

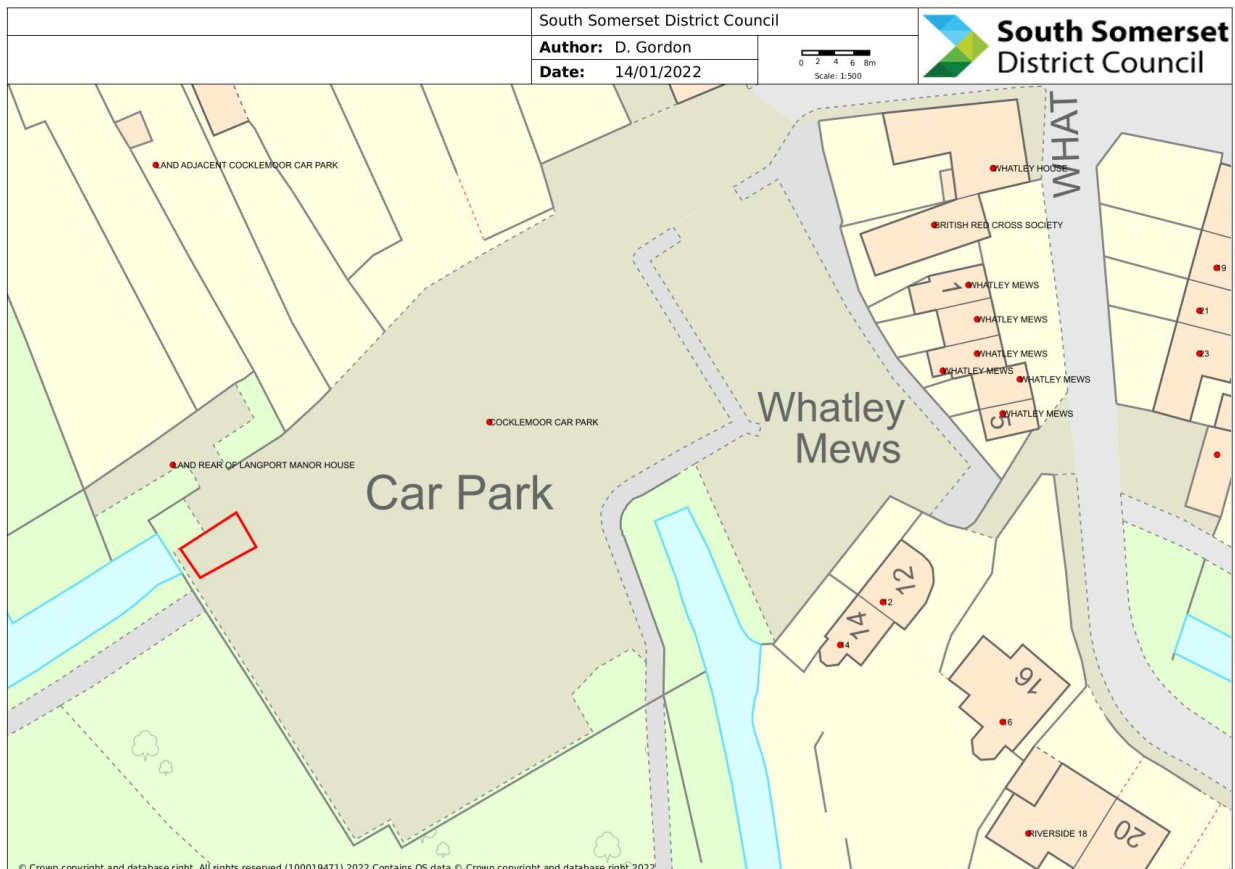
## Officer Report On Planning Application: 21/03035/FUL

