

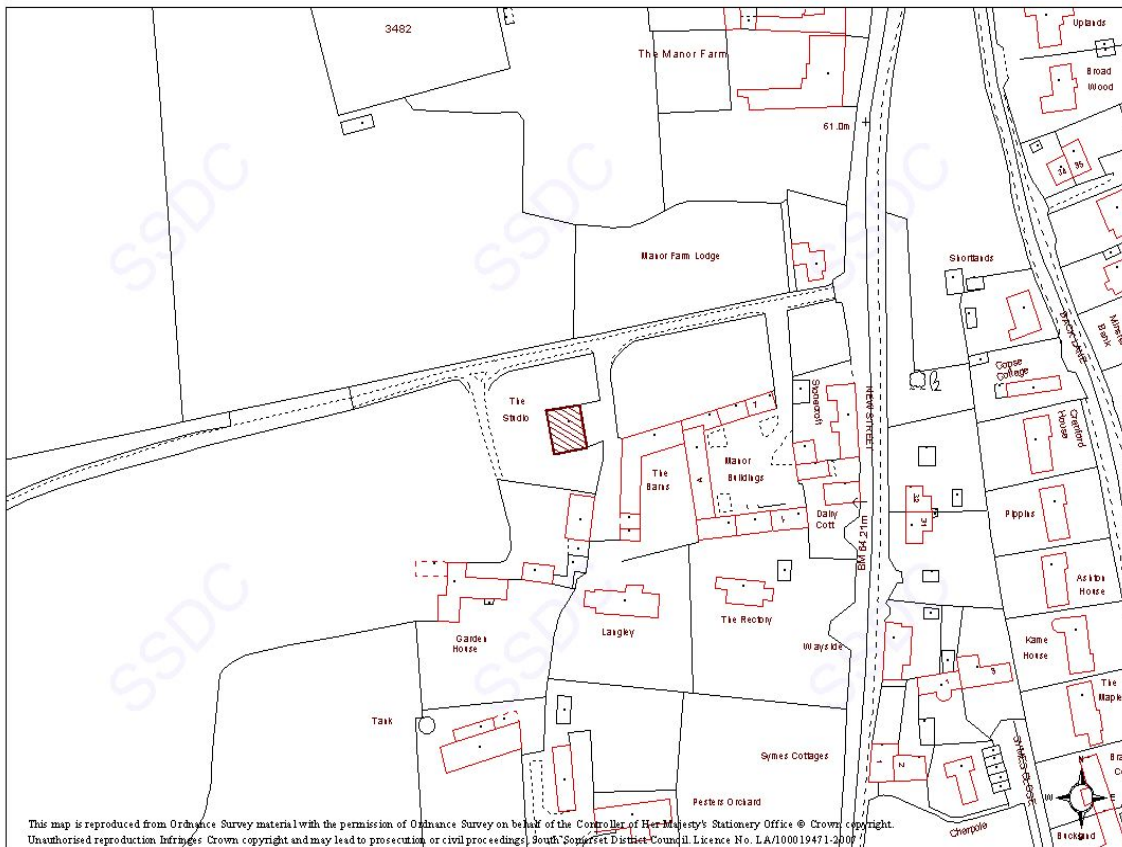
OFFICER: Dave Norris 01935 462382 [Item 1]
APPL.NO: 06/03184/COU APPLICATION TYPE: Change of Use
PARISH: North Perrott WARD: PARRETT
DESCRIPTION: Change of use to B1 industrial. GR (347391/109700)
LOCATION: The Workshop Manor Buildings New Street North Perrott Crewkerne Somerset
APPLICANT: S. Saunders
DATE ACCEPTED: 18 September 2006

REASONS FOR REFERRAL TO COMMITTEE:

The application is brought before the Committee at the request of the ward member who is of the opinion that in the interests of accountability and transparency the proposal should be considered in a public forum.

The application was deferred at the February Committee to allow the Highway Authority further time to consider the application.

SITE DESCRIPTION AND PROPOSAL:



The workshop is a timber and brick building under a tile roof with parking to the front in the centre of the village with access from a private drive (also a public footpath) to New Street (A3066) through the gates of Manor Farm Lodge. Two Grade II listed pillars flank the entrance to Manor Farm Drive. Opposite the site are converted barns and an area of grass and scrub enclosed by a wire fence and a hedge. There is a Lodge (holiday accommodation) near the entrance pillars and a dwelling named Manor Farm to the north of this.

