows four of the proposed five properties fronting onto the main road to the north of the site, with the fifth turning the corner and facing onto the B3168 to the west of the site. One of the four dwellings shown facing the A378 is shown as a flat over a parking area and the vehicular access into the rear of the site.

The application is supported by:

- Design and Access Statement
- Archaeological Desk-Based Assessment
- Marketing and Commercial Viability Report
- Contaminated Land Assessment
- Various site surveys and indicative plans.

HISTORY

11/02953/OUT - Demolition of filling station and construction of four houses and one flat with associated parking and access - Application withdrawn 05/10/2011

05/02479/OUT - Erection of 4 semi-detached and 1 detached house (Outline) -

Application withdrawn 07/11/2005

03/01758/FUL - Formation of a single jet wash - Application permitted with conditions 01/08/2003

96/01850/ADV - The display of an internally free standing petrol price sign - Application permitted with conditions 24/10/1996

96/01786/FUL - Demolition of existing buildings, alterations, erection of shop/sales building and extension to canopy and hardstanding areas - Application permitted with conditions 12/09/1996

96/01199/ADV - The display of an internally illuminated canopy fascia sign and various non-illuminated signs - Application permitted with conditions 20/08/1996

96/00514/ADV - The display of an internally illuminated free standing petrol price sign - Application permitted with conditions 02/05/1996

96/00440/FUL - Demolition of existing building, erection of new shop/sales building and extension to canopy and hardstanding area - Application permitted with conditions 17/06/1996

95/05752/ADV - The display of illuminated and non-illuminated signs - Reg3 County (SSDC raise objections) 05/12/1995

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 considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (Adopted April 2006):

ST3 - Development Area
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 ST9 - Crime Prevention
 EU4 - Drainage
 TP1 - New Development and Pedestrian Movement
 TP4 - Road Design
 TP7 - Car Parking
 EP5 - Contaminated Land
 MS1 - Local Shopping and Services
 EH5 - Setting of Listed Buildings

National Planning Policy Framework

Chapter 4 - Promoting Sustainable Transport
 Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design
 Chapter 8 - Promoting Healthy Communities
 Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
 Chapter 11 - Conserving and Enhancing the Natural Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
 Goal 4 - Services and Facilities
 Goal 8 - High Quality Homes

CONSULTATIONS

Curry Rivel Parish Council - Considers that the figures contained in the financial statement accompanying the application are subject to considerable doubt. The parish council recommends refusal on the grounds that with increased housing in the village the facility could remain a valuable and well used piece of village infrastructure and closure would result in a loss of employment.

County Highway Authority - Given that the proposal would not appear likely to result in any increase in vehicle movements to and from the site, nor have a detrimental effect on the existing highway network, the Highway Authority raises no objection subject to the imposition of conditions to control:

- Details of the proposed access.
- Wheel cleaning for construction vehicles.
- Securing a condition survey and any necessary repair works to the public highway.
- Securing pedestrian visibility splays.
- Surface water disposal.
- Footway construction.
- Detail of the estates roads, footpaths etc.
- Roads and footpaths serving dwellings prior to occupation.
- Parking and turning areas.
- Stopping up of the existing access.
- Visibility splays.
- Securing a construction management plan.
- Details of the proposed access (again).

SSDC Conservation Officer - He notes the proximity of the site to listed buildings. He states that he has no objections in principle but has some concerns over the indicative layout. His concerns are as follows:

- The position of the buildings in the plot, which should be further back to line up with the adjoining.
- The step forwards to accommodate the stairs.
- The drive through archway, which he states the design of is difficult to do well, especially where wide enough for two cars.
- The buildings need to turn the corner in a more conventional way, with a subservient wing.
- Levels, especially in relation to the side road, and the listed building which is much lower.

SSDC Environmental Protection Unit - Notes and concurs with the conclusions of the contaminated land report. The use of a detailed condition is recommended to control

land contamination investigation and mitigation measures.

SSDC Area Engineer - No comment

SSDC Economic Development Officer - Notes the history of the site and that the department had previously advised that the loss of the shop and petrol station would be considered a loss to the community of Curry Rivel, and that the premises should be marketed to demonstrate whether there is any demand for them. He notes that the garage and shop have been marketed for significantly more than a year and complying with all of the expectations of the marketing protocol. He states that although he is reluctant we must recognise that we are in an ever changing world. He notes the presence of another retail premises in Curry Rivel and that fuel is available within 5 miles in either direction on the A378. He therefore raises no objection to the scheme.

Wessex Water - Notes that new water supply and waste water connection will be required from Wessex Water to serve the proposed development. Notes Wessex Water's new responsibilities for previously privately owned sewers, and that these are not mapped and could be affected by new development. They state that separate systems of drainage will be required to serve the proposed development, and that no surface water connections will be permitted to the fould sewer system.

