

45/09/0016

MISS PIGGYS

SITING OF CATERING UNIT SELLING HOT/COLD SNACKS, DRINKS AND BREAKFAST AT LONDON FARM, WEST BAGBOROUGH (RETENTION OF WORKS ALREADY UNDERTAKEN)

315915.133043

Retention of Building/Works etc.

PROPOSAL

This application seeks full planning permission for the change of use of land to allow the stationing of a catering unit for the sale of hot and cold drinks and snacks. The unit is already in situ and sits against the southern wall of an agricultural building at London Farm, visible at the end of the access track.

SITE DESCRIPTION AND HISTORY

The site is situated in the open countryside a short distance from the A358 on the road to West Bagborough. The immediately surrounding land is relatively flat, so the unit and farm buildings are visible over the hedgerows lining the road and from the site access. Rising up beyond the site, to the north, the Quantock hills are clearly visible. A loosely surfaced track runs from the highway into the site and arrives at a manoeuvring/turning area. On exiting the site, visibility is limited, particularly to the east.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development site is located approximately 350m outside of the development limit of West Bagborough, in what is considered open countryside where new development is strictly controlled. Given the nature of proposal people will arrive by private vehicle, as there are no footways or street lighting in close proximity of the site, thus making it not a particularly safe route for pedestrian users and such fostering of growth in the need to travel would be contrary to government advice.

Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether there is suitable justification for the retention of the catering unit in this location that outweighs the transport policies that seek to reduce reliance on the private car.

I am aware that several supporters of this proposal, (some of which live some distance away from the proposed development, and would be reliant on their own private vehicles to visit the site), have made reference to an objection and refusal coming from the Highway Authority, despite the fact that no formal response had been made. Such comments from local people, could be further testament that there are existing problems at the West Bagborough junction from/onto the A358 as

well as others junctions along this County Route.

In detail, I have a number of concerns about additional traffic movements from/onto the A358, however, it is considered that given that this is one of the main routes into/from the village it is unlikely to result in a significant increase in traffic over and above what currently occurs at this junction to warrant a refusal on this basis.

It is essential that all new development proposals are served by a safe means of access from/onto the public highway. In detail, this development will derive access from/onto a classified unnumbered highway, which is subject to the national speed limit.

Visibility where the private access of London Farm, meets the public highway is currently restricted for vehicles emerging to see approaching traffic which is considered detrimental to highway safety. Whilst this stretch of highway is subject to the national speed limit, vehicles are observed to be travelling at approximately 40mph, therefore visibility splays based on co-ordinates of 2.4m x 120m (to the nearside carriageway edge either side of the access), would be appropriate for this development. Such splays could result in a considerable loss/lowering of the roadside boundary hedges and it is not clear (from the red/blue lines of the site plan), if the Applicant owns/controls the land to the north east to enable the required splays to be incorporated.

As previously stated, this stretch of highway is one of the main routes into/out of the village of West Bagborough, therefore it is essential that vehicles emerging from the access of London Farm, can do so safely.

In the event that the required splays cannot be provided, which are considered essential in the interests of highway safety, a recommendation of refusal will be forthcoming from the Highway Authority.

WEST BAGBOROUGH PARISH COUNCIL – Supports, subject to the agreement of TDBC Planning with regard to vehicular access and volume of traffic, and hygiene arrangements for waste disposal.

ENVIRONMENTAL HEALTH - FOOD SAFETY – No observations to make.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – No observations to make.

HERITAGE AND LANDSCAPE OFFICER – Subject to no changes to the highway visibility splay as the proposal should have limited landscape impact.

QUANTOCK HILLS AONB SERVICE – Although the site is just outside the AONB, the Service is always interested to hear about applications that are close by. The AONB Service would like to enquire whether the signs for Miss Piggy's form part of the application. The AONB Service has spent considerable time working to improve the appearance of signage within and around the AONB. With this in mind, we would ask that due consideration be given to the size and appearance of the signs – in the context of their proximity to (an on a main route into) the AONB.

