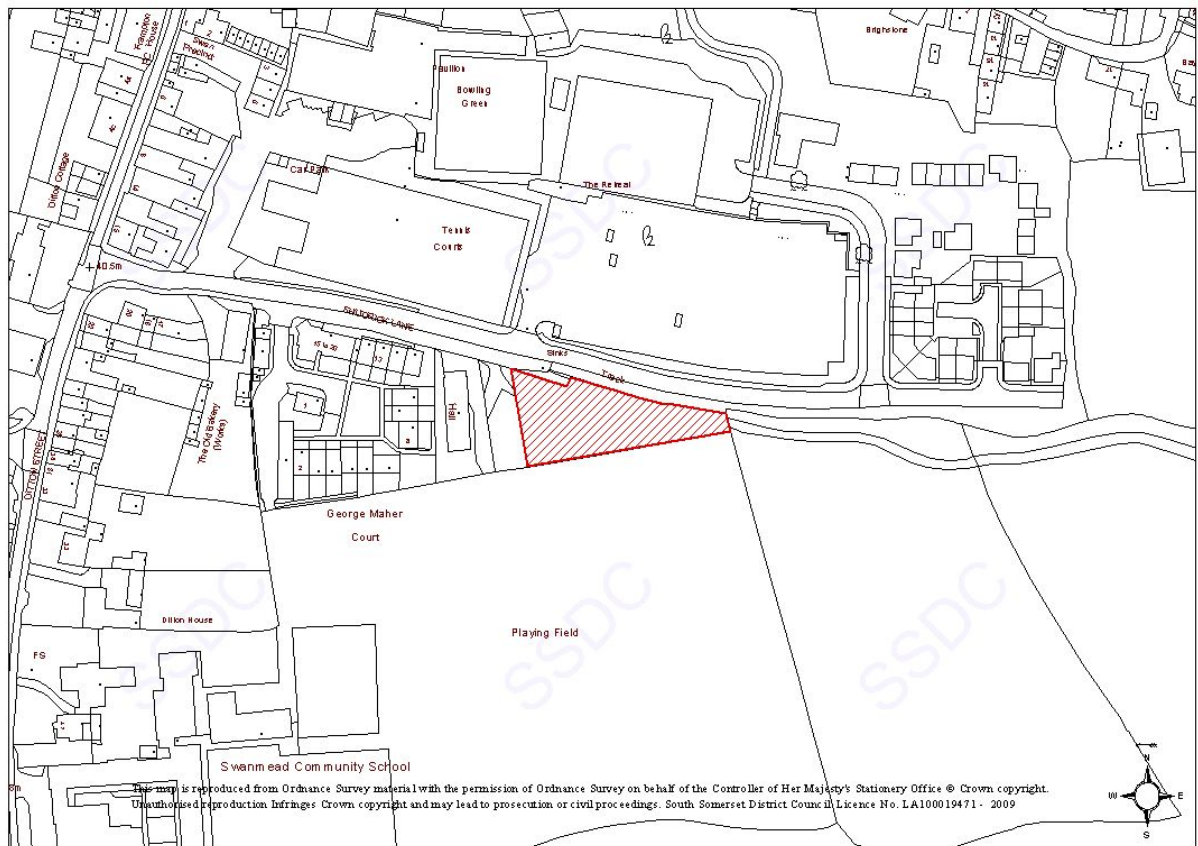


**OFFICER: Linda Hayden 01935 462534**  
**APPL.NO: 08/03073/R3D APPLICATION TYPE: Regulation 3 District**  
**PARISH: Ilminster WARD: ILMINSTER TOWN**  
**DESCRIPTION: Demolition of existing building and the use of land as a public car park (GR 336274/114349)**  
**LOCATION: Community Centre Shudrick Lane Ilminster Somerset TA19 0BQ**  
**APPLICANT: South Somerset District Council**  
**AGENT: Mr R Meecham South Somerset District Council Council Offices Brympton Way Yeovil Somerset BA20 2HT**  
**DATE ACCEPTED: 31 July 2008**

**REASON FOR REFERRAL TO COMMITTEE:**

This application is to be considered by the Committee as it is an application by the District Council relating to Council land and representations have been received from interested parties.

