

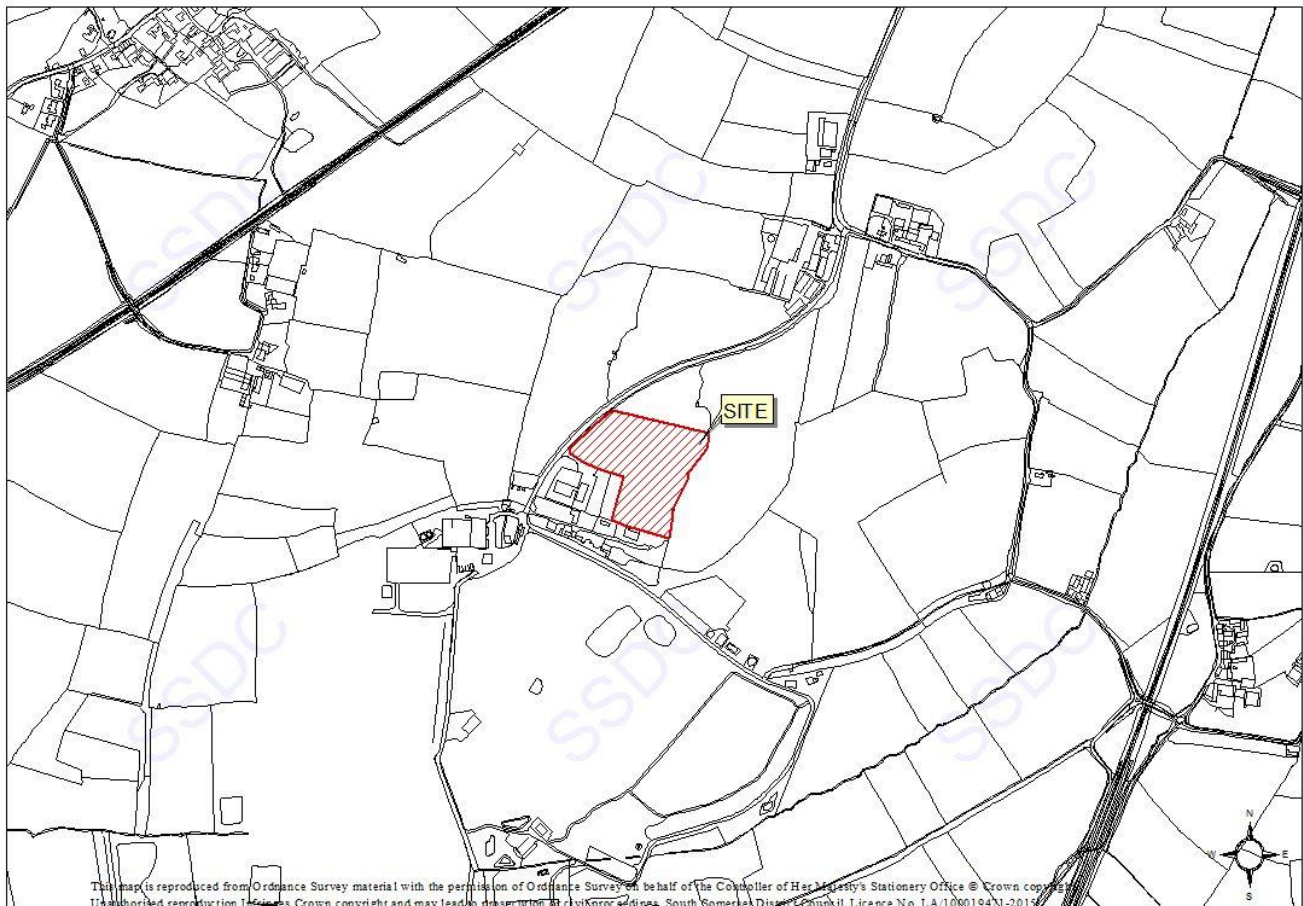
Officer Report On Planning Application: 17/01064/FUL