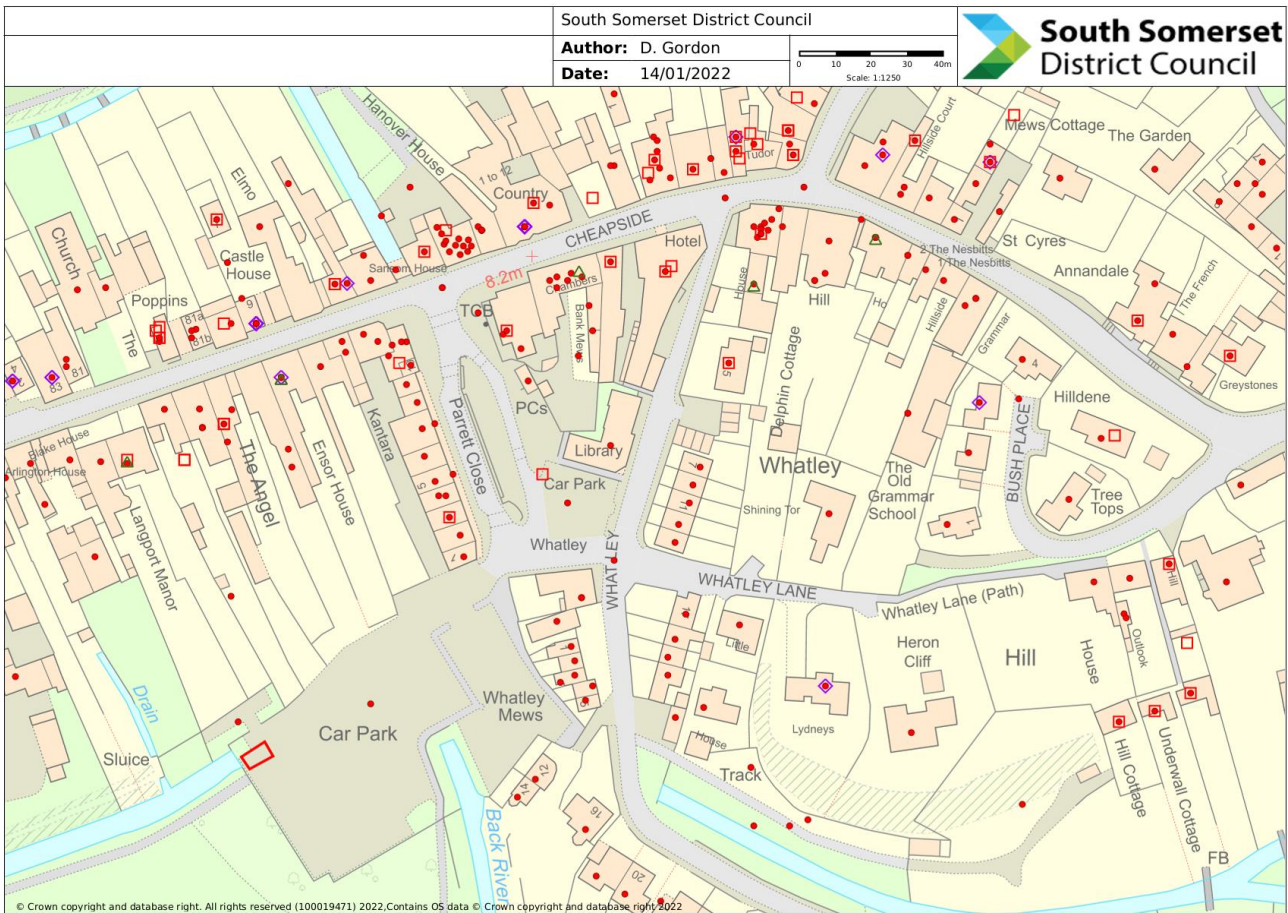
<b>Proposal :</b>	Change of use of a car park space for the siting of a vintage food van.
<b>Site Address:</b>	Cocklemoor Car Park , Whatley, Langport, TA10 9PG
<b>Parish:</b>	Langport
<b>CURRY RIVEL, HUISH &amp; LANGPORT Ward (SSDC Members)</b>	Cllr T Osborne Cllr C Paul
<b>Recommending Case Officer:</b>	Ben Gilpin (Case Officer) Tel: 01935 462070 Email: ben.gilpin@southsomerset.gov.uk
<b>Target date :</b>	26th January 2022
<b>Applicant :</b>	Miss Jenna D'Ovidio
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Other Change Of Use

### REASON FOR REFERRAL TO COMMITTEE

The application is appropriate for consideration by Planning Committee as comments have been received that are contrary to the officer's recommendation, and Ward Member has requested Committee hearing.

### SITE DESCRIPTION AND PROPOSAL





The application site a car parking space within the Cocklemoor public car park immediately north of the vehicular and pedestrian gates that give access to the path that leads along the river and the adjacent cross hatched area which prevents vehicle blocking this access.

It is within the Conservation Area.

The proposal is to station a vintage van for the sale of snacks and drinks on the parking space from Monday to Sunday (including Bank Holidays) between 07.00 hours and 19.00 hours.

The applicant has expressed the intention to support local traders by selling their products and abiding by the town's green charter.

Bins would be provided and taken back to the applicant's property for disposal by an independent commercial waste collection service.

## RELEVANT HISTORY

20/02469/FUL - Change of use of a car park space for the siting of a vintage food van with the continued use of a car park space when the van is not in situ. Approved 05.01.2021

17/03142/FUL - Temporary location of mobile service providers. Approved 17.07.2017

08/04434/S73 - Application to vary condition 1 of decision notice 06/04454/FUL dated 03.01.2007 relating to the applicants name of the mobile catering van. Approved 02.12.2008

06/04454/FUL - The continued siting and operation of a mobile fast food outlet (including Sunday trading) (renewal of 05/02102/COU). Approved 03/01/2007

05/02102/COU - Renewal of temporary permission for siting of mobile fast food unit. Approved 19.10.2005

04/01288/COU - Siting and operation of a mobile fast food outlet including Sunday trading. Approved 05.08.2004

01/00908/COU - Use of land for the siting and operating of a mobile fast food outlet and variation of condition (5) of decision no. 0000194/COU to allow for Sunday trading. Approved 01.06.2001

00/00194/COU - Change of use of land for the siting and operating of a mobile fast food outlet (Renewal of temporary permission no. 9802460/COU). Approved 03.05.2000

98/02460/COU - Change of use of land for the siting and operating of a mobile fast food outlet. Approved 17.12.1998

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraph 2 of the NPPF indicate it is a matter of law that applications are 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 EQ2 - General Development

Policy EQ3 - Historic Environment

Policy TA5 - Transport Impact of New Development

National Planning Policy Framework - July 2021

Planning Practice Guidance (PPG)

National Design Guide - September 2019

Other

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

## **CONSULTATIONS**

### **LANGPORT TOWN COUNCIL: Objection**

"The Councillors strongly oppose this application.

