

AREA EAST COMMITTEE

Officer Report On Planning Application: 15/04303/OUT

Proposal :	Proposed classes B1/B2 Industrial Development with associated access (GR 361906/127665)
Site Address:	Former Helicopter Depot Cadbury Business Park Cary Road
Parish:	North Cadbury
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	16th November 2015
Applicant :	Berkley Leisure Group Ltd
Agent: (no agent if blank)	
Application Type :	Minor Other less than 1,000 sq.m or 1ha

The application is before the committee, at the request of the ward members and with the agreement of the area vice-chair, to allow the benefits of the scheme towards providing employment opportunities in South Somerset to be considered in a public forum.

SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for the use of an existing building for B1/B2 use and for the erection of new B1/B2 buildings with associated access. All matters, with the exception of access, are reserved for future consideration. The site consists of a disused helicopter depot adjacent to an existing rural business park. The site currently consists of several buildings, and areas of hardstanding and scrubland. The existing buildings within the business park are predominantly finished in brick and profile sheet cladding. The new buildings will be served from the existing vehicular access. The site is located outside of any development area as defined by the local plan. The site is close to various residential properties, commercial properties, and open countryside.

The indicative plans show the retention of an existing unit along with the erection of 10 new small units set either side of central access road along with the provision of parking areas and cycle parking.

RELEVANT HISTORY

On Site:

None

On Nearby Land:

15/03245/FUL - The erection of a new building for B8 use (storage and distribution), parking, landscaping and associated works - Pending consideration

14/02326/FUL - Extension to existing (B8) unit - Application permitted with conditions 28/08/14

13/00533/REM - On-site landscaping as required by condition 01 of outline planning permission ref.

12/03116/S73 - Application permitted with conditions 07/11/2013

12/03116/S73 - Application to vary condition 2 (approved plans) on planning permission no. 10/01476/OUT to allow substitution of plan to reflect amended layout and changes to proposed buildings - Application permitted with conditions 04/01/2013

12/00914/DPO - Submission of landscape management details in relation to clause 4 of the second schedule to the Section 106 agreement dated 16/01/2012 in connection with planning permission 10/01476/OUT - Permitted 18/04/2012

10/01476/OUT - Extension to Cadbury Business Park for B1 (light industry) use (revised application of 09/01981/OUT) - Application permitted with conditions 23/01/2012

09/01981/OUT - Extension to Cadbury business park for B1 (business) and B8 (storage and distribution) uses - Application withdrawn 15/07/2009

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS3 - Delivering New Employment Land

Policy EQ2 - General Development

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy EP2 - Office Development

Policy EP4 - Expansion of Existing Businesses in the Countryside

National Planning Policy Framework

Chapter 3 - Supporting a Prosperous Rural Economy

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and Enhancing the Historic Environment

CONSULTATIONS

North Cadbury and Yarlington Parish Council - Given that it will be necessary to consider the detailed plans for the site in due course, the parish council approved the outline application unanimously.

County Highway Authority - Notes that the proposal will lead to additional traffic on the highway network, but states that it is considered that it will not lead to severe problems on the network in terms of safety or capacity. They state that details will have to be agreed but that the principle is acceptable. They suggest the LPA may wish to consider the limited sustainable travel options for accessing the site. They suggest conditions to control the disposal of surface water, the securing of a suitable parking area in perpetuity, the securing of a suitable area for the loading and unloading of goods vehicles, the securing of an appropriate travel plan, and the submission of details of the means of access to the site.

SCC Rights of Way - Notes the presence of a footpath that runs along the proposed access to the site and states that any proposed works must not encroach on to the width of the footpath. He notes the duties of the developer in relation to the footpath, but raises no objection to the scheme.

SSDC Landscape Architect - States that there is no landscape objection to the principle of some development here, as built form is already established to the north and west sides of the site. However, in regards to the indicative plan he raises concerns that the proposal would result in increased massing effects, and the layout would not enable commensurate landscape treatment to soften and contain the development's outline. Consequently he is unable to support the indicative layout.

SSDC Environmental Protection Unit - No observations

SSDC Economic Development Officer - Initially raised concerns with the justification for the scheme. On the receipt of additional information he noted that the building of speculative industrial units has not occurred for 10 years or more and that the settlements of Wincanton, Castle Cary and Yeovil have little in the way of small units of 1,000 square feet or less. He states that of particular interest is the opportunity to offer the freehold on some of the units. He states that the building of smaller units is not as cost effective as building larger ones, and the applicant has identified an opportunity to fulfil this shortfall and is prepared to build speculatively. He therefore confirms that from an economic perspective the additional information is sufficient to allay his previously expressed concerns.