REPRESENTATIONS

Letters of objection have been received from the occupiers of six properties in Curry Rivel:

Objections were raised on the following grounds:

- A development of retail units would be better, encouraging people to visit the village and residents to use the services available.
- Petrol is more expensive than nearby competitors. This could be discounted to make the business more competitive.
- The village does not need more housing; if it does then it should be affordable.
- It would be better to redevelop the nearby pub as housing rather this plot.
- The existing shop and petrol station are useful facilities, which may be made more useful with the new housing planned for the village.
- Alternative petrol stations are some distance away.
- Competition for other businesses can only be a good thing for the customer.
- Closure of the facility will cause job losses and would therefore foster growth in the need to travel contrary to District Council policy.
- The station does not lose business to other filling stations, the pumps are always busy.
- The pub and the florist closing are not genuine examples that rural retail outlets are unviable. Each closed due to specific circumstances.
- Having two shops is not unsustainable. The other shop was already there when County Stores bought the filling station and expanded their shop. The other shop is only rented and could close in the near future leaving Curry Rivel with no shops.
- Exiting from the side road is difficult at the best of times. With this development it will obscure vision even further and make this a dangerous junction.
- The application is invalid because part of the site is owned by the objector and the requisite notice has not been served.
- No viable alternative to the petrol station is available.
- The financial justification is flawed. There is no evidence that the property was

marketed at a realistic price for the current market.

- The accounts do not explain what the huge 'establishment' costs are.
- Economic development officer is incorrect as there is not a filling station within 5 miles to the west.

CONSIDERATIONS

The main areas of consideration are considered to be:

- Principle of Development (including economic viability)
- Highways
- Visual Amenity
- Residential Amenity
- Contaminated Land
- Archaeology

History and Principle of Development

Similar applications for developing the site were submitted in 2005 and 2011. Both applications were withdrawn on the advice of the case officer, as it was considered that the loss of the petrol station and the shop had not been justified.

The site is located within the development area of Curry Rivel where the principle of residential development is normally considered to be acceptable. Curry Rivel benefits from a variety of services and facilities. As such, the location is considered to be a sustainable location for new residential development.

The proposed development will necessitate the loss of a local shop and petrol station. Policy MS1 of the South Somerset Local Plan states:

"Proposals which would result in the loss of shops or other local services will not be permitted where this would result in a significant or total loss of such services to the community, except where the applicant has made every reasonable attempt to secure suitable business or local community re-use."

The shop is ancillary to the filling station use and therefore not considered to be an A1 use in its own right. In any case, its loss would not represent the total or significant loss of shops to the community, as there are two existing A1 uses in close proximity. The petrol station is the only petrol station within the village, so its loss would represent a total loss to the community. However, there is a filling station within 5 miles to the east and another within 7.5 miles to the west, so alternatives are readily available to motorists in the village. The economic development officer has also indicated that he is satisfied with the marketing strategy that has been carried out, and it is therefore considered that every reasonable attempt has been made to secure a suitable re-use of the premises in accordance with policy MS1 of the South Somerset Local Plan.

Concerns have been raised that Curry Rivel does not need more housing and that retail development would be better for the community. However, there is a district wide and national shortage of housing so, whilst some local residents may not feel that more housing is necessary in Curry Rivel, it is a clear government objective to secure more housing in sustainable locations such as this one. It may indeed be true that more retail space would be good for Curry Rivel as a community. However, the current scheme is for the residential development of the land and as such it is a scheme that must be

considered on its own merits.

Therefore, contrary to the various objections of the neighbouring occupiers and the parish council, the principle of residential development is considered to be acceptable in this location in accordance with policy MS1 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Highways

The highway authority was consulted as to the impact of the scheme on the local highway network. They raised no objections to the scheme, noting that vehicle movements relating to five dwellings are likely to be significantly less than vehicle movements relating a petrol filling station. They have recommended the use of several conditions on any permission issued, some of which are better suited to a reserved matters application.

The occupier of a neighbouring property has raised a concern that exiting from the side road is difficult at the best of times, and with this development it will obscure vision even further and make this a dangerous junction. However, there is no reason to assume that the proposal will obscure vision any further than the existing arrangement, and the highway authority are satisfied that highway safety matters can be adequately controlled through condition.

Visual Amenity

The site is not located within a conservation area, but is located in close proximity to two Grade II listed buildings. The conservation officer was therefore consulted as to the impact on the setting of these buildings. He raised no objections to the principle of development but did raise some concerns as to the detail of the design on the indicative plans. However, as design details are not under consideration as part of this outline application, it is considered that these concerns should be addressed at the reserved matters stage in the event that outline permission is granted. An informative could be added to any consent issued drawing the attention of the applicant to the concerns of the conservation officer.