The application relates to a change of use of the building from a design studio to B1 use. No extensions or alterations are proposed to the exterior of the building and no change to the floor area.

The application also includes an area of land currently grassed opposite the building for parking of vehicles, to be surfaced in similar material to that already in place with a new fence to the eastern boundary. An amended plan has been received that indicates an expansion of the parking area to provide additional turning space.

HISTORY:

862555 - Planning permission was granted for the demolition of a Dutch barn and the erection of a design studio on 25 April 1987.

This permission was restricted by condition 5 'The building shall not be used other than for the automotive design work and the manufacture of patterns and models associated with the applicants design and development work' with the reason for this restriction given because of its location within a Conservation Area and the nature of the access approaching the site.

870616 - Planning permission was granted for the conversion of outbuildings into six starter workshop units on 31 July 1987.

882082 - Planning permission was granted for alterations and conversion of outbuildings into seven workshop units together with storage/office accommodation on 26 October 1988. These units are located to the south of the access drive between the application site and the highway.

There has been a history of enforcement issues on this site relating to breaches of planning control.

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

Regional Spatial Strategy: VIS1, VIS2
Somerset and Exmoor National Park Joint Structure Plan
South Somerset Local Plan (Adopted April 2006)

ST5 - General Principles of Development
ST6 - Quality of Development
EH5 - Development Proposals Affecting the Setting of Listed Buildings

PPG4 - Industrial, Commercial Development and Small Firms

CONSULTATIONS:

Landscape Architect

I can't see any substantive landscape issues with this application. Would recommend a landscaping condition around car park.

Environmental Protection Unit

I have no observations.

Parish Council

We have held an open Parish Council meeting to discuss the above application and are unable to support it for the following reasons.

Firstly, North Perrott is a small hamlet, historically involved in agriculture and horticulture. Although the Parish Council has in the past adopted a policy of supporting new business we have always emphasised that it must be in keeping and not adversely affect neighbouring properties. Industrial operations do not fit with this criteria. (It should also be borne in mind that the site falls within a conservation area.)

Secondly, we are unable to establish what B1 industrial actually means. We have attempted to obtain this information from the District Council without success. Anecdotal information indicates that the definition is very loose. We understand that it may be the owner's intention to rent out the site at some point in the future or he may sell it and so it is not just the intentions of the current owner that need to be considered.

Thirdly, as you will be aware, the owner of the site has failed to observe his planning approval for many years and the District Council has failed to take enforcement action. We feel that it is necessary therefore to be especially vigilant when considering this application. The level of activity that has been routine for many years is simply not appropriate to the site and we do not wish to see it continue. The aspects that have been unacceptable include;

- Size and weight of delivery vehicles and their quantity.
- Noise and other pollutants.
- Working hours.
- Safety, both to users of the drive to the property (not owned by the applicant and used by people and horses), and to traffic due to the need to reverse in or out of the property.
- Damage to listed features.
- Loss of amenity to neighbours.

We are genuinely supportive of Ariel Motors; they are to be congratulated for the success they have achieved. We would be delighted to see the Design Studio continue to be used to build on that success within the existing planning approval. We do hope that the District Council will see fit to consult with us regarding limitations should any change to that approval be contemplated. Comments remain the same in relation to amended plan.

Technical Services

No comment.

Building Control

Building Regulations approval is required.

County Highways

'As I am sure you are aware the Highway Authority in its last response recommended that the application be refused as it was felt that the proposal was likely to increase the number of HGV's making use of the existing substandard access.

The existing access to the site is substandard by reason of its narrow width and restricted visibility caused by the presence of a boundary wall fronting the highway at this point. At our recent meeting with Mr Saunders it was agreed that additional information was required to enable us to understand possible traffic generation from the new proposal. It was agreed that the best way of doing this was to analyse the traffic generated by the existing units on the site.

The proposal is for the conversion of an existing unit of specific B1 use to that of an unrestricted B1 use. At present there are seven business units, occupied by five different businesses, which are served by the existing access. The use classes associated with these units are B1 and B8.

From the additional information submitted by the applicant it appears that at present the vehicles serving the existing studio vary in size from private cars to 7 ton lorries - the majority being 3 - 3.5 ton. When this is compared to the information regarding the type of vehicles associated with other units the range is 3.5 - 17 ton. It must be noted that the majority of vehicles were 3.5 ton and the 17 ton lorry accessed the site once. There is very little difference in the types of vehicles serving the respective use types. The information relating to the number of deliveries indicate that a minimum of four and a maximum of nine deliveries arrive for each unit per day. The movements associated with the existing studio are an average of 5.