Representations

A letter of SUPPORT has been received from the Ward Member, Cllr Watson. The

following points have been made: The food outlet has been awarded 5 stars by Environmental health and the fact that the applicant closed as soon as she was advised that she was not abiding by the rules suggests that she only wants to trade as a purely legitimate concern. In these times of recession and high unemployment she should be commended and supported. There are no planning issues that cannot be sorted out by attaching conditions if they are considered to be required.

THREE letters of SUPPORT have been received raising the following issues:

- The site is off the road
- It has easy access for wheelchair users
- Excellent food is served
- The applicant's desire to start a business in the current climate is admirable
- Bureaucracy is suffocating free enterprise
- If the concern is over the junction with the A358, the Highway Authority should be addressing that problem by redesigning the junction.
- There will be no implications on the A358 junction above that which already exists.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,

S7 - TDBCLP - Outside Settlement,

STR1 - Sustainable Development,

STR6 - Development Outside Towns, Rural Centres and Villages,

S&ENPP49 - S&ENP - Transport Requirements of New Development,

STR6 - Development Outside Towns, Rural Centres and Villages,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application relate to the principle of the development, highway safety and visual impact.

The site is in an isolated location in the open countryside, remote from any defined settlement. Planning policy strictly controls new development in such locations on the basis that any people using the site would be dependent on their own private cars. Indeed, as noted by the Highway Authority, the site is accessed from West Bagborough by an unlit highway with no footways. As such, it is almost certain that most, if not all, visitors will use their own transport to visit the site. Interestingly, the people supporting the application, at least two of which are customers of the site, live in Bishops Lydeard, Triscombe and Carhampton, near Minehead and will therefore be travelling some distance to the site. It seems, therefore, highly questionable whether the site is appropriately located to be sustainable in transport terms.

In addition, Planning Policy Statement 6 states that all such uses should be located in town or village centre locations. This is to ensure that they are easily accessible by the population that they seek to serve and to ensure that the vitality and viability of towns and villages is not eroded through the provision of services elsewhere. A sequential approach should be adopted whereby an applicant demonstrates how they have considered town and village centre sites in preference to edge of town and finally rural locations. No such evidence has been provided and for these and the reasons noted above, it is considered that the proposal is unacceptable in principle.

The second main issue relates to highway safety. Despite comments made in the representations, the Highway Authority does not have a concern relating to the access onto the A358. It is considered that the development would not result in a material increase in the volume of traffic using this junction. However, visibility from the site access is substandard due to the boundary hedge to the west and the alignment of the highway to the east. The national speed limit applies to this road and as such, the Highway Authority would require large visibility splays to be created. This would result in a significant loss of hedgerow and radically alter the character of this stretch of highway. This is considered to be visually inappropriate and adds weight to the consideration that the site is poorly located in general.

If no alteration is made to the access, then the proposal would be acceptable in visual impact terms, being set against the backdrop of agricultural buildings and generally screened from the public domain by high hedges. However, as noted above, this leaves an access which is substandard in highway safety terms.

The comments of the AONB service are noted. The signs do not form part of the current application. Further investigation will be required to ascertain which signs need advertisement consent and appropriate action will have to be taken to ensure that any unauthorised signage is removed.

For the above reasons, the proposal is considered to be unacceptable. It is, therefore, recommended that planning permission is refused.

RECOMMENDATIONS AND REASON(S)

A. Recommended Decision: Refusal

- 1 The proposed development is situated in the open countryside, disjointed from the population it is likely to serve. It is likely, therefore, that the development would result in additional journeys by private car, which is considered to be unsustainable development in transport terms, contrary to Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy S7 of the Taunton Deane Local Plan and advice contained in Planning Policy Statement 6.
- 2 No evidence has been submitted to demonstrate that the development could not be suitably located within an existing town or village. It, therefore, cannot be properly assessed whether the proposal would be detrimental to the vitality and viability of existing settlements, contrary to advice contained in Planning Policy Statement 6.
- 3 The proposed access does not provide adequate visibility from or of emerging vehicles. The access cannot be modified without serious detriment to the visual amenities of the area and the proposal is, therefore, considered to be detrimental to highway safety. It is, therefore, contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

B. That the solicitor to the Council be authorised to issue an enforcement notice

relating to the food outlet and any unauthorised signage and take prosecution action subject to satisfactory evidence being obtained that the notice has not been complied with.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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