It is considered that the loss of the existing built form will not have an adverse impact on the character of the area or the setting of the nearby listed buildings. Furthermore there is nothing to suggest that a satisfactory detailed design cannot be achieved at the reserved matters stage.

Residential Amenity

The impact on the residential amenity of neighbouring occupiers by way of noise and disturbance is not likely to be significantly worse than the current situation if the existing petrol station is replaced by residential development. Care would have to be taken at the reserved matters stage to ensure that there is no adverse impact on neighbouring occupiers from overlooking, overshadowing or overbearing.

Contaminated Land

As the site is a filling station and former vehicle repair garage the environmental protection unit were consulted as to any contaminated land impacts. They raised no objections to the scheme subject to the imposition of a detailed condition on any permission issued controlling the investigation and mitigation of any contaminated land issues.

EIA

The requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 have been considered. The proposals do not fall within Schedule I and due to the scale, size and nature is not considered to fall within Schedule II. Therefore the proposal is not considered to require an EIA.

Other Matters

Concerns have been raised regarding the loss of existing jobs and employment opportunities in the village. However, whilst such a loss is regrettable, it does not outweigh the national need for additional housing.

A neighbouring occupier has stated that the application is invalid on the grounds that part of the site is within the objector's ownership and the requisite notice was not served. However, the applicant has provided details of a land registry search indicating that the land is indeed within their ownership. Whilst this is not necessarily conclusive, the objector is clearly aware of the application and has not been prejudiced by the lack of a notice. Any dispute over ownership is a matter between the interested parties and not one for consideration here.

Conclusion

Given that the site is located within a defined development area, at the heart of settlement containing a variety of services and facilities, it is a sustainable location for development. No adverse impacts on visual amenity, drainage, residential amenity or highway safety have been identified that justify withholding outline planning permission and all matters of detail would be adequately assessed at the reserved matters stage or by the agreement of details required by condition.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with policies ST3, ST5, ST6, ST9, EU4, TP1, TP4, TP7, EP5, MS1 and EH5 of the South Somerset Local Plan and the aims and provisions of the NPPF. As such the application is recommended for approval.

RECOMMENDATION

That application reference 13/03132/OUT be approved

01. Notwithstanding the local concerns, the provision of 4 houses and a flat in this sustainable location would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety, or visual amenity. As such the scheme is considered to comply with the saved policies of the local plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The site hereby approved for development shall be as shown on the submitted location plan 3116/03 received 02 August 2013.

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

02. Details of the appearance, landscaping, and layout (herein after called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

04. No development shall commence until a foul, surface water, and land drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

05. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

06. The development hereby permitted shall not begin until the soil conditions have been assessed and if necessary a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

1. A site investigation report carried out by a competent person to include a desk study, site walkover, and the production of a 'conceptual site model' (CSM). The CSM will consider risks to human health and the environment. The report will state whether the site is 'fit for purpose' or whether further assessment is required.

2. A intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report should refine and revise the CSM created in condition 1 (above) and include a detailed quantitative human health and environmental risk assessment. The report should state whether the site is 'fit for purpose' or whether remediation will be required.

3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the

remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated as being remediated and fit for purpose.

4. In the event that any signs of pollution such as odour, staining of the soil, unusual colouration or soil conditions, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority. The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site and if the Local Planning Authority considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the submitted details.

5. A verification report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Local Planning Policy.

07. No part of the development hereby permitted shall be occupied until the new access (as shown generally in accordance with drawing) 3116 2 Rev C has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

08. The proposed access shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0 metres x 2.0 metres. Such splays shall be fully provided before the access hereby permitted is first brought onto use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

09. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before (trigger point) and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

10. Before any of any of the dwellings hereby approved are first occupied, a 1.8m wide footway shall be constructed over the entire frontage to the A378 of the site in accordance with a specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

11. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

12. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

13. The existing vehicular access / dropped kerb to the site shall be stopped up, its use permanently abandoned and the footway crossing reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such works shall be completed within one month of the new vehicular access hereby permitted being first brought into use.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

14. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level forward of a line drawn 2.4 metres back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

15. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

16. The residential component of development hereby approved shall comprise no more than 5 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with ST5, ST6, and ST10 of the South Somerset Local Plan.

Informatives:

01. You are reminded of the comments of the Council's Conservation Officer dated 20 August 2013 which are available on the council's web-site.
 02. You are reminded of the comments of Wessex Water dated 13 August 2013 which are available on the council's web-site.
 03. You are reminded of the comments of the highway authority in relation to the need to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. You are also reminded that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
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