

38/15/0310

HELSTON GARAGES GROUP

DEMOLITION OF BUILDINGS, ERECTION OF THREE NEW BUILDINGS AND CONSTRUCTION OF PARKING AREAS TO SERVE NEW CAR FRANCHISING BUSINESS AT THE DLO SITE, PRIORY WAY, TAUNTON

Location: DLO STORE, WINCKWORTH WAY, TAUNTON, TA2 7TE

Grid Reference: 323715.125303

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Subject to the submission of further transport modelling information and the Highway Authority being satisfied that there would not be any unacceptable impact upon the highway network: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 0001 Location Plan OS Map
(A1) DrNo 1010 Rev A Proposed Site Plan
(A1) DrNo 1100 Rev A Building 01 Proposed Floor Plans
(A1) DrNo 1170 Rev A Building 01 Proposed Elevations
(A1) DrNo 2120 Rev B Building 02 Proposed Roof & Deck Floor Plan
(A1) DrNo 2100 Rev B Building 02 Proposed Ground Floor Plan
(A1) DrNo 2110 Rev B Building 02 Proposed First Floor Plan & Car Deck
(A1) DrNo 2170 Rev B Building 02 Proposed Elevations
(A1) DrNo 3100 Building 03 Proposed Floor Plan & Elevations

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

3. Prior to the commencement of the development of any new buildings (excluding demolition, site clearance and any preliminary site works) a scheme for the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The scheme should show that it

maximises opportunities for infiltration. The scheme shall be fully implemented before the use hereby permitted is commenced and shall thereafter be maintained as such.

Reason: To prevent any increase in off-site flood risk and to maximise opportunities for disposal of surface water within the site.

4. Before the use hereby permitted is commenced, a detailed external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented only in strict accordance with the approved details and shall thereafter be maintained as such. No other external lighting shall be installed on the site.

Reason: In the interests of the visual amenities of the area.

5. Any other conditions that appear your officers to be reasonably and necessarily recommended by the Highway Authority.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be

handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

3. The drawings show car parking spaces under one of the mast stay lines and near to another. The mast operator advises that it is important for the structural integrity of the mast that there are vehicle height restrictions in this area to avoid damage to the stays which could render the structure unstable. You should liaise directly with the operator to avoid damage to the mast.
4. It should be noted that the radio transmitter operates at Medium Frequency, which can cause sparking between different materials and can cause interference with some construction plant and machinery. You should consult with the mast operator on the choice of materials and for advice in relation to any plant and machinery they might wish to use.

PROPOSAL

This application seeks full planning permission for the demolition of the existing buildings and erection of three new buildings and associated parking areas to serve a new car franchising business.

The largest building would be sited towards the southern end of the site, fronting Tone Way. A single row of parking would be provided between the building and the highway. The building would be 8m high with a full height show room and offices arranged over two floors. To the rear would be service workshops and a large 3 decked car-park for storing cars awaiting sale. The building would be clad in metallic panels; the car deck would have a black metallic mesh screen around its upper levels.

To the north of the site would be a smaller car show room, workshop and offices for a separate franchise. The building would be 7.4m high. The main show room would be finished with a mix of render and glass, although the majority of the glass would be obscured with printed vinyl sheets. The workshop area would be clad with composite panel sheets.

A third building would be provided in the northwest of the site for valeting. This building would be 5m high and finished with profiled sheet cladding.

The access would remain on the north side of the site. Trees along Tone Way are proposed to be removed to open up views into the site. A MW radio mast would be retained on the western part of the site. The remainder of the site would be given over to vehicle parking, for display, storage and visitor parking.

SITE DESCRIPTION AND HISTORY

The site is currently in use by the DLO for stores and offices. In addition to the two-storey brick-built offices, there are a number of warehouse-style buildings on the site, all surrounded by large areas of hard surfacing/yard areas. There are a number of compounds around the site, fuel dispensing facilities and portacabins.