**SITE DESCRIPTION AND PROPOSAL:**



The site is situated to the south of Shudrick Lane, opposite the Tesco's car park. There is currently a disused community centre on the site, which is in a poor state of repair. There are also two recycling bins for plastic bottles.

The application proposes the demolition of the existing community centre and the change of use of the land to a long stay car park with a small recycling area. The car park would have 53 spaces and be for long stay parking.

**HISTORY:**

The community centre was originally approved in 1980 on a temporary basis, the permission was then renewed in 1990 and 1995.

03/00298/FUL - Demolition of existing community building and construction of new community centre. Approved 2003.

01/02137/FUL - An outline application for the erection of a replacement community centre was approved in 2002.

#### 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 decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

#### Relevant Development Plan Documents

Regional Spatial Strategy September 2001:  
VIS1 Expressing the Vision  
VIS2 Principles for Future Development

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policies:-

STR1 - Sustainable Development

STR5 - Development in rural centres and villages

South Somerset Local Plan (Adopted April 2006):

Policies:-

ST2 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

Chapter 11 - Recreation and community facilities.

#### CONSULTATIONS:

*Ilminster Town Council:*

'No objections provided that

- a) The recycling facilities are adequately screened and are subject to an emptying programme that will prevent them detracting from the visual outlook of the area.
- b) Adequate drainage is installed to prevent potential flooding in an area subject to that risk.

*County Highway Authority:*

'From a highway safety point of view the amended internal parking layout is significantly better than previously proposed. This current arrangement will enable an efficient use, prevent excessive manoeuvring and enable vehicles to enter and leave the site in a forward gear.

The second concern previously raised by the Highway Authority was the level of visibility achieved at the proposed access. Whilst it is clear that the visibility splays as shown on the submitted plan show 60.0m to the nearside carriageway edge this distance can not be achieved without crossing over third party land (believed to be in the ownership of Tesco) and as such can not be permanently secured. Having had a meeting with a colleague regarding this matter it is my understanding that the existing fence located to the east of the proposed access is to be set back from the carriageway. All land in front of the fence is to become highway land and all land to rear of the fence, the stream side, will remain in the ownership of a third party. It is therefore felt that the proposed development can utilise the area of land in front of the fence for visibility purposes. It appears that the level of visibility achieved to the

east even with the setting back of the fence will be restricted for vehicles wishing to emerge from the site on to Shudrick Lane.

However, it is noted that as part of the Tesco development opposite, improvements are to be made to Shudrick Lane and a traffic-calming feature introduced in the form of a raised table. This is likely to result in vehicular speeds being lower than that currently experienced. The Highway Authority also acknowledges that this is a former Community Centre and as such would have the potential to generate a level of movement at this point. However, the proposal is seeking to introduce a long stay car park providing parking facilities for fifty vehicles and is likely to result in an increase in the number of vehicular movements at this point.

The proposed access in terms of its width and location is acceptable and is a significant improvement when compared to the existing arrangement. However, given that a 'raised table' feature is to be provided at this point along Shudrick Lane the proposed access will need to be compatible with this feature, details of which will need to be submitted.

As a result, whilst there are concerns regarding the likely increase in the level of traffic at this point, given the improvements to the access arrangements and the suitable internal arrangements it may be unreasonable to raise an objection to the proposal. Therefore, I would advise you that from a highway point of view there is no objection to the proposal.'

In the event of permission being granted the County Highway Authority recommend a number of conditions be imposed.

