

SECTION 2 – ITEM 9

Application No:	20/P/0262/FUL	Target date:	17.06.2020
Case officer:	Jessica Smith	Extended date:	17.07.2020
Parish/Ward:	Weston-super-Mare Weston-super-Mare South Ward	Ward Councillors:	Councillor James Clayton Councillor Ian Parker
Applicant:	Enterprise Rent-a-Car		
Proposal:	Demolition of former Jewson’s yard buildings and redevelopment of the site including a change of use from B1 (light industry) use to create a car rental facility (sui-generis use) with the erection of a car rental office, washing facility, cabin office, spray booth and minor bodywork vehicle paint repair building and the creation of 62 on-site car and van parking spaces.		
Site address:	Old Jewson’s Site, Winterstoke Road, Weston-super-Mare, BS23 3YS		

REFERRED BY COUNCILLOR PARKER

Summary of recommendation

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

The application site is located within the settlement boundary and Town Centre of Weston-super-Mare. It was formally occupied as a builder’s yard where permission was granted earlier this year for the demolition of the buildings making up the former yard. The site is surrounded by industrial/warehouse building with dwellings adjoining the north east (rear) of the application site. There are currently three accesses, one directly off Winterstoke Road, one to the south east side that is accessed via a lane directly off Winterstoke Lane and one informal access to the rear onto Langford Road (which currently doesn’t have planning permission).

The Application

Full permission is sought for:

- the demolition of the existing buildings on the site and the change of use of the site from B1 (light industry) to a Car-rental facility (sui-generis) use
- the erection of a new single storey modular cabin with a floor space of 108m² to be used as a car rental office located to the front of the application site
- the erection of a car wash facility to the rear of the office to be used for rental cars only

- the creation of 62 on-site car and van parking spaces
- the erection of a single storey cabin office building in the centre of the site
- the erection of 4 spray booths and smart repairs building to be used by a sub-tenant to perform minor repairs to returned car rentals
- other minor site redevelopment including fences to separate the front and rear of the site, provision of cycle parking and the erection of hooped bollards
- The use would have 10 full time and 2 part time employees

Relevant Planning History

Year	Reference	Proposal	Decision
2020	20/P/0263/ADV	Display of 1no. illuminated pylon sign, 3no. illuminated fascia signs, 1no. non illuminated free standing sign, 1no. set of vinyls applied to door	Current Application
2020	20/P/0089/DEA	Prior notification for the proposed demolition of former Jewson Yard buildings.	Granted

Policy Framework

The site is affected by the following constraints:

- Within the settlement boundary for Weston-super-Mare
- Within the Weston-super-Mare Town Centre
- Within Flood Zone 3A

The Development Plan

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS20	Supporting a successful economy
CS29	Weston super Mare Town Centre
CS34	Infrastructure delivery and Development Contributions

Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM1	Flooding and drainage

DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM32	High quality design and place making
DM33	Inclusive access into non-residential buildings and spaces
DM47	Proposals for economic development within towns and defined settlements
DM60	Town centres
DM71	Development contributions, Community Infrastructure Levy and viability

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

The following policies are particularly relevant to this proposal:

Policy	Policy heading
SA2	Settlement boundaries and extension of residential curtilages
S4A	Business employment development – allocations/safeguarding
SA10	Main approaches to Weston town centre

Other material policy guidance

National Planning Policy Framework (NPPF) (February 2019)

The following is particularly relevant to this proposal:

Section No	Section heading
6	Building a strong, competitive economy
7	Ensuring vitality of town centres
8	Promoting healthy and safe communities
9	Promoting sustainable transport
11	Making effective use of land
12	Achieving well designed places
14	Meeting the challenge of climate change, flooding and coastal change

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- North Somerset Parking Standards SPD (adopted November 2013)

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties: 13 letters of objection and 1 petition signed by 45 adjoining residents have been received. The principal planning points made are as follows:

- 60 space car park will generate increased traffic including onto Langford Road and Bridge Road from unauthorised gates to rear of the site. Rear and side gates should be closed by brick wall boundary.