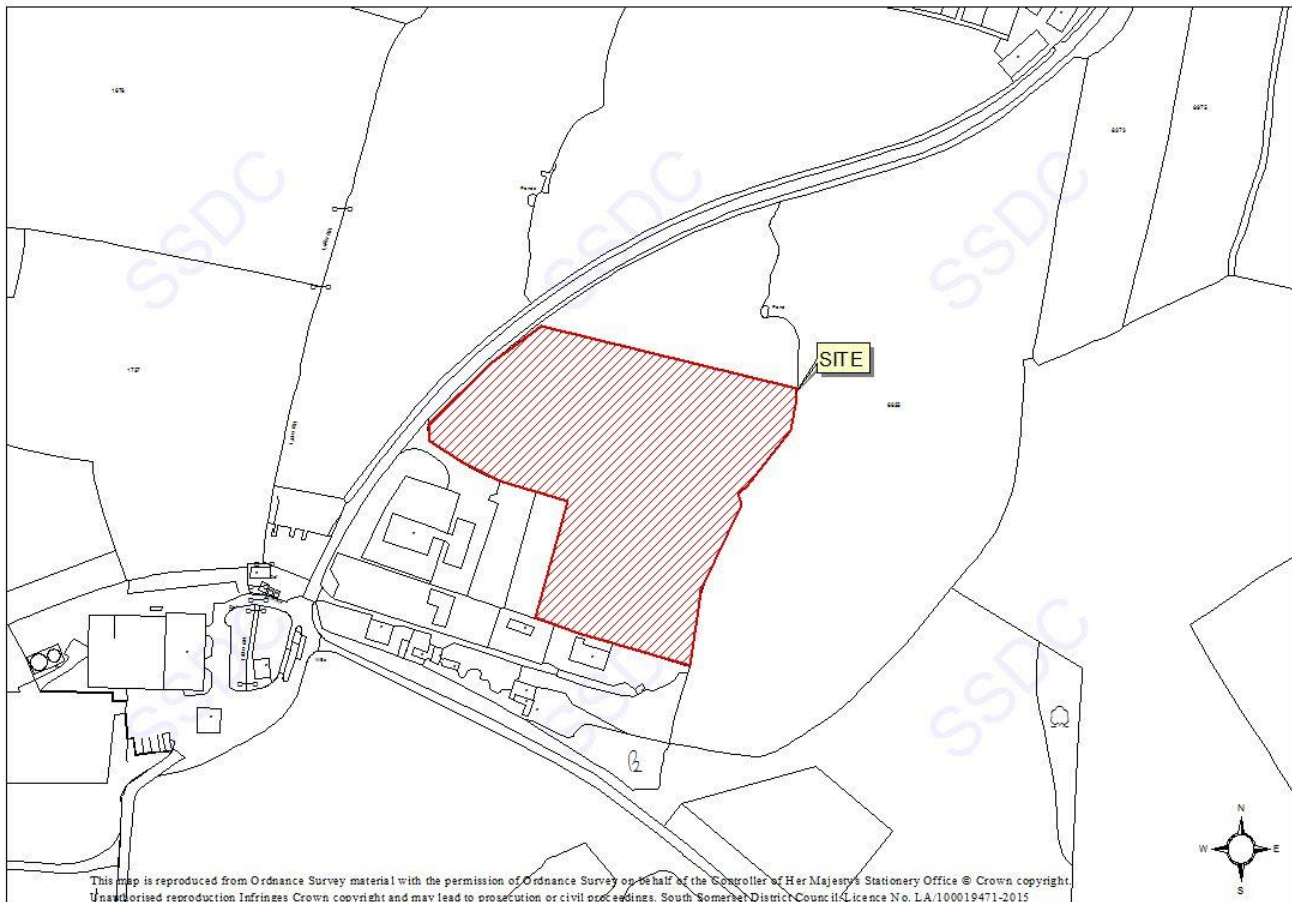
Proposal:	Erect security building and staff parking area. Erect perimeter security fencing all in association with the storage of motor vehicles. Change of use of the land from B2 - B8 use.
Site Address:	Land At Camp Road Dimmer Lane Dimmer
Parish:	Castle Cary
CARY Ward (SSDC Member)	Cllr N Weeks Cllr H Hobhouse
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date:	5th June 2017
Applicant:	Mr Andrew Hopkins
Agent: (no agent if blank)	Mr Gary Adlem GMA Design Little Hains, Hains Lane Marnhull Sturminster Newton DT10 1JU
Application Type:	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward members and with the agreement of the area vice-chair in order to allow local concerns to be publicly debated.