- i. Trading in the car park detrimentally impacts on all traders in the town. By purchasing refreshments here people do not come into the town to source refreshments and then discover the range of independent businesses.
- ii. Although the vintage van only occupies one parking space, there are electricity leads crossing neighbouring spaces.
- iii. The extension of trading hours are excessive.
- iv. Selling of Christmas trees, wrapped in plastic contrary to the Town Council's Green Charter."

### **SCC / SSSDC HIGHWAYS: Standing Advice / Comment**

"I assume that the car park is managed by SSSDC. As this scheme is away from the public highway and the loss of one car parking space (taken up by the vintage food van) would not be significant, no highways objection is raised. While the scheme may generate a little more traffic entering and exiting the car park, it is a slow-speed environment and on the basis that the use has been operating for some time, I do not believe there are any significant issues with this scheme."

## **REPRESENTATIONS**

At the time of writing:

88 x members of the public have commented (55 in support; 33 in objection)

Letters in support cite (material considerations to planning):

- Attractive
- Beneficial to amenity

Letters of objection cite (material considerations to planning):

- Unattractive
- Hazardous to queueing pedestrians

Comments also received regarding competition to existing operators in the town - not deemed a material consideration for planning.

## **CONSIDERATIONS**

### **Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Chapter 4 of the NPPF state that applications are to be determined in accordance with the development plan unless

material considerations indicate otherwise.

The main issues in this case are whether this is a sustainable form of development which would conserve the character and appearance of the Conservation Area and the potential impact on highway safety and amenity from the loss of the car parking space, the accessibility of the river path and the amenities of adjoining occupiers. Competition with other businesses and rent sharing are not planning issues.

There have been previous consents for mobile food vans and other mobile services within this car park for over two decades and this use has been considered sustainable and supportive of the town centre. Although the car parking space proposed for this use is adjacent to the access to the river path there would be sufficient space for customers to queue and vehicles and pedestrians to pass them. The loss of one car parking space for a few hours each day will not have a significant impact on amenity of users of the car park. The van would be sufficiently separated from residential properties by buildings and other parking spaces not to impact on the amenities of occupiers from noise or odours. The parking of a mobile food van in this parking space will have no greater impact on the character, appearance and setting of the Conservation Area than the parking of other vehicles of this size in the car park.

The proposal is therefore a sustainable form of development that would have a neutral impact on the character and appearance of the Conservation Area, would not result in additional traffic and would cause no demonstrable harm to residential amenities in accordance with the aims and objectives of Policies SD1, TA5, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028).

## **Highways**

In this case the Statutory Consultee on highways matters has stated Standing Advice is considered appropriate. In this instance the development would not in itself result in an increase of users and would have a benign effect on the wider highway network.

Knowing this it is not considered the scheme would be to the detriment of highway safety, the proposal could be supported as it would accord with Policies TA5 of the South Somerset Local Plan.

## **Phosphates**

The site is identified as being within the Somerset Levels and Moors Ramsar Site Catchment Area. However, the form of development is not identified by the Natural England informative guidance that could be considered one that may require a Habitats Regulations Assessment (HRA). The development would not result in an increase in user numbers and as such is considered to be nutrient neutral.

In this instance, knowing the above it is considered the proposal would not be to the detriment of the Ramsar Site, and the approval of a scheme would accord with Policy EQ4 of the South Somerset Local Plan as the proposal would not affect the biodiversity value of the protected site.

## **Conclusion and Planning Balance**

The development proposes the change of use of the parking space for the duration of the hours requested, with the continued use of the space for vehicle parking beyond those hours.

In summary, as the scheme would not be to the detriment of the character of the area, not have an effect on ecology, heritage assets or highways it is considered the scheme accords with the Development Plan.

As such it is recommended that this planning application should be approved as it accords with policies SD1, TA5, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

## **RECOMMENDATION**

Planning Permission be approved.

01. The proposal, by reason of its size, scale and materials, respects the character of the area and causes no demonstrable harm to amenity or heritage asset in accordance with the aims and objectives of the policies of the South Somerset Local Plan 2006-2028.

## **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:

Location Plan (dated 08/10/2021);  
1258 .AL(0) 01  
1258 .AL(0) 02 (Rev A)

Reason: In the interests of proper planning and for the avoidance of doubt.

03. The development hereby permitted shall only operate between the following hours, with the times outside of these hours being available for parking:

07.00 hours to 19.00 hours (Mondays to Sundays including Bank / Public Holidays).

Reason: In the interest of surrounding amenity and in accordance with the policy objectives of the South Somerset Local Plan 2006-2028.

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