

43/13/0133

SUMMERFIEL DEVELOPMENTS SW LTD

DEVELOPMENT OF LAND FOR B1(C) LIGHT INDUSTRIAL, B2 GENERAL INDUSTRIAL AND B8 WAREHOUSE USES AND FORMATION OF ACCESS AT LAND ADJOINING WESTPARK 26 BUSINESS PARK, CHELSTON HOUSE FARM, WELLINGTON

Location: LAND ADJOINING WESTPARK 26, CHELSTON HOUSE FARM,
TAUNTON ROAD, WELLINGTON, TA21 9HP

Grid Reference: 315210.120541 Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision:

Subject to:

- (1) the further views of the County Highways Authority; and
- (2) the views of the Environmental Health Officer

Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the layout, scale, appearance, and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of eight years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. None of the units hereby approved shall be used or occupied until a means of vehicular access has been constructed in accordance with the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with CP6 and DM1 of the adopted Taunton Deane Core Strategy

3. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policies CP8 and DM1 of the Taunton Deane Core Strategy.

4. Before any part of the development hereby approved is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.

Reason: to avoid potential harm to the root system of any hedge leading to possible consequential damage to its health which would be contrary to policy CP8 of the adopted Taunton Deane Core Strategy.

5. Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the local planning authority, and no other materials shall be used without the written consent of the local planning authority.

Reason: to reinforce the local character and distinctiveness of the area in accordance with policies CP8 and DM1 of the Adopted Taunton Deane Core Strategy.

6. Before any of the permitted development is commenced, details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be implemented in accordance with the aggrade details prior to any building being occupied.

Reason: the Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development.

7. The development hereby permitted shall not be commenced until details of a strategy to deal with protected species has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice contained in the 'Ecological Assessment Update' of October 2013, prepared by First Ecology, and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and permanently maintained as such at all times thereafter. The development shall not be occupied until the scheme as may be approved has been fully implemented

Reason: To ensure adequate protection and treatment of species protected by law.

8. Provision shall be made for the parking of cycles in accordance with details to be submitted to and approved by the local planning authority. Such provision shall be made before each phase of the development hereby permitted is occupied/use hereby permitted is occupied.

Reason: to accord with the council's aims to create a sustainable future by reducing the need for vehicular traffic movements in accordance with policy CP6 of the adopted Taunton Deane Core Strategy.

9. Before any development commences, details of lighting on the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the use of appropriate location, orientation, timing, shading and power to avoid any illumination of off-site areas.

Reason: To reinforce the local character and distinctiveness of the area in accordance with policies CP8 of the adopted Taunton Deane Core Strategy.

10. All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of the visual amenity of the area in accordance with policy CP8 of the adopted Taunton Deane Core Strategy.

11. No retail sales, or the direct sale of goods to the general public, except ancillary trade sales, shall take place from any of the buildings hereby

approved.

Reason: The Local Planning Authority does not wish to see the establishment of retail premises in this location beyond any recognised settlement boundary in accordance with policy CP2 of the adopted Taunton Deane Core Strategy.

12. No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the buildings or within designated storage areas that shall previously have been agreed in writing with the Local Planning Authority.

Reason: in the interests of the visual amenity of the area and in compliance with policy CP8 of the adopted Taunton Deane Core Strategy.

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 and has imposed planning conditions to enable the grant of planning permission.
2. Your attention is drawn to the requirements of the building regulations 2000 part M access and facilities for disabled people, the advise in BS 8300 and the disability discrimination act. Generally speaking a level access will be required for your proposed building(s). An early assessment of site levels will avoid expensive alterations at a later date.
3. **WILDLIFE AND THE LAW.** It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) 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 Governments advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

PROPOSAL

The proposal seeks outline planning permission for an extension to the previously approved business park, which is currently under construction. The application is accompanied by a Design & Access Statement, a landscape framework drawing, A Landscape and Visual Impact Assessment, Transport Statement, Drainage Design Philosophy Statement, Ecological Assessment (update), and an Environmental Noise Assessment.

The plan shows 6 blocks of buildings arranged off a new access road which runs from the existing road network serving the rest of the business park. This joins the main highway at the existing Westpark roundabout serving the area on the A38. This new single service route is shown with the industrial units on the one/southern side only, giving direct access to individual or shared yard areas which include vehicle parking areas. A culvert and planting belt is shown on the other side. The proposed new units would have floor areas ranging from 1,283 m. sq. to 3,346 m. sq., yielding a total gross internal footprint of 11,134 m. sq. with an additional 10% on mezzanine floors.