SITE DESCRIPTION AND PROPOSAL





The proposal seeks permission for the change of use of land from B2 (General Industrial) to B8 (Storage and Distribution) for the storage of cars. It also seeks permission for the erection of a security building, erection of perimeter security fencing, and for the laying out of a staff car park. The site consists of an area of industrial land, with no obvious current users, but with an established lawful use. The site is close to various industrial buildings, agricultural buildings, open countryside, a residential caravan, and recycling centre. The site is not within a development area as defined by the local plan.

The proposed security building will be finished in brick with a slate roof. The proposed parking area will be finished in crushed concrete hardcore, with tarmac to the turning and unloading areas. The proposed security fencing will be constructed of metal mesh.

RELEVANT SITE AND ADJOINING LAND HISTORY

15/05361/FUL - Erection of 6 no. light industrial B2 use units and the formation of access and parking
 - Application permitted with conditions 4/03/2016

14/04582/FUL - The erection of a concrete batching plant and associated offices, access road, aggregate storage area, parking, drainage, boundary treatment and landscaping (Revised proposal of 13/01142/FUL) - Appeal against non-determination dismissed 13 October 2015

13/01142/FUL - Erection of offices, concrete batching plant, storage of aggregates and formation of a new road. Parking for staff and associated vehicles - Application refused 22/10/2013 - Dismissed at appeal 14 May 2014

08/03008/COL - The use of land for industrial purposes in alleged breach of conditions of decision notice 90/00323/FUL dated 08.07.90 - Approved 14/08/2008

07/03955/COL - The use of land for industrial purposes in alleged breach of conditions of decision notice 90/00323/FUL dated 08.07.90 - Refused 15/10/2007

90/00323/FUL - Use of land for industrial purposes (within use classes B3 to B7) - Permitted with conditions 08/071998

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).

The policies of most relevance to the proposal are:

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy EQ2 - General Development

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

National Planning Policy Framework

Chapter 1 - Building a Strong, Competitive Economy

Chapter 3 - Supporting a Prosperous Rural Economy

Chapter 7 - Requiring Good Design

Other Material Considerations

None

CONSULTATIONS

Castle Cary Town Council - Votes against the scheme. Notes that councillors had concerns regarding 7 days a week opening hours, lack of water on site, potential water course pollution, employment for only two staff, extra vehicles when setting up, and noise from the stone crusher. They also note there is no mention in the application of a recent planning permission for a waste transfer station which will have impact on traffic on the B3153. Those in favour advised that a B8 usage is preferable to B2.

Cary Moor Parish Council - On the basis that vehicle movements for the permitted use could be significantly higher for the permitted use of the site, they voted to support the scheme, subject to conditions to control the exact nature of the use, to secure suitable landscaping, to prevent external lighting without the prior permission of the LPA, to ensure development is phased from south to north, and to restrict the hours of operation.

Ansford Parish Council - Expresses that the proposal will exacerbate an already unacceptable traffic situation in regards to congestion and HGV movements on an unsuitable road.

County Highway Authority -

"The application is to construct a vehicle storage depot on land adjacent to the Acorn Industrial Park, Dimmer Lane, Castle Cary.

It is noted that Camp Road is a private road and as such the Highway Authority will comment on the junction of Camp Road with Dimmer Lane, the suitability of Dimmer Lane and the junction of Dimmer Lane with the B3153.

I am aware that the Highway Authority commented previously on the proposed concrete plant and did not raise an objection but was subsequently refused by the Local Planning Authority.

Having reviewed the transport statement, it would appear that the applicant has suggested that there would be a total of 6 transporter lorries per day that would utilise the proposed car storage area. This represents a reduction in the proposed vehicle movements in the previous application on this site. It would therefore be unreasonable to raise an objection to this aspect of the application.