As a result it is felt that the level and type of traffic associated with the existing studio is unlikely to significantly alter if the permission is granted to change the use to B1 light industrial and as such it is felt that it would be unreasonable to raise an objection to the proposal.'

Conservation Officer

Indicated verbally that he has concern that the listed gate pillars have allegedly been damaged previously and would seek to improve the situation and would object if this was going to be any worse than presently in relation to damage from increased traffic.

REPRESENTATIONS:

Cross Tree Cottage - Object. Factories should not be allowed to destroy the environment in a Conservation Area. The vicarage has a lot of natural beauty, which needs to be maintained.

10 letters received from the occupiers of Manor Farm prior to the last committee objecting to the proposal on the following grounds -

- The proposal will result in extra traffic
- Concern for commercial vehicles damaging the listed pillars at the entrance of Manor Farm Drive leading to the site
- Concern for the safety of horse riders and walkers using the Manor farm Drive
- Loss of amenity within the Conservation Area
- Conditions should be imposed to protect the listed pillars, hours of work, no retail sales, no sale or distribution of parts, no manufacturing, fabrication or other process outside the building, no burning of waste material outside the building, storage of refuse, no storage of materials, scrap or waste in the open and soundproofing to prevent noise pollution
- Parking would harm visual amenity
- The development will have an adverse effect on my holiday let business
- Car park forms part of an area that was to be landscaped in connection with a bungalow that was approved in 1991

Since then 5 further letters have been received making the additional points-

- council will be liable for any damage to pillars
- cannot base recommendation on information provided by applicant who continually flouts planning regulations
- traffic figures are based upon unauthorised uses
- its clear that a B1 use will generate more traffic than a design studio
- building could be subdivided into smaller units
- an approval would be unlawful

CONSIDERATIONS:

The applicant is a recognised automotive design engineer and operates from the building subject of this application. In 1987 planning permission was granted for the demolition of a Dutch barn and the erection of a design studio. The use within the building involves the

individual design of components, which are then transferred from drawing board to parts that require hand crafting to fit and assemble and form a complete vehicle. This means that the design and workshop element are in close proximity within the building. The building has no current restriction on hours of operation or number of persons employed. It is understood that the applicant has relocated his business resulting in this application for B1 use of the building. It is not known if there is an intended tenant for the building.

The planning system should operate on the basis that applications for development should be allowed, having regard to the development plan and all material considerations, unless the proposed development would cause demonstrable harm to interests of acknowledged importance. Development control should not place unjustifiable obstacles in the way of development, which is necessary to provide investment and jobs, or to meet wider national or international objectives. Nevertheless planning decisions must reconcile necessary development with environmental protection and other development plan policies.

The business use class (class B1), one of the key changes introduced in the Town and Country Planning (Use Classes) Order 1987, and allows greater flexibility to change between light industrial, office and research and development uses. It introduces a clear distinction between business uses and general industry, based on environmental factors. It presents an opportunity to provide positively for enterprise and investment, whilst affording effective environmental protection.

Planning applications for speculative development should be considered on their land-use planning merits; authorities should not normally seek to investigate whether the developer already has particular prospective purchasers or tenants; this will seldom be a material consideration.

Many businesses can be carried on in rural and residential areas without causing unacceptable disturbance through increased traffic, noise, pollution or other adverse effects. Individual planning decisions will of course depend on such factors as the scale of the development, the nature of the use of the site and its location.

Government guidance indicates that it may not be appropriate to separate industry and commerce especially small-scale developments from the residential communities for whom they are a source of employment and services. In areas, which are primarily residential, commercial and industrial activities of an appropriate scale should not be unreasonably restricted particularly in existing buildings, which would not adversely affect residential amenity. Planning permission should normally be granted unless there are specific and significant objections, such as a relevant development plan policy, unacceptable noise, smell, safety, and health impacts or excessive traffic generation. The fact that an activity differs from the predominant land use in any locality is not a sufficient reason, in itself, for refusing planning permission.

Planning conditions have been considered in relation to restricting the use in the interests of the character and amenities of the area. It must, however, be borne in mind that this has to be balanced against that fact that there are existing commercial units in the immediate vicinity. It would therefore be considered unreasonable and onerous to restrict the use of the building any further than that by which the adjacent units are restricted. These units have no current restriction on hours of operation or number of persons employed.