- Increase in noise pollution with low level vibrations from compressors. Existing buildings shield residential dwellings from noise and light pollution from Winterstoke Road
- Smells and toxic fumes from spray booths
- Loss of residential parking
- Visual impact of Marble Mosaic that is currently shielded by existing buildings
- Close to adjoining properties. Boundary fence does not provide privacy
- Conflict with local plan
- Fire hazard from stored materials

Weston-super-Mare Town Council: “The Town Council object to the proposals which are considered detrimental to residential properties of Langford due to noise pollution, increased heavy traffic movements and unsocial opening times”.

Principal Planning Issues

The principal planning issues in this case are (1) principle of development, (2) Compliance with policy S4A - Business employment development – allocations/safeguarding, (3) parking and highway safety, (4) impact on neighbours, (5) character and appearance, (6) flood risk, (7) setting of listed building and, (8) other matters.

Issue 1: The principle of development

The site is within the settlement boundary for Weston-super-Mare and forms part of the Town Centre. Policy CS29 of the Core Strategy supports development that encourages town-wide regeneration.

The application site is currently vacant and was previously used as a builder’s merchant. It is proposed to demolish the existing buildings and change the use of the site from B1 light industrial use to a sui-generis car rental facility with an associated vehicle washing, site office and minor vehicle repairs.

Policy CS20 of the Core Strategy supports development in Weston-super-Mare Town Centre that would see the regeneration of an existing site for employment development. This is supported by Policy DM47 of the Sites and Policies Plan Part 1 which states that proposals for economic development will be supported provided that there is no environmental effect or harm to the character or amenity of the area; it would not adversely impact the living conditions of adjoining occupiers; would have sufficient on-site parking provisions and would not cause harm to highway safety; the application site is well located and accessible to sustainable modes of transport and the proposal makes efficient use of the site.

In this respect, the detailed impacts of the proposal on neighbouring residents, the character of the area or highway safety will be considered in more detail below. However, the site is in the designated Town Centre, is well located to public transport networks and makes efficient use of the site and is therefore acceptable in principle. These issues are set out in more detail below.

In addition, as this proposal is located within the Town Centre surrounded by industrial/warehouse development it would enhance the mix of uses in the defined the centre by regenerating a currently vacant site. In this respect, the proposed development would not conflict with the requirements of Policy DM60.

In conclusion, the proposed development is acceptable in principle in accordance with policies CS20 and CS29 of the North Somerset Council Core Strategy and policies DM47 and DM60 of the North Somerset Sites and Policies Plan Part 1.

Issue 2: Compliance with policy S4A - Business employment development – allocations/safeguarding

Policy SA4 seeks to retain land for business use within B1-B8 use class. A change of use from B1-B8 will be permitted if one of the following can be demonstrated:

- (i) the proposal would not harm the range and quality of land and premises available...'
- (ii) in policy SA4 is where there is a specific requirement associated with neighbouring business uses and the development would not lead to the overall site becoming unsuitable for the current or allocated employment use.
- (iii) in policy SA4 is that the application should demonstrate through effective marketing that the business use of B1-B8 is not in demand.

In this particular case the Economic Development Officer is aware that the site has been marketed for several months so he supportive that the site will stay in an employment generating use. He also considers that the use is compatible with the surrounding Winterstoke Road car business uses and in such close to the town centre could be advantageous. As such he considers that in this case (i) the proposal does not harm the range and quality of land and premises that are available, (iii) the site has been marketed and it will provide a suitable employment use for 10 full time and 2 part time employees.

The proposal therefore complies with policy SA4 in the North Somerset Sites and Policies Plan Part 2 and it will provide a suitable alternative employment use.

Issue 3: Parking and highway safety

The application site is currently served by three accesses. One to the front directly off Winterstoke Road, one to the south east side that is accessed via a shared lane directly off Winterstoke Road (where the applicants have a shared right of way) and the third access being unauthorised through gates to the rear leading onto Langford Road.