The southern and western parts of the site are surrounded by trees – those on the west are off-site and large, mature specimens. They form a visual screen between Winkworth Way, which is at a lower level, and the site. The southern boundary is with Tone Way and there are more, generally smaller trees and hedging growing amongst palisade fencing. However, the vegetation still provides an effective screen for the site when travelling along the Tone Way.

Access to the site is to the north, via Priory Way, accessed from Tone Way eastbound and Obridge Viaduct westbound via slip roads.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – Comments awaited, but verbally suggested that more information was required to support the Transport Statement.

SCC - FLOOD RISK MANAGER - Disposal of surface water by infiltration is the preferred method of dealing with surface water runoff and percolation testing to BRE365 should be undertaken prior to commencement.

As a redevelopment of a brownfield site, the Technical Standards for SuDS require runoff to be restricted to as close as reasonably practical to greenfield rates, if infiltration is demonstrated not to be practical. There appears ample opportunity for the parking bays at least to be constructed from permeable paving with storage being provided in the sub-base.

It appears reasonable for any runoff that cannot be disposed of through infiltration to be directed into the existing public surface water sewer and Wessex Water may require a lower limit to be set.

The LLFA have no objection to planning consent being granted for this application, subject to a condition to maximise disposal of surface water through infiltration.

BIODIVERSITY – The buildings to be demolished are unlikely to hold any wildlife interest so a wildlife survey has not been requested. However, the trees to be felled offer nesting and foraging habitat for birds, so should only be felled outside of the bird nesting season (April to August).

LANDSCAPE – The Arboricultural Method Statement states that 21 trees as well as four tree groups will need to be felled to accommodate this development. Is it necessary as several of the trees have no obvious defects and are classed as B2 trees? In addition several of the trees are located outside of the fence line so does the applicant have ownership and therefore authority to fell them?

I would like the landscaping scheme to include new trees.

ECONOMIC DEVELOPMENT – “This development will enable clustering of similar businesses, enhancing Taunton’s reputation as a destination where shoppers can find a variety of car franchises in one place. The growth of the cluster will, in turn, create employment opportunities for the local community.

Furthermore, this part of Toneway is the main gateway to Taunton from the M5 and will benefit massively from the road/roundabout frontage improvements that this development could bring.

Representations

Arquiva – No objection, but comments summarised as follows:

- Part of the site accommodates an MW radio mast providing BBC local radio to a majority of Somerset and an important community service.
- The current layout makes no provision for a replacement equipment building, the loss of which will make continued provision of radio signals impossible.
- The existing ground around the mast is terraced; if there are any alterations to this, the mast will have to be completely rebuilt.
- Car parking under the mast stay lines will have to be limited in height to avoid damage to the stays.
- The radio transmitter operates at Medium Frequency, which can cause sparking between different materials and interference with some construction plant and machinery. An informative should advise the developer to consult with Arquiva regarding the choice of materials and for advice regarding any plant or machinery that they may wish to use.

Somerset Wildlife Trust – comment as follows:

“We have noted the above mentioned Planning Application as well as the supporting Arboricultural Statement. We are concerned that it is proposed to remove a significant number of trees on the site, 21 out of 41, without any obvious need, other than the visual appearance of the car dealership. We know from local residents who have expressed concerns to us, that the trees provide a useful sound barrier and visual screening as well as an environment for birds and animals. We are also very concerned that, apparently, tree felling has already started in advance of Planning Permission being given. We would request that all such work is stopped until after Planning Permission is given and that the proposal to fell so many trees should be reviewed.”

1 letter of OBJECTION raising the following points:

- The height of the building combined with the increase in height would be an invasion of privacy to nearby residents.
- Lighting at the height will also be invasive.
- The loss of trees and greenery to the edges of the proposed project and within it will be detrimental to noise levels expected from the new road currently being built.
- Trees and greenery provide shelter from noise from existing roads and new roads which are elevated.

PLANNING POLICIES

LOCAL FINANCE CONSIDERATIONS

None.

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this site are the principle of the development, visual impact, impact on neighbours, and highways.