From my onsite observations it is apparent that Dimmer Lane is used for recycling vehicles to access the recycling centre, ergo, there is an existing use by larger vehicles and it would therefore be unreasonable to raise an objection to the application due to the larger vehicle types that would be using the approach roads.

The Highway Authority is satisfied that there is sufficient space for vehicles to pass using the passing areas as shown in drawing number LGPS/AH/PP/Dimmer/01/01 along Dimmer Lane.

Dimmer Lane, any vehicles are likely to head north to the B3153. It would be unreasonable for the Highway Authority to raise an objection to visibility at the junctions of this application.

Taking the above into account and considering that the application is likely to represent a decrease in vehicle movements, the Highway Authority does not wish to raise an objection to the proposal."

SSDC Landscape Architect -

"I am aware that the land has an employment use.

The proposal lays alongside existing employment structures, and is contained within a single field. This close correspondence with existing built form provides a suitable context for further employment development, hence there is no landscape issue with the principle or scale of development proposed here. However, there will be a marked increase in hard surfacing evident throughout within the site, and this increased spread of crushed concrete hardcore should be countered by an appropriate planting scheme. Such a scheme should provide visual containment by creating new woody boundaries to the north and east of the site, whilst the existing hedgerow to the south should be supplemented by additional tree and shrub planting.

If you are minded to approve this application, could you please condition a detailed landscape proposal, for submission and approval pre-commencement."

SSDC Environmental Protection Officer - No comments. No comments as to the proposed hours of operation.

REPRESENTATIONS

Two letters of objection received. One from the occupier of a residential property on the industrial estate and one from the occupier of a property in Clanville. Objections were raised in the following areas:

- Exacerbate existing traffic problems
- Unacceptable opening hours
- Potential for dust creation

An additional letter has been received from 'Care4Cary', a local pressure group. They object on the grounds that little thorough work has gone into the proposal and that it "...merely copies what is taking place at Henstridge, a quite different location". They raise a concern that an approval of the current application would make subsequent applications for different proposals difficult to refuse.

CONSIDERATIONS

History and Principle of Development

In 2008 a certificate of lawfulness established that the lawful use of the site is for B2 (General Industrial) purposes. Schemes to use the site for concrete batching were refused and dismissed at appeal in 2014 and 2015, due to the likely impacts of HGV movements on the B3153.

With an established lawful use for B2 purposes, the principle of using the site for any of the employment uses (B1, B2, or B8) is considered to be acceptable and to accord with local plan policies and the aims and objectives of the NPPF. The impacts of the specifically proposed use must be considered in detail below.

Residential Amenity

There is a single residential property in close proximity to the site. With an established B2 (General Industrial) use of the application site, and with the existing industrial uses surrounding the residential unit, the occupier of the property must accept a certain level of disturbance to their residential amenity. The proposed use should aim to make the situation no worse. Given that the site could be used for industrial purposes, it is considered that the proposed B8 use is unlikely to cause demonstrable to residential amenity. A 2015 permission for a new industrial building on land adjoining the site was subject to an hours of operation condition restricting the operating hours to 0700 -1800 Monday to Friday, 0800-1300 on Saturdays and not at all on Sundays and Bank Holidays. It is considered that a similar restriction would be appropriate on any permission issued in order to protect the amenity of the neighbouring residential property.

The proposed building will have no impact on residential amenity by way of overlooking, overshadowing or overbearing.

The neighbouring occupier has raised a specific concern regarding likely dust creation from the proposed use. However, there is no reason that any dust creation would be worse than the extant B2 use of the site. The SSDC Environmental Protection Unit (EPU) was consulted and raised no objections to the scheme.

As such, subject to the use of an appropriate condition to control hours of operation, there would be no demonstrable harm to residential amenity in accordance with policy EQ2 of the local plan and the aims and provisions of the NPPF.

Visual Amenity

The SSDC Landscape Architect was consulted as to the impact of the proposal on the character of the surrounding landscape. He noted the permitted use of the site, and concluded that, subject to an appropriate planting scheme secured by condition, there is no landscape issue with the principle or scale of development proposed here. Such a condition is considered to be reasonable and necessary.