One of the requirements of Policy DM47 is that the proposed development would not result in an unacceptable impact on the highways network or cause a disturbance to residential neighbourhoods and associated parking. Concern has been raised over the rear access being unsuitable to accommodate large vehicles and that the use of this access would have a detrimental impact to an already restricted on-street parking area serving the dwellings in Bridge Road and Langford Road. In this respect, details have been submitted to demonstrate that the intention is to use only the front and side access to serve the proposed development.

In addition, it has been agreed that prior to the site coming in to use, the rear access would be closed and replaced with a boundary wall. A condition (no.6) is recommended to secure this. Vehicle traffic details have been submitted with the application demonstrating that there is sufficient space within the application site for vehicles to turn within the site and could therefore enter and exit the site in forward gear. A further condition (7) is considered necessary to ensure that all vehicles only enter and exit the site via Winterstoke Road in

order to ensure that the proposed development would not adversely impact highway safety.

Additional concern has been raised that the plans are inaccurate and actually propose 60 parking spaces rather than 31. However, the description has been amended to refer to 62 car (58 spaces) and van (4 spaces) parking spaces and these are shown on the submitted plans. 31 car parking spaces are proposed on the rear part of the site and 27 car and 4 van spaces proposed on the front part of the site.

It is therefore considered that the proposed access is adequate and on-site parking provision complies with the standards set out in the North Somerset Parking Standards SPD. The proposal is therefore in accordance with policies DM24, DM28 and DM47 of the Sites and Policies Plan (Part 1).

Issue 4: Impact on neighbours

The application site has industrial/warehouse uses to either side and directly adjacent to the front of the application site. However, there are residential dwellings adjoining the north (rear) boundary of the application site.

Policy DM47 of the Sites and Policies Plan Part 1 states that amongst other things, proposals for economic development within the settlement boundary for Weston-super-Mare should not individually or taken together with existing or proposed land within the vicinity, lead to unacceptable adverse harm on the living conditions of the existing and proposed residents.

Concern has been raised by neighbouring residents in Bridge Road and Langford Road that the proposed development of the site would have an unacceptable increase in noise nuisance due to the machinery and vehicle repairs on site that would be operating most days of the year and would be in close proximity to the dwellings to the rear of the site. However, given that the existing site is in a light industrial use (which although currently vacant could be brought back into use at any time without planning permission) there could be greater levels of activity and noise than currently being experienced from the vacant site. In order to ensure that any noise disturbance is not detrimental to the living condition of the occupiers of the residential dwellings in Bridge Road and Langford Road, a condition is recommended restricting site operations to between 08:00 to 18:00 Monday to Friday, 08:00 to 16:00 on Saturdays and 11:00 to 17:00 on Sundays and Bank Holidays. In this respect, it is considered that the proposed development would have no greater adverse noise impacts on the occupiers of dwellings to the north east of the application site than existing from the previous use of the site and the industrial/warehouse uses surrounding it.

It is noted that there is concern that the loss of the large buildings on the site and their replacement with single story buildings would no longer shield the residential occupiers to the north east from noise generated by Winterstoke Road. However, any increase in noise from Winterstoke Road is not considered to be so harmful that it would be detrimental to the living conditions of the neighbouring occupiers. Nor would this result in an unacceptably harmful impact on the use of private amenity space serving the dwellings where the surrounding large buildings to either side of the application site would remain and would still shield some level of noise.

Concern has also been raised over an increase in air pollution from the vehicle repairs and spray booths particularly when neighbouring residents have their windows open or are in their gardens. However, the proposed building that would serve the spray booths and vehicle repairs would be closed on all sides apart from the doors on the front that can be opened. As such any pollution generated from paint fumes or vehicle repairs is likely to be contained within the building and would not result in an unacceptable adverse impact on the living conditions of neighbouring occupiers or on the use of private amenity space.

It is also noted that concern has been raised over an increase in light pollution to neighbouring occupiers of Langford Road and Bridge Road given that the proposed single storey developments would not shield the neighbouring resident from illuminated lights on Winterstoke Road. However, this is not considered to be of an unacceptable level given that the larger adverts and street lighting would be located to the front of the application site approximately 100m from the side elevation of number 44 Langford Road.