SITE DESCRIPTION AND HISTORY

The land is located to the south/south-west of the existing business park, and would previously have been agricultural land. The business park adjacent was originally given consent via an Outline permission granted on 4th October 2007, and whilst a significant portion is now operational, some is still under construction.

Outline Planning permission was granted for this site in 2008 for employment uses, but that planning permission lapsed in 2011 without any reserved matters applications being submitted.

The application site forms part of the larger local plan employment allocation (W4) Adopted in September 2004 and subsequently saved by the Secretary of State.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON TOWN COUNCIL –

W.T.C. are happy that permission can be granted so long as the site was included in the original Local Plan allocation - *[It was]*.

DRAINAGE ENGINEER –

No objections on the basis that the surface water flows will discharge to a designed attenuation pond approved under a previously approved planning application.

PLANNING POLICY –

The site has been allocated in the Local Plan for business development and so the proposal is not contrary to policy. Should condition the B1 element so that it is not offices as the original allocation excluded offices, and the subsequent planning approval limited offices. There is already an over supply in the area.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION –

Observations awaited.

LANDSCAPE –

The main landscaping concern is the potential impact of the proposed development on the western boundary of the site given its proximity to the green wedge. Given the level changes recommends giving more space for landscape mitigation and lowering the floor level of the most westerly building.

NATURAL ENGLAND –

Natural England comments that the application is not likely to result in significant impacts on statutory designated sites and landscapes. However, they state that it is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape with the help of other bodies and individuals. In this regard, they would expect the LPA to assess and consider the possible impacts from this proposal on the following issues

Protected species - They ask that the N. E. standing advice be applied to this application.

Local sites - If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the LPA should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions,*

have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

BIODIVERSITY –

The site is currently grazed semi-improved pasture, with little botanical interest. It is bordered on all sides by species rich hedgerows. A small pond is situated mid-way along the eastern side of the site but it was dry, forming a shaded depression. The Ecological Assessment accompanying the report confirms that:-

Dormice - The hedges bordering the site provide good habitat for dormice. As dormice are a material consideration, I consider that the suggested landscape scheme be agreed with the landscape officer for biodiversity as well as landscape reasons. Species should include hazel, oak, honeysuckle.

There should be no road lighting in this hedge gap. In addition, if possible the road should be single carriageway at this point to further minimise any impacts on dormice.

Newts - Both the ponds along the eastern boundary were visited in 2013 and were considered to offer negligible habitat suitability again.

Birds - The hedges on site offer suitable nesting opportunities for some species of birds during the breeding season. The boundary hedges are to be retained and so there will be minimum impact to birds in these hedges. Any removal of hedge H7 should be undertaken outside of the bird nesting season.

Reptiles - The site offers no suitable habitat for reptiles. However the assessment suggests that the site should continue to be maintained to prevent reptiles colonising the site prior to any development

Suggested condition for protected species: -

1) The applicant shall provide confirmation that all the recommendations made in First Ecology's report dated October 2013 have been carried out.

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Informative notes are also suggested in respect of protection under the Wildlife and Countryside Act 1981 (as amended) and to ensure compliance with the appropriate wildlife legislation.

DEVON AND SOMERSET FIRE & RESCUE SERVICE –

The Fire Safety Officer makes two recommendations

1. Means of Escape - Means of escape in case of fire should comply with the Building Regulations 2000 and as such should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard.

Detailed recommendations pertaining to these matters will be made later at Building Regulations consultation stage.

2. Access and Facilities for the Fire & Rescue Service - Access and facilities, which should include where necessary the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with provisions contained within ADB, Part 5 of the Building Regulations 2000.

SCC - TRANSPORT DEVELOPMENT GROUP –

Observations awaited.

ECONOMIC DEVELOPMENT –

I am fully supportive of the proposal by Summerfield Developments Ltd to extend Westpark to enable the accommodation of further business units. Westpark is rapidly developing as a thriving business park, home to inward investors and local businesses alike. The park enables the creation of a significant number of high quality employment opportunities, and makes an important contribution to fulfilling the Council's Growth agenda for Taunton Deane.