The proposed building and fencing is considered to be of an adequate standard of design and materials that would satisfactorily reflect the character of the surrounding area in accordance with policy EQ2 of the local plan.

Highways

As with the schemes to develop the site as a concrete batching plant, there has been considerable local concern as to the likely highway impacts of the development on local roads. The county highway authority was consulted and raised no objection to the scheme. The likely vehicle movements from the specifically proposed use are likely to be considerably lower than could occur from the unrestricted use of the site for B2 purposes. As such, subject to a condition to ensure that the site is only used for the currently proposed purpose, it is considered that there will be no severe impact on the local road network arising from the scheme. The proposed access and parking arrangements are considered to be satisfactory.

It is therefore considered that there will be no severe adverse impact on highway safety in accordance with policies TA5 and TA6 of the local plan and the aims and provisions of the NPPF.

Other Matters

The Town Council have raised concerns as to the lack of water on site and potential water course pollution. However, there is no reason to assume that the use of the site for the storage of motor vehicles would cause water course pollution. EPU have raised no concerns in this regard. It is not clear how a lack of water on site is objectionable.

The Town Council have raised a concern that the development will only provide employment for only two staff. Whilst this is regrettable from an economic perspective, B8 uses fall within the category of employment land, as defined by the local plan, and as such it would be unreasonable to withhold permission on such grounds.

The Town Council have raised a final concern regarding extra vehicles when setting up, and noise from the stone crusher. However, any disturbance caused in this way will be transitory and should not be used as a reason to constrain the development.

Cary Moor Parish Council have supported the scheme, subject to conditions to control the exact nature of the use, to secure suitable landscaping, to prevent external lighting without the prior permission of the LPA, to ensure development is phased from south to north, and to restrict the hours of operation. As discussed above, conditions to control the exact nature of the use, to secure suitable landscaping, and to restrict the hours of operation are all considered to be reasonable and necessary. A condition to control external lighting is considered to be reasonable and necessary in the interests of both visual and residential amenity. A condition to ensure that the site is developed from South to North is also considered to be reasonable and necessary in the interests of visual amenity.

Care4Cary have raised a concern that the proposal would make subsequent applications for different forms of development on the site difficult to refuse. However, previous permissions have already established the principle of using the site for commercial purposes, and any subsequent applications for different uses to that currently proposed would be considered on their own merits.

Conclusion

It is considered that the application should be recommended for approval. The use of this land for employment purposes is established and the principle of development is therefore acceptable in this location. It is not considered that the development will have an unacceptable impact on highway safety, residential amenity, or the character of the area.

RECOMMENDATION

Permission be granted for the following reason:

01. The proposed use is considered to be acceptable in this location and the development would have no adverse impact on the appearance of the area, and would not cause any undue harm to residential amenity or highway safety, in accordance with the aims and objectives of policies SD1, SS1, TA6, TA5, EQ2, and EQ7 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. 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.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 16.01 and GMA-0011-02 received 06 March 2017.

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

03. The premises shall be used for the storage of motor vehicles and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)

Reason: In the interests of highway safety and residential amenity in accordance with policies EQ2 and TA5 of the South Somerset Local Plan.

04. 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: To safeguard the character and appearance of the area in accordance with policy EQ2 of the South Somerset Local Plan.

05. The area allocated for staff parking on the submitted plan, drawing number 16.01 received 06 March 2017, shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of staff vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

06. Other than staff vehicles, there shall be no vehicle movements to or from the site, or within the site, outside the following hours: 0700 -1800 Mondays to Fridays; 0800-1300 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: In the interests of residential amenity in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028.

07. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and no additional lighting installed without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential and visual amenity in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028.

08. Other than in the area marked as staff parking on drawing number 16.01, received 06 March 2017, the storage of motor vehicles on site shall be phased so that no parking space shall be occupied if any parking spaces further south on the site are unoccupied.

Reason: In the interests of visual amenity and in accordance with policy EQ2 of the South Somerset Local Plan.