Furthermore, the current proposed advertising consent application (20/P/0263/ADV) has been amended to relocate and reduce the height of the illuminated pylon. This would now be located in the same position as the previous Jewson's sign to the front of the application site and at a reduced height and would not have an unacceptable impact on the occupiers of the residential properties in Langford Road.

It is therefore considered that the proposed development would not have an unacceptable harmful impact on neighbouring residents over that of the existing B1 light industrial use of the site or that of the surrounding uses and as such, the proposed development complies with policies DM32 and DM47 of the Sites and Policies Plan (Part 1).

Issue 5: Character and appearance

The application site is currently a vacant industrial site with three existing buildings of varying sizes spread across the site. It is proposed to demolish the existing buildings on the site (which was already been granted under application 20/P/0089/DEA) and to erect a single storey reception with car washing facilities to the rear and an office in the centre of the site with parking for 27 cars and 4 vans around it. A building for Four spray booths/minor vehicle repairs would be provided to the rear of the site with the creation of 31 vehicle parking spaces around the rear of the site.

The site is surrounded by industrial and commercial buildings with residential development to the rear. While it is noted that concern has been raised over the proposal appearing out of keeping with the character of the area, given the existing street scene being industrial in appearance, it is considered that the proposal would have no more impact on the character of the area than the existing buildings. Furthermore, it is noted that concern has been raised over the single storey development not being able to screen the surrounding buildings along Winterstoke Road and thereby resulting in a harmful view of the surrounding buildings from the residential dwellings to the rear of the application site. However, issues relating to the loss of views carry little weight in these circumstances. It is considered that the design of the proposed development would have less visual impact on the neighbouring residents than that of the existing large building and as such would not be detrimental to the established character of the area or its surroundings.

In this respect, the proposed development complies with Policy CS20 of the North Somerset Core Strategy and Policies DM47 and DM60 of the Sites and Policies Plan Part 1.

Issue 6: Flood risk

The site is located within a high-risk flood zone (zone 3a). The principal way to manage flood risk is to avoid locating development within areas at risk of flooding. To encourage developers to avoid flood risk areas, Government policy set out in the National Planning Policy Framework and related guidance, requires that a Sequential Test and Exception Test are passed before planning permission is granted for new development in flood zone 3a.

Although this proposal is located within flood zone 3a, both the existing use and proposed use of the application site fall within the less vulnerable category as set out within the NPPG and as such there is no change to the vulnerability on the site. The guidance states that where there is no change in vulnerability to a proposed development a sequential and exceptions test is not required to be passed. In addition, the existing site has hardstanding across the whole site where the proposed development would have no further increase in hardstanding than existing.

A flood risk assessment has been submitted with this application and a condition is recommended to ensure that the proposed development is carried out in accordance with the details of the flood risk assessment to ensure that there would be no increase of flood risk to the application site or surrounding area. In this respect, the proposed development complies with Policy CS3 of the Core Strategy, Policy DM1 of the Sites and Policies Plan Part 1 and section 14 of the NPPF.

Issue 7: Setting of Listed Building

The proposal does not affect the setting of any listed buildings.

Issue 8: Other matters

Other matters have been raised by consultees including the accuracy of the submitted information. These have been checked and addressed as appropriate. Comments have been made about the adequacy of the consultation with neighbouring residents. However, 21 letters were sent to adjoining neighbours of both the commercial and residential occupiers as well as the erection of a site notice to the front of the application site. In addition, the neighbouring residents were re-consulted on the amended description of works and as such had a further 14 day consultation period to comment on this application.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The proposed development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A formal EIA screening opinion is not, therefore, required.

Conclusion

The application site is located within the settlement boundary and town centre for Weston-super-Mare where Policy CS20 of the Core Strategy and Policy DM47 supports the

regeneration of existing sites for economic development and the proposal complies with policy S4A.

The concerns raised by neighbouring residents relating to increase traffic on Bridge Road and Langford Road have been addressed and conditions can ensure that the existing access is blocked up prior to the site being brought into use as well as a condition to ensure that vehicles will exit via Winterstoke Road to ensure that there would be no harmful impact on the residential on-street parking or highway safety. In addition, there is sufficient onsite parking to serve the proposed use. The proposal is therefore in accordance with policies DM24, DM28 and DM47 of the Sites and Policies Plan (Part 1).