SSDC Planning Policy –

The applicant is looking to develop a redundant helicopter site (circa 0.68ha) for B1/B2 employment land on the edge of the Cadbury Business Park, between Sparkford and Castle Cary. This is a countryside location. There is concern that given that this is an outline application, the indicative amount of new employment land that is stipulated in the supporting information, may not materialise. The application seeks B1/B2 use on the entire 0.68 hectare site, therefore a significant amount of employment land, above the 1,010 sq metres identified, could be finally developed through a subsequent reserved matters application. The nature of the final proposal could be very different from that indicated in the supporting information.

South Somerset Local Plan (2006-2028)

Policy SS3: Delivering New Employment Land sets a jobs target for Rural Settlements (1,181 jobs, 720 within the B uses) it seeks these to be achieved through sustainable development, likely to be small scale which supports a prosperous rural economy. Whilst new economic development in the countryside is supported, it should be of a scale that is appropriate to the surrounding area and should not lead to the displacement of workers from nearby Market Towns and Rural Centres, as this will impact on the self-containment of those settlements and the settlement hierarchy.

Policy EP2: Office Development requires office development to be located firstly within the defined Town Centre. Offices are defined in the NPPF as a main town centre use, hence this requirement and their location in the town centre is beneficial, supporting the vitality and viability of the shopping environment. Policy EP2 requires a sequential test to demonstrate that there are no alternative suitable, available and viable sites.

The applicant has not provided a sequential test, and the scale of development proposed could potentially be significant, it is difficult to quantify with an outline application.

The applicant cites Policy EP4: Expansion of Existing Businesses in the Countryside to support the application "this proposed development would also allow for existing businesses to expand if required", however, this is a speculative development and does not comply with Policy EP4.

National Planning Policy Framework (NPPF)

Paragraph 11 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 14 establishes a presumption in favour of sustainable development. For decision taking, the presumption means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

The proposal is not in accordance with the development plan, and therefore it will need to be shown that there are material considerations that would outweigh the lack of conformity.

In analysing material considerations, reference should be had to Paragraph 21 of the NPPF, which

identifies objectives to support investment by business and how to realise sustainable economic growth and Paragraph 28 which in the context of protecting the countryside, supports sustainable growth and expansion of all types of business and enterprise in rural areas.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the Town & Country Planning Act 1990 (as amended), as well as Paragraph 11, Paragraph 12 and Paragraph 14 of the NPPF, state that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Given the context provided above, the proposal is not in accordance with the development plan. The scheme represents speculative development, this coupled with the fact this is an outline application, results in a scheme where the economic benefit cannot be fully assessed. The applicant cites that the previous use of the site for a commercial activity (formerly a mill) weighs in its favour and it will constitute a rounding off to the Cadbury Business Park. There is no evidence that this scheme would result in an expanded Cadbury Business Park, it would be useful if additional information from the applicant could establish the link.

It will be important that your balancing exercise weighs the potential economic benefits (jobs and growth) of this application against the lack of conformity with the development plan. It will need to be shown that material considerations (e.g. potential economic benefits) outweigh that the scheme does not accord with the development plan so as to indicate that the scheme represents sustainable development."

REPRESENTATIONS

One letter received from the owner of the adjoining business park. He notes that in applications for expansion of the existing businesses at the site, the highway authority has always objected to further traffic using the eastern access. He states that consistency has always been part of planning policy.

CONSIDERATIONS

History and Principle of Development

The site is located outside of the development area as defined by the local plan, and is remote from any significant settlements. The site is however contiguous with an existing rural business park. The SSDC Planning Policy officer has identified that as an outline application it is very difficult to assess the full impact of the scheme. The amount of floor space provided could ultimately be significantly higher than indicated indicatively, and the scheme could contain a significant quantity of office floor space, which is identified in the local plan as a town centre first type of development. The proposal could therefore be contrary to policy EP2 of the South Somerset Local Plan, which requires a sequential approach to the siting of town centre uses. Policy SS3 of the local plan indicates that new economic development in the countryside can be supported, but that it should be small in scale and not leading to the displacement of workers from nearby market towns and rural centres, as this will impact on the self-containment of those settlements and the settlement hierarchy. The applicant has cited policy EP4 of the local plan, which allows for the expansion of existing business in the countryside. However, the development is purely speculative, with no end-users in mind, so the scheme does not comply with policy EP4. Given the above, it must be concluded that the proposed speculative development, where the full economic benefits cannot be assessed due to the outline nature of the scheme, is contrary to the development plan, in particular policies EP2, SS3, and EP4 of the South Somerset Local Plan.

