

ARCHIAL ARCHITECTS LTD

ERECTION OF STORAGE WAREHOUSE (CLASS B8) AT CHIP LANE, TAUNTON AS AMENDED BY LETTER DATED 11/08/10 AND PLANS ALTERING PARKING LAYOUT.

Grid Reference: 322209.125492

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements). The proposal is considered to be an acceptable use in an area of employment, and will be a positive step for economic development in accordance with PPS4. Any adverse impacts to local residents are considered to be outweighed by the need to provide employment in suitable area, and this site is appropriate and sustainable in accordance with PPS4.

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 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 development hereby permitted shall be carried out in accordance with the following approved plans:

(A2) DrNo 101 Rev A Site as proposed
(A3) DrNo 080102018/200 Site section as proposed
(A3) DrNo 080102018/100 Site location plan
(A2) DrNo.101/Rev B Site as Proposed Parking Arrangement

73245/AR/A05/A 8M Box van Servicing
73245/AR/A04/A 8M Box van Servicing
73245/AR/A03/A 10M Rigid vehicle Servicing
73245/AR/A02/A 10M Rigid vehicle Servicing
73245/AR/A01/A 16.5M Articulated vehicle Servicing

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

3. The premises shall be used for storage warehouse and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: Having regard to the Taunton Deane Local Plan Policies to restrict uses to appropriate locations, and having regard to the proximity of local residents and to help minimise any adverse effects on their amenities.

4. No deliveries shall be taken at or dispatched from the site outside the hours of 19.30 hrs – 07.30 hrs nor at any time on Sundays, Bank or Public Holidays, without the prior written approval of the Local Planning Authority.

Reason: To minimise the impact of the development in accordance with Policy S1(E) of the Taunton Deane Local Plan.

5. 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 building(s) or within the storage area(s) as may at any time be approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and in compliance with Taunton Deane Local Plan Policy S1(D).

6. The area allocated as a service yard on the approved plan shall not be used other than for the loading/unloading and manoeuvring of vehicles in connection with the use of the premises as B8 warehouse and no servicing of the premises shall take place from the adjacent highway.

Reason: To ensure that adequate off-street servicing facilities are provided within the curtilage of the proposed development, thereby to ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

7. There shall be no working, machinery operating, processes carried out or other activities within the building or the site edged red between the hours of 19.30 and 07.30 hrs nor at any time on Sundays, Bank or Public Holidays.

Reason: To minimise the impact of the development in accordance with Policy S1(E) of the Taunton Deane Local Plan.

8. The scale of the building shall be no greater than the illustrative plans submitted with the Design and Access statement.

Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(D).

9. The development shall provide for covered and secure storage facilities for cycles, details of which shall be indicated on the plans submitted in accordance with condition 1 above. Such facilities shall be provided prior to the commencement of use of the building 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 policy S1 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the use hereby permitted is commenced and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2 and in order to satisfy the requirements of Network Rail.

11. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M3.

12. Details of any floodlighting shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To minimise the impact of the development in accordance with Policy S1(E) of the Taunton Deane Local Plan.

Notes for compliance

1. You are advised that landscaping should include trees and shrubs along the southern boundary of the site.

2. The drainage officer advises the applicant investigates the use of sustainable drainage systems (SUDS) in order to reduce the rate of run-off.
3. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.
4. The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.
5. The developer should contact Richard Selwood at Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin, as the proposed works are in close proximity to the railway boundary.
6. The developer is advised to contact Network Rail (NR) if there is any intention to alter any ground levels. There should be no excavations near railway embankments, retaining walls or bridges. A 1.8m high trespass resistant fence be erected parallel to but separate from the railway fence. All buildings should be at least 2m from the boundary fence for construction and maintenance works. There should be no increased flows of surface water onto Network Rail land, culverts or drains, and no soakaways within 10m of NR boundary. No scaffolding, plant or cranes to be such as may fall onto NR land in the event of failure.
7. You are advised that there is a Section 106 agreement covering this site which you should seek to alter prior to commencement of any works on the site (Planning Application no 38/92/0368).
8. The developer is advised that the site is not within an industrial area, and therefore noisy activities associated with B2 uses are not likely to be acceptable in respect to condition 3. In addition refrigerated vehicles may cause a nuisance to nearby residents and these should not be parked at this site.
9. The site is adjacent to an area of High Archaeological Potential and Importance (alongside the northern part of the site). Should any excavations be considered to occur in this area, the developer should first contact Mr S Membery at Somerset County Council Historic Environment Service, srmembery@somerst.gov.uk. 01823 347459.
10. You are advised that it would be preferable to use a similar design to that approved on the adjacent buildings, planning reference 38/10/0205.