Neighbouring residents have raised concerns regarding noise, air and light pollution from the proposed development. This has been addressed and condition recommended to control the hours of operation on site. In this respect, proposed development complies with policies DM32 and DM47 of the Sites and Policies Plan (Part 1).

The proposed development would not be out of keeping with the area and in this respect, the proposed development complies with Policy CS20 of the North Somerset Core Strategy and Policies DM47 and DM60 of the Sites and Policies Plan Part 1.

RECOMMENDATION: APPROVE (for the reasons stated in the report above) subject to the following conditions:-

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

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

3. The use hereby permitted shall not take place outside the hours of 08:00 hours to 18:00 hours Mondays to Fridays, 08:00 hours to 16:00 hours on Saturdays and 11:00 hours to 17:00 hours on Sundays or Bank or Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to minimise noise nuisance in the interests of nearby occupants and in accordance with policy CS3 of the North Somerset Core Strategy.

4. The materials to be used in the development hereby permitted shall be in complete accordance with the approved plans and specifications unless details of any alternative material have first been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the materials to be used are acceptable in order to maintain the character and appearance of the building and those of the surrounding area, and in accordance with policy CS12 of the North Somerset Core Strategy and policies DM32 and DM47 of the North Somerset Sites and Policies Plan (Part 1).

5. The development hereby permitted shall not be brought into use until the parking area for 31 vehicles has been constructed in accordance with the approved plans and specifications. The approved parking area shall thereafter be permanently retained and kept available for parking at all times.

Reason: In order to ensure that adequate parking provision is made in the interests of preserving highway safety and in accordance with policies CS10 and CS11 of the North Somerset Core Strategy, policies DM24 and DM28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

6. Prior to the commencement of the development hereby permitted, the existing metal gates at the rear of the application site leading to Langford Road shall be removed and the access blocked by a matching brick wall and the access shall remain permanently blocked and the wall shall be retained permanently unless details of any new access have first been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of road safety and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1).

7. Vehicular access to any part of the site shall only be from and to the accesses onto Winterstoke Road.

Reason: In the interests of road safety and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders, with or without modification), the minor vehicle repairs and spray booth building shall be used in association with the car rental facility only and for no other purpose or as a separate business at any time.

Reason: The Local Planning Authority wishes to retain control over the use of the premises in the interest of nearby occupants and in accordance with policy CS3 of the North Somerset Core Strategy and in order to secure compliance with the locational strategy for employment development in the District as set out in policy CS20 of the North Somerset Core Strategy, and in order to safeguard business

employment development in accordance with policy SA4 of the North Somerset Sites and Policies Plan (Part 2 – Site Allocations Plan).

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no building or other structure shall be erected within the curtilage of the development hereby permitted (other than any expressly authorised by this permission).

Reason: The Local Planning Authority wish to retain control over additional structures in order to maintain the integrity and appearance of this development and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

10. The development hereby permitted shall not take place except in complete accordance with the approved Flood Risk Assessment.

Reason: To reduce the risk of flooding, and in accordance with paragraph 163 of the National Planning Policy Framework, policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies).

11. The use hereby permitted shall not be commenced until secure parking facilities for bicycles have been provided in accordance with the approved plans and specifications. The approved facilities shall thereafter be permanently retained and kept available for the parking of bicycles at all times.

Reason: To ensure that secure cycle parking facilities are provided in order to encourage the use of more sustainable transport choices and in accordance with policies CS1 and CS11 of the North Somerset Core Strategy, policy DM28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

12. The car washing facility, spray booth and minor bodywork vehicle paint repair building hereby permitted shall not be brought into use until a drainage interceptor has been installed on site. Thereafter, all polluted or contaminated water shall be treated and decontaminated via this drainage interceptor prior to discharge to the mains drains.

Reason: In order to prevent pollution and in accordance with policy CS3 of the North Somerset Core Strategy.