The adjacent workshop units are restricted such that no retail sales are permitted, no raw materials, products, scrap or waste is permitted to be stored in the open, restriction to B1 use, restriction on hours of machinery, restriction on noise emissions, no burning of material outside the building and parking to be kept clear of obstruction. It is therefore considered appropriate that a further B1 use building in close proximity to these units should be subject to similar conditions in the interests of the amenity and character of the area. Such controls should ensure that a B1 use is a good neighbour as is generally advised by the Government and as discussed above.

Following the previous deferral at committee the Highway Authority have obtained additional information regarding existing traffic movements generated by the design studio and adjoining uses. As members will see from their comments they are now satisfied that an unrestricted B1 use would not significantly alter the level and type of traffic using the access. The Highway Authority are also fully aware of the wealth of information submitted by the predominant objector but do not consider that this demonstrates that this change of use would have an adverse impact upon highway safety.

With this in mind the listed pillars at the site entrance have been damaged in the past and a neighbour has objected to the proposal on the basis that the proposal would result in further damage. The Conservation Officer would object should there be any increase in traffic as he would be seeking to improve upon the present situation. However, given that there is no support for the view that the proposal would result in increased traffic using the access from the Highway Authority then it would be unreasonable to agree that the proposal would result in damage to the listed pillars.

The proposal does not alter the appearance of the building and relates to its change of use, which subject to appropriate conditions is considered acceptable in a similar manner to nearby buildings. The extended parking area has been considered by the Landscape Architect who does not raise any substantive landscape issues. It is therefore considered that the proposal would preserve the visual amenity of the area.

The car parking area was shown as garden area in 1991 but this application supersedes this consent and is considered on its own merits.

The objection to this application by the Parish Council and neighbours have been carefully considered but given the considerations above, the conditions that can be attached in the interests of amenity and the character of the area in a similar manner to existing B1 use in the immediate area, it is considered that planning permission should be granted.

RECOMMENDATION:

Application Permitted with Conditions

The proposed change of use and associated car parking is considered to be a sustainable form of development that will not have a significant impact upon residential amenity, highway safety or the character of the Conservation Area/setting of listed buildings. It is therefore considered that the proposal generally accords with VIS1, VIS2 and EN4 of RPG10, policies 48 and 49 of the Joint Somerset and Exmoor Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan (adopted April 2006).

1. 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.

2. No retail sales shall be carried out on any part of the premises.

Reason: In the interests of the character and amenity of the area in accordance with Policy ST6 of the South Somerset Local Plan adopted 2006.

3. No raw materials, products of any description, scrap or waste materials whatsoever shall be stores in the open unless otherwise agreed in writing.

Reason: In the interests of the character and amenity of the area in accordance with Policy ST6 of the South Somerset Local Plan adopted 2006.

4. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 2005, and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any orders revoking or re-enacting these Orders) this

permission shall only permit the use of the building for B1 use and for no other use or purpose.

Reason: In the interests of the character and amenity of the area in accordance with Policy ST6 of the South Somerset Local Plan adopted 2006.

5. Any machinery plant and equipment to be utilized in connection with the use hereby permitted shall not be operated on Sundays or Bank Holidays or otherwise than between the hours of 08.00am to 20.00pm on Mondays to Saturdays.

Reason: In the interests of the character and amenity of the area in accordance with Policy ST6 of the South Somerset Local Plan adopted 2006.

6. Noise from operations conducted in the premises when measured at the boundaries of the application site shall not exceed 50 db (A) between the hours of 08.00am to 20.00pm Mondays to Saturdays and 35 db (A) at all other times.

Reason: In the interests of the character and amenity of the area in accordance with Policy ST6 of the South Somerset Local Plan adopted 2006.

7. There shall be no burning of any produce or material whatsoever on the site other than within the building.

Reason: In the interests of the character and amenity of the area in accordance with Policy ST6 of the South Somerset Local Plan adopted 2006.

8. The areas allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of the character and amenity of the area in accordance with Policy ST6 of the South Somerset Local Plan adopted 2006.

9. The access, parking and turning areas shall be formed, consolidated and surfaced in materials to be agreed in writing by the local planning authority prior to the commencement of the use hereby permitted.

Reason: In the interests of the character and amenity of the area in accordance with Policy ST6 of the South Somerset Local Plan adopted 2006.

10. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to accord with EH1 and ST6 of the South Somerset Local Plan (adopted 2006).

11. The subject unit shall remain as one single business and shall not be subdivided without the express grant of planning permission.

Reason: In the interests of highway safety and to accord with Policy 49 of the Joint Somerset & Exmoor Structure Plan (2000).