#### REPRESENTATIONS:

Three letters of representation have been received, their comments are summarised as follows:-

- 1) Agree in principle but suggest no overnight parking is permitted and there is a height restriction.
- 2) Should only be available 7am - 7pm, to exclude traffic noise at night.
- 3) There should be a height barrier to exclude caravans, campers, lorries etc.
- 4) Welcome cleaning up of site and feel that car park use would be an improvement.
- 5) Ask that if the recycling bins are retained they be sited so as to avoid disturbance to neighbours, especially when being emptied.

Two letters of support have been received, comments are summarised as follows:-

- 1) Suggest car parking should be open at night for cars of those in the locality who lost on street car parking following one-way scheme in Ditton Street.
- 2) Residents in the sheltered housing have always been adjacent to a car park and so really have no argument with all night parking by cars of local property owners.
- 3) An excellent plan essential for business people and workers to have somewhere to park after Tesco scheme left us very little parking.

Swanmead Community School commented:-

- 1) They have protected access rights as the entry is used for emergency access to the school.
- 2) Access is identified as 'safer route to school' and has SCC approval to develop cycle/pedestrian access.
- 3) Boundary fencing would need upgrading to ensure security of school.
- 4) Leasing of land could limit options relating to development of school provision in Ilminster.

#### CONSIDERATIONS:

There are three main issues to consider with this application; loss of community building; impact on neighbours; and requirements to control the use.

With regard to the loss of a community building, the existing building is in a very poor state of repair. It is understood that the group that were running the centre disbanded over 18 months ago and since that time the building has been little used. The Ilminster Forum are now looking at a phased programme of building works to provide a clubhouse/changing room and sports hall that will then be available for community purposes. In the circumstances, whilst there may be the possibility of the town being without a community centre for a short time, it is not considered that such a loss would be significant enough to refuse planning permission.

With regard to the impact upon neighbouring properties, it is not considered reasonable to impose a time limit upon the use of the car park. It will be for long stay parking but it is not considered that the traffic movements would be of such a level as to cause disturbance to near-by properties. At present a barrier is not proposed although it would be possible to impose a condition requiring that one be erected. In addition, it is considered prudent to require measures to prevent misuse of the car park in the evenings such as metal ramps in order to protect surrounding residential amenity.

With regard to the recycling facilities, it should be noted that there are existing bins on the site. They are considered to be in an appropriate location that is easy to access. However, they would be at the entrance to the site and it is considered important that appropriate landscaping is provided to screen the facilities.

In terms of the comments from the school it is understood that the proposed car park would not impact upon the access to the school and these matters and others have been discussed with the County Council prior to the submission of this application.

#### RECOMMENDATION:

Approve.

#### JUSTIFICATION:

The proposed change of use will not result in any significant adverse impacts upon neighbouring amenity. There are ongoing plans to replace the community centre in the near future. As such, the proposal is in accordance with policies ST2, ST5, ST6 and requirements of Chapter 11 of the South Somerset Local Plan adopted 2006.

#### **Application Permitted with Conditions**

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. 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. The scheme of landscaping shall include details of the proposed boundary fencing/screening of the site and recycling area.

**Reason:** In the interests of visual amenity and in accordance with policies ST5 and ST6 of the South Somerset Local Plan adopted 2006.

3. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

**Reason:** To ensure a satisfactory form of development in accordance with policies ST5 and ST6 of the South Somerset Local Plan adopted 2006.

4. Details of the proposed traffic calming for the car park to include speed ramps and barriers (if deemed necessary) shall be submitted to and approved in writing by the Local Planning Authority and such approved details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

**Reason:** To ensure a satisfactory form of development in accordance with policies ST5 and ST6 of the South Somerset Local Plan adopted 2006.

5. The area 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 highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

6. Prior to the development first being brought into use a suitable means of access compatible with permitted scheme for the Tesco Development shall be 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 those details that have been approved.

**Reason:** In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

7. 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 by the Local Planning Authority.

**Reason:** In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

**NOTES** (if any)

1. Note: Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highways Authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.