ENVIRONMENT AGENCY –

They ask that no development takes place on each phase, plot or parcel of land until details of the surface water drainage scheme have been submitted to, and agreed in writing by the Local Planning Authority. The scheme shall be in accordance with the principles set out on approved drawing "*surface water drainage network and catchment areas*" (prepared by Airey & Coles and dated April 2008 Their Ref: 9334-C350 Rev P1) and include details of maintenance. The development shall be carried out in accordance with the details of the approved scheme.

REASON: To ensure that flood risk is not increased through the use of SuDs in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

Informative / advice to LPA: We are satisfied that the principles of how surface water will be drained from the site have been agreed, but we would like to see the detailed drainage design for each plot to ensure that the system is designed to reduce exceedance flows on site. For each plot, we will need to see micro-drainage calculations and attenuation volumes, designs and locations. Exceedance flow paths should be mapped by depth and extent. Maintenance roles and responsibilities should also be confirmed. We trust, as per the consultation for 43/2008/118, that an 8m undeveloped easement will be retained alongside the Chelston Brook.

Representations

None received at the time this report was compiled

PLANNING POLICIES

CP2 - TD CORE STRATEGY - ECONOMY,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
EN12 - TDBCLP - Landscape Character Areas,
W4 - TDBCLP - Chelston House Farm Employment Allocation,
EN8 - TDBCLP - Trees in and around Settlements,

LOCAL FINANCE CONSIDERATIONS

The development of this site would not result in any new home bonus..

DETERMINING ISSUES AND CONSIDERATIONS

This is an outline application with some matters reserved. In this instance, it means that access details have been submitted for approval as part of this application. However, layout, scale, appearance, and landscaping are reserved for future consideration and do not form part of this proposal. There are therefore no details on these issues, and the detail would need to be considered as part of a separate reserved matters application at a later date.

Policy issues.

The site is allocated in the Local Plan for business and industrial development. Therefore there are no adverse policy issues. On this basis, the proposal meets the criteria of policy CP2 (Economy) of the adopted Core Strategy. Suitably worded conditions can ensure that the criteria of policies CP6 (Transport) and CP8 (Environment) are also met. The proposal is in accordance with the development plan.

Highways and Transportation issues.

The comments of the Highway Authority (S.C.C.) are not available at the time of writing. Their views will be reported in the update sheet. However, on the primary issue of access, this is not expected to be a problem as the main road network through the industrial estate has already been approved and largely implemented. The new road proposed is a spur off the existing/approved layout. Parking will be required to standard, and there would appear to be enough room in the shown yard areas to provide this. However, parking can be guaranteed by way of a condition. Likewise, if a travel plan is required, then this can also be secured by conditioned.

Landscaping and wildlife issues.

This is an outline application with landscaping reserved for future approval. Therefore the appropriate consideration at this stage is whether or not it would be possible to screen the site, rather than the detail of how. The Landscape Lead has accepted that this is possible. Given that most of the wildlife activity at the site is largely confined to the hedging at the boundaries, this application, if approved, will need to ensure the retention of these hedges, to form part of any subsequent

landscaping scheme. This should be accompanied by the usual informative relating to wildlife, protected species and the law.

Noise issues.

The nearest residential properties are some distance away, and would therefore be unlikely to be affected by noise generated by this proposal. The original approval for industrial/business development at Westpark was subject to noise assessment, and this application is also accompanied by a noise evaluation assessment. Environmental Health have been consulted to review the submitted information, and their views will be reported to Members at the planning committee.

Legal agreement and planning contributions.

The s106 Legal Agreement accompanying the original approval required highway works only in order to make the proposal acceptable. The Council has now confirmed that these have been implemented. Therefore, unless the Highway Authority comes up with any new and additional works required, there would appear to be no need for a legal agreement this time in this regard, nor indeed for any justifiable planning reason.

Conclusions.

This is a extension to an existing business park, that has been allocated and planned for as part of the Local Plan processes. As an outline application with some matters reserved, it is difficult to gauge the final appearance for the development, but I am confident that with the proper and appropriate conditions the development would not cause any visual harm. The recommendation is that planning permission be granted subject to the views of the County Highway Authority and the Environmental Health. Their responses will be reported to Members.

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

CONTACT OFFICER: Mr J Burton Tel: 01823 356586