The lack of compliance with the development plan identified above should be weighed against any other material considerations. In this case there is support within the NPPF (paragraph 28) for the sustainable growth and expansion of all types of business and enterprise in rural areas. However, in this case the scheme is not considered to represent the sustainable growth and expansion of business in the countryside, as being speculative and of unknown size, it is likely that the scheme would draw existing businesses from existing settlements, reducing their self-containment and ultimately have an adverse impact on their overall sustainability. The SSDC Economic Development Officer has identified that the opportunity to provide small units on a freehold basis is positive, as there is a lack of such business units

available in Wincanton, Castle Cary, and Yeovil. However, whether the units are leasehold or freehold cannot be controlled through the planning system, and the size of the individual units cannot be assured on an outline application. There have been no other material considerations identified in support of the application.

It should be noted that there have been recent expansions of the adjoining business park approved or pending consideration. However, these schemes have differed from the current application in that they have represented the expansion of existing businesses already based at the business park. As such, these schemes have generally complied with policy EP4 of the local plan and no real comparison can be drawn to the current application.

As such, it is considered that the scheme fails to comply with policies EP2, EP4, and SS3 of the South Somerset Local Plan, and there are no material considerations that indicate that a departure should be taken from the development plan.

Highways

The highway authority was consulted as to the impact of the scheme on the local highway network. They raised no objections to the proposal subject to conditions to control the disposal of surface water, the securing of a suitable parking area in perpetuity, the securing of a suitable area for the loading and unloading of goods vehicles, the securing of an appropriate travel plan, and the submission of the details of the means of access to the site.

The owner of the adjoining business units raised a concern with the consistency of decisions. He stated that he had been required to provide a new access to the site to support the expansion of his business units, as the highway authority has raised objections to any further traffic using the eastern access, which is the access that would be used to serve the proposed development. However, this matter was brought to the attention of the highway authority, and they maintained their support of the scheme. As such, notwithstanding the objector's concerns, it would be unreasonable to raise an objection to the scheme on highway safety grounds.

Visual Amenity

The SSDC landscape architect was consulted as to the impact of the scheme on visual amenity. He raised no objections to the principle of the scheme, but did raise a concern with the indicative layout, suggesting that it would not be possible to provide suitable landscape mitigation planting with the proposed layout. Given that the submitted layout is only indicative, it would be unreasonable to raise an objection on visual amenity grounds at this point. However, an informative should be added to any decision issued to ensure that the applicant is aware of the landscape architect's concerns.

As such, subject to suitable details at the reserved matters stage, the proposal is considered to have no adverse impact on visual amenity in compliance with policy EQ2 of the local plan.

Residential Amenity

Due to the lack of nearby residential properties, the proposal is considered to have no significant adverse impact on residential amenity in compliance with policy EQ2 of the local plan.

Conclusion

Subject to suitable details at the reserved matters stage it is considered that there would be no undue adverse impact on visual amenity, highway safety, or residential amenity. However, the proposed development, by placing potentially significant commercial development (possibly including the main town centre use of offices), outside of the nearby market town and rural centres would make those settlements less self-contained, and must therefore be considered an unsustainable form of development contrary to policies EP2, EP4, and SS3 of the South Somerset Local Plan. No material considerations have been identified that would justify such a departure from the development plan.

RECOMMENDATION

That application reference 15/04303/OUT be refused for the following reason:-

SUBJECT TO THE FOLLOWING:

01. The proposed development, by placing potentially significant commercial development (possibly including the main town centre use of offices) outside of the nearby market town and rural centres, would make those settlements less self-contained, and must therefore be considered an unsustainable form of development contrary to policies EP2, EP4, and SS3 of the South Somerset Local Plan. No material considerations have been identified that would justify such a departure from the development plan.

Informatives:

01. The applicant's attention is drawn to the concerns of the landscape architect regarding the indicative layout plan. He was concerned that the indicative layout would not enable commensurate landscape treatment to soften and contain the development's outline.
02. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent did not take the opportunity to enter into pre-application discussions and there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.