Principle

The site is currently in an employment generating use. The proposed use would also generate employment, so there is no policy objection in terms of the loss of employment land when considered against Policy CP2 of the Taunton Deane Core Strategy. Car sales are a sui generis use and are, therefore, not caught by policies that seek to direct retail uses to town centre locations; accordingly business parks are considered to be an appropriate location for such uses. In this case, the proposed car dealership will sit alongside the similar Audi dealership and this is considered to be an appropriate use for the site. As noted by the economic development officer, the proposal would also contribute to economies of scale in terms of the location of such facilities. In light of these matters, the proposal is considered to be acceptable in principle.

Visual impact

The site already contains a number of industrial buildings and outside storage areas. The new buildings would be very similar to these in terms of their overall scale on the site; the external areas would likely be kept in a more orderly fashion than under the current use. However, the proposal will the proposal would involve the removal of trees along the site frontage with Tone Way and open the site up to new views.

The palisade fence would be removed and replaced with hoop top railings and some low level shrub planting. Whilst the loss of trees along the site frontage is regrettable, these trees are not protected and could be removed at any point. It is also considered reasonable to allow a business such as this to have a roadside presence. It will also mirror the Audi garage next door and would be difficult to argue that a similar treatment would not be appropriate here. Whilst Policy T34 of the Local Plan seeks to protect the landscape setting of approach routes into Taunton. Similarly, emerging Policy D2 of the Site Allocations and Development Management plan prevents development that would harm the 'visual qualities' of routes into and out of the Town. The vast majority of Tone Way sits within a corridor of mature trees. This is the case until the Audi Garage when travelling westbound towards the town, which punctures the tree-screening on the northern side of the road. The removal of vegetation from the current application site would further open up this break, however, by this time one is aware of being on the final approach to

the urban area as dwellings and then the Priory Fields Retail Park come into view. It is, therefore, considered that the loss of vegetation from the site frontage would not cause a conflict with these policies and would be acceptable in terms of visual amenity. The proposed building is considered to be a high quality building, finished with good quality materials that would not cause harm to the visual amenities of the area.

Neighbouring residents

The site is not directly bounded by residential property. The closest are on the opposite side of Tone Way on Wheatley Crescent. Concern has been raised by some of these residents that the loss of trees on the site frontage would make their dwellings more susceptible to noise from surrounding roads, in particular those on raised sections of the Obridge Viaduct and, in the future, the new bridge on the NIDR. Whilst no particular modelling has been done, the Environmental Health officers consider that trees do not form an effective noise barrier in any case, and with the presence of the Tone Way between these residents and the site, it is not considered that the removal of the trees would have a significant impact on noise disturbance to these properties.

Highways

No formal comments have yet been received from the Highway Authority. However, they have verbally commented that the modelling undertaken in the transport statement is insufficient for them to take a view in terms of the impact on the highway network. At the time of writing, more information is due to be submitted from the applicant to satisfy the Highway Authority's concerns. That said, the site has a large existing traffic generation and is well served by appropriate junctions onto the wider network. It is, therefore, considered highly unlikely that any objection would ultimately result on highway grounds and the your officers are therefore content to present this application for consideration 'subject to' the final considered thoughts of the Highway Authority.

Other matters

Your Biodiversity Officer has examined the proposals and considers it highly unlikely that any protected species would utilise the existing site. However, she and the Somerset Wildlife Trust have noted that the trees to be felled could contain bird nesting habitat, so felling should only be undertaken outside the nesting season. An informative note is recommended to advise the applicant of their obligations under other legislation.

The Flood Risk Manager, raises no particular objection to the scheme but has indicated that the amount of porous surface should be increased as far as ground conditions allow. Therefore, a condition is recommended that a final drainage scheme should be submitted and approved prior to the commencement of any development (excluding demolition and site clearance).

Conclusions

It is considered that the proposal is acceptable in principle and would not have an unacceptable impact upon the visual amenities of the area, the highway network or neighbouring property. For the reasons outlined above, therefore, it is recommended that planning permission is granted.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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