

46/2006/032

MR KARIM LADHU

**RETENTION OF COVERED DISPLAY AREAS AND ANCILLARY USES ASSOCIATED WITH GARDEN CENTRE AT BLACKDOWN GARDEN CENTRE, PICCADILLY, WELLINGTON.**

316348/121291

RETENTION OF BUILDINGS/WORKS ETC.

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**PROPOSAL**

Retrospective consent is sought for the erection of covered display areas and ancillary uses at Blackdown Garden Centre. Blackdown Garden Centre is sited in a rural area and lies on the southern side of a straight section of the A38 between bends at Hockholler and the roundabout junction at Chelston, near Wellington. The site has a long planning history. Planning permission was granted on appeal for the change of use of a nursery to incorporate a garden centre in 1995, planning reference 46/1994/019. The most recent application authorised an extension to the Blackdown Nursery and Garden Centre on 9th October, 2002. The agent states within the Design and Access Statement that an additional 2,305 sq m of covered display areas has been created over and above the existing permissions on site.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY as the Planning Officer is no doubt aware there is a lot of history associated with this site. The submitted planning application now being considered is a retrospective application and is lacking in information and detail. It is not clear from the submitted plans, what already has consent and what is now being applied for and I would seek clarification of this. In addition no detail has been provided regarding traffic movements and an application of this size and nature should include a full Transport Assessment and Travel Plan. There have been significant problems on the A38, previously in relation to surface water run-off/drainage. In addition there are highway safety issues and personal injury accidents associated with the existing use of this site, together with the road to Ham, and the petrol filling station. These problems have not been considered within this planning application although colleagues have advised me that discussions have previously taken place between the applicant/owner (current and previous) and the Highway Authority. However despite this, insufficient information has been provided. I would refer you to my colleague's letter dated 26 March 2003 (copy attached), and would advise you that these comments remain applicable. The 2002 planning application, (46/2002/020) set out an existing floor area of 485 sq m with an additional 1796 sq m proposed. The current proposal takes the floor area to 3804.5 sq m, which is a substantial increase in size and will result in additional 25 staff (mix of full time and casual) over the existing 15 full-time, which has increased from 8 to 10 set out in the 2002 application. This site has been allowed to grow significantly to the detriment of highway safety and It is imperative that a suitable vehicular access is incorporated into this site. In the absence of such sufficient supporting information I would recommend refusal of this application for the following reasons:- 1.

Inadequate information has been submitted to satisfy the Local Planning Authority that a satisfactory means of access to the site can be achieved. 2. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review since a safe access is not provided for the intensification of the development. ENVIRONMENT AGENCY object to the proposed application on the grounds that it is not accompanied by a flood risk assessment (FRA) as required by PPS25. The site is located within flood zone 3, which is the highest risk zone and is defined for mapping purposes by the Agency's flood zones. Furthermore, the information uploaded on the Council's website does not clearly identify the buildings/display areas for which retrospective planning consent is sought by the applicant. The applicant/agent should be requested to submit the above information in order to allow the Environment Agency to provide a more informed comment on the application.

LANDSCAPE OFFICER it is not clear from the attached plans which are the permitted development and which retrospective. My overall impression of the site however is of considerable impact on what was a rural area 10 years ago. The most effective mitigation would be a triple row native hedgerow on the road frontage, bank maintained at 2.0 m high (bank and planting 3.0 m) with trees planted at 6 – 8 m intervals. There should also be additional tree planting within the first 20.0 m of roadside perimeter landscape of large growing indigenous trees such as Oak, Ash and Wild Cherry. DRAINAGE OFFICER awaiting the submission of the FRA before commenting on the application.

## **POLICY CONTEXT**

RPG10 (Regional Planning Guidance for the South West), 2001.

PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, PPS9 – Biodiversity and Geological Conservation, PPS25 – Development and Flood Risk.

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), STR6 (Development Outside Rural Centres & Villages) and Policy 5 (Landscape Character).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), EC20 (Garden Centres), EC7 (Rural Employment Proposals) and EN12 (Landscape Character Areas).

## **ASSESSMENT**

There are a number of pertinent issues in the assessment of this application, these relate primarily to the following; visual impact of the proposed development on the rural character and appearance of the area; flood risk and highway safety. However, for the reasons outlined below, it is considered there is insufficient information submitted to enable a rigorous assessment of the proposed development.

The application was registered without the submission of a valid flood risk assessment (FRA). This was due to the considerable time delay in the receipt of the

retrospective planning application. On this basis the applicant was informed that the FRA must be produced and submitted. No FRA has subsequently been submitted. The site is located within a high risk flood area, identified as Flood Zone 3, and without a FRA the Local Planning Authority and Environment Agency are unable to assess the impact of the development within the Flood Zone. The proposal is therefore contrary to local and national policy which requires a FRA to be accompanying an application in areas which maybe liable to flooding issues.

In addition the Highway Authority has raised an objection that the application provides a lack of information, including a transport assessment and transport plan, to assess the merits of the scheme. In addition the Highway Authority expresses an objection that without such information they are unable to assess the increased use of the site and its impact upon the existing access which is considered unsafe for any intensification of the site. The landscape officer has also made reference to the difficulty in defining what permission is actually sought. The plans do not appear to incorporate all development that is unauthorized and fails to clearly distinguish and clarify the retrospective works in order to enable an assessment of the development.

As such for the reasons outlined above it is recommended the application be refused on the grounds of lack of information and clarity in order to fully assess the planning merits of the scheme.

## **RECOMMENDATION**

Permission be REFUSED for the following reasons (1) No flood risk assessment has been submitted for this site and consequently, without evidence to contrary, the development fails to meet the provisions of Taunton Deane Local Plan Policies EN28 or EN29 and guidance contained within Planning Policy Statement 25 (Development and Flood Risk) as the site lies within an area which has been identified as at risk of flooding. Therefore the application provides insufficient information to enable the Local Planning Authority to fully determine the planning merits of the development proposal. (2) Insufficient information has been submitted in order to assess the impact of the intensification of the garden centre on the highway network and the existing access to the site. As such the proposal fails to provide a safe access to the site to accommodate the intensification of the use. Furthermore a full transport assessment and travel plan is required in order to fully assess the impact of the use. As such the development is contrary to the provisions of the Somerset and Exmoor National Park Joint Structure Plan Review Policy 49. (3) The submitted information fails to clearly identify and define the development for which retrospective consent is sought. As such the Local Planning Authority is unable to fully assess the merits and intensification of proposed development against the relevant Local Plan Policy.

Enforcement action be authorised to remove any unauthorised works from the site and the land returned to its former condition.

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

**CONTACT OFFICER: 356586 MR A PICK**

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