

TAUNTON DEANE BOROUGH COUNCIL

APPLICATION FOR OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED FOR THE ERECTION OF INDUSTRIAL UNITS ON LAND OFF FROBISHER WAY, BINDON ROAD, TAUNTON

Location: STREET RECORD, FROBISHER WAY, STAPLEGROVE, TAUNTON

Grid Reference: 320774.125744

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the layout, scale, appearance, access 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 three 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. The layout and alignment, widths and levels of the proposed roads, road junctions, and points of access, visibility splays, footpaths, parking and turning spaces shall be provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The roads, parking and turning areas shall be laid out prior to the occupation of any unit or in an agreed phase of the development that may have been agreed by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for various modes of transport in accordance with Policies DM1 and CP6 of the Taunton Deane Core Strategy.

3. The development shall provide for covered and secure bicycle storage facilities, details of which shall be indicated on the plans submitted in accordance with condition 01 above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with retained policy M4 of the Taunton Deane Local Plan and Taunton Deane Core Strategy Policies DM1 and CP6.

4. No development shall commence until a method statement for the protection of trees beyond the northern site boundary has been submitted to and approved in writing by the Local Planning Authority. The method statement shall indicate how the trees will be protected and how the development shall be carried out so as not to affect root structures. The approved method statement shall be strictly adhered to during the course of the development.

Reason: To ensure that the trees to the north of the site are not harmed during the course of the development in accordance with Taunton Deane Core Strategy Policies DM1 and CP8.

5.
 - (i) Prior to implementation, 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 Policy DM1 of the Taunton Deane Core Strategy.

6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.

- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

- An assessment of the potential risks to

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks

written notification of commencement of the remediation scheme works.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with Taunton Deane Core Strategy Policy DM1(f) and paragraphs 120-122 of the National Planning Policy Framework.

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. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by

writing to the Traffic and Transport Development Group, County Hall, Taunton, TA1 4DY or by phoning 0300 123 2224. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have their plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

PROPOSAL

This application seeks outline planning permission with all matters reserved, for the erection of industrial buildings on a parcel of land off Frobisher Way, Taunton.

An indicative plan has been submitted, which indicated the siting and layout of up to ten units within the site; an alternative layout for up to eight units is provided within the Design and Access Statement. Access into the site would be retained in its current location where a driveway off Frobisher Way currently serves the application site and The Apple Business Centre to the East.

SITE DESCRIPTION AND HISTORY

The site comprises a flat area of land at the edge of the existing industrial estate off Bindon Road and Frobisher Way. It sits between two existing industrial developments to the east and west, with palisade fencing to the southern boundary, which separates the site from the railway. To the north, the site borders the estate road, which curves around to along the eastern site boundary, where there is a vehicular access to the site. The site appears to be currently used for informal car/lorry parking and is traversed by high voltage electricity cables.

Full Planning Permission was granted in 2005 and 2010 for industrial development but has never been implemented.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

STAPLEGROVE PARISH COUNCIL - No comments.

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal relates to outline permission for the erection of industrial units.

Having reviewed the submitted information it is apparent that the proposal is similar to previous application 34/10/0023. As a consequence the Highway Authority's previous comments would apply and are set out below for your records.

The reason for the delay in the Highway Authorities response to this proposal was due to the applicant not submitting a Transport Statement with the proposal.

This Transport Statement has now been submitted to the Highway Authority and

our comments are as follows. The peak hour estimation seems reasonable when compared with the TRICS data sets. Whilst if it is assumed that there is a reasonable 50/50 split along Bindon Road it was accepted that this would lead to an extra vehicle every 4 minutes which is considered to be acceptable. In terms of the parking requirement the applicant has stated that there are a total of 270 spaces along Frobisher Way. This proposal will generate an additional 30 extra parking spaces which is an 11% increase which is considered to be acceptable. The only issue the applicant has not addressed is the other modes of transport such as cycle parking.

The access road will need to be properly consolidated and surfaced and provide a width of 5m which would allow two standard sized vehicles to pass each other easily. The only concerns I do have relate to the turning head, although it is understood that these units will mostly be served by small to medium sized vehicles. However there are concerns that a HGV would not be able to turn within this site. Would the applicant be able to confirm that the businesses which would utilise this location would not generate this type of traffic?

Taking into account the above information I raise no objection to this proposal and provide conditions should permission be granted.

DRAINAGE ENGINEER - No comment.

WESSEX WATER - No objection. Standard advisory notes provided.

ECONOMIC DEVELOPMENT - I should be grateful if you would record my support for this outline application. Bindon Road Industrial Estate is an established and important employment area within Taunton. The development proposed would bring the site into a productive use, creating employment opportunities for residents. Drawing upon my familiarity with the business community in Taunton Deane and my appreciation of the difficulties they have securing land for investment and development, I would have no doubts that there will be a demand for this property.

It is important that we are not prescriptive over the type and scale of industrial development proposed. The owner should be given full discretion to develop or dispose of the site in accordance with local market demand.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - The site has been used recently as a lorry park and there are likely to have been other commercial uses of the land before that. Made ground has also been found in the area. Therefore, there is the potential for some contamination to be present. Although the development is for a low-risk, industrial use it would be good to carry out a risk assessment prior to development. I attach a condition that could be used.

Representations

None received.

PLANNING POLICIES

CP2 - TD CORE STRATEGY - ECONOMY,

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
NPPF - National Planning Policy Framework,

DETERMINING ISSUES AND CONSIDERATIONS

The application site is located within the defined settlement limit of Taunton and a well established employment area. In such locations, Policies SD1, SP1 and CP2 of the Core Strategy support the principle of new economic development in sustainable locations.

As has been established historically, the redevelopment of the site is considered to be acceptable by the Council in planning terms, with a comprehensive development of ten industrial units of varying sizes having been approved in the past five years. It is unclear as to why the site has not been taken forward to date, however in planning terms, the principle of development, in policy terms, remains relatively unchanged despite the adoption of the Core Strategy during the intervening period.

Whilst all matters are reserved, regard must be had to the potential impact upon highway safety and amenity within the area. The site has an existing use, with a haulage company using the site for parking, storage and maintenance of HGV's. The highway authority does not object to the proposals subject to conditions. Frobisher Way can, at times, be a congested section of estate road, however the existing use of the highway by large HGVs accessing the site is possible and the redevelopment is unlikely to significantly increase vehicle movements over the local highway network.

Amenity within the area is unlikely to be adversely affected through redevelopment. The previously approved schemes indicate thus and the siting of the plot between existing industrial sites and the railway is far from sensitive to new development, be that with regard to visual or residential amenity.

There are a number of mature trees outside of the site but overhanging the Northern boundary. These trees are protected by a Tree Preservation order. The layout of any reserved matters application will need to account for these trees, ensuring that they are not unduly harmed by any building works in order to maintain their health and amenity value. Such was accepted as being possible on previous applications and there does not appear to have been any change in circumstance since 2010 in this regard.

Taking the above matters into consideration, the proposed development would make good use of an under utilised site. The proposals would constitute a sustainable economic development within a well established employment area and is compliant with Core Strategy Policies. It is therefore recommended that outline planning permission be granted, subject to conditions.

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

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