PROPOSAL

The proposal is an outline application for the erection of a B8 storage warehouse building. The outline plans indicate a building, 15 to 16m in width, and 29 to 30m in depth with 2 floors giving approx 465 sqm on each floor, the eaves height would be between 6.5m and 7.0m and the ridge height being between 8.5 and 9m in height. The agent indicates 4-6 employees, but no details are given of proposed lorry movements. External appearance will be a reserved matter for future consideration. Six parking spaces are shown adjacent to Chip Lane, and vehicular access is will be via the existing access with Chip Lane. The accompanying drawings show access, turning routes for different sized vehicles including a 16.5m articulated vehicle. The applicant advises that 100 car parking spaces can be located within the site after the site is developed and the Northern Inner Distributor Road (NIDR) and junction constructed. Amended plans show a revision to the car park layout as requested by County Highway Authority, due to the requirements for improvements to the footway/cycleway network associated with the NIDR.

SITE DESCRIPTION AND HISTORY

The site, which is currently hardstanding, is between Chip Lane and the main railway line, and between the retail units to its west and the Post Office Sorting Office (POSO) to the east of 40 steps (footbridge). There are residential properties on the southern side of Chip Lane, including Ashleigh Gardens, a residential care home with access to Chip Lane, and pedestrian access to The Avenue. The southern side of Chip Lane has unrestricted parking, and there is usually a line of parked cars in this location. The route of the proposed Northern Inner Distributor Road is located just to the north of the site boundary.

Part History of application and adjacent site:

38/74/0181 CoU from garage/showroom to retail shopping centre and parking – refused (09/04/75) on basis of volume of traffic, particularly in peak hours, increased use of direct access to trunk road, and intensification of use of the premises would be detrimental to local residents by reason of additional traffic, disturbance and loss of privacy. (Whole site from Staplegrove Road to eastern end of whole site).

38/76/0096 - wholesale and retail unit – Great Mills – (now POSO) approved.

38/76/0098 industrial and warehouse buildings (O/A) approved with conditions including no working on Sundays or between 7.30pm and 7.30 am. Same site as 0096.

38/89/0371 - CoU to POSO approved.

38/92/0368 – CoU to Retail, including food, approved with legal agreement to alter parking when new road (NIDR) constructed.

38/98/0304 – extension to form a B8 storage unit (in front and to the east of the current retail units), (O/A) approved, but not built.

38/07/0562 & 38/10/0205/REX - refurbishment of retail unit with new exterior cladding and curved roof, approved 05/08/10, not yet implemented.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal will see the erection of storage warehouse at Chip Lane. The Highway Authority comments were delayed to as further research had to be carried out in regards to the impact on the new major road development in the vicinity of the application. The proposed development would lead to the loss of the some of the existing parking provision within the site. In terms of the site itself this is not considered to be a significant issue as the existing parking arrangement is not used to its full capacity. However it should be noted that the site is in close proximity to the proposed Northern Inner Distributor Road (NIDR) and although this proposal is not directly effected by this development should be a material consideration.

From speaking with colleagues it is apparent that the existing post office car park (for both workers and the general public) will be lost to make provision for a footbridge. Although this does not directly effect this proposal it would lead to the loss of the existing parking area for the sorting office. It is therefore likely that they will make use of the parking area situated around the existing retail units. This could potential see parking becoming a premium in this location and the loss of the additional spaces due to this proposal would only exacerbate the situation.

In addition after conversions with the Local Planning Authority it is understood that there is a current legal agreement tied with the site in regards to it providing a continued provision parking. I would suggest that this legal agreement would need to be annulled before this proposal can proceed.

I understand that there have been some concerns raised by the existing businesses within the site that the construction of this building would stop delivery vehicles reaching the rear of the existing retail units. As part of the development the applicant provided tracking diagrams for a number of different vehicles in regards to there ability to manoeuvre within the site. From the diagrams provided I am satisfied that the proposed development would not cause obstruction to larger vehicles wanting to access the rear of the existing retail units.

It is noted that the proposed storage warehouse will have a B8 use class. From reviewing the planning documentation no information has been provided in regards to the amount of vehicle movements associated with this proposal. Looking at the guidance on Transport Assessments and the thresholds provided it is likely that this proposal would usually require the submission of a Transport Statement as the proposal is within the bracket of >3000 <5000 sq. m. However I have taken the opportunity to speak the Authorities Traffic Modelling Officer on this matter. It is his opinion that the vehicle movements generated by this proposal, although an increase, would not have a significant impact on the existing Chip Lane/Staplegrave Road junction.

Therefore to conclude the proposal will not be directly effected by the NIDR, the major project will have an impact on the surrounding environment as it will see the loss of the existing parking area for the sorting office, which could impact on the existing parking area. I am satisfied that the swept pathway analysis data provided will still allow vehicles to the rear of the existing retail units. Finally in regards to the loss of parking provision I am satisfied that although this development will see the loss of a number of spaces there is a sufficient amount of spaces within the site to accommodate for this loss. Therefore I raise no objection to this proposal.

WESSEX WATER - points of connection to be agreed, and note re any uncharted sewers or mains.

DRAINAGE ENGINEER - Note that surface water run off is to be disposed of the main sewers. It is recommended that the applicant investigates the use of Sustainable Drainage Systems (SUDS) for surface water drainage on the site, in order to reduce the rate of run-off, also be made a condition of any approval.

NETWORK RAIL - need a 1.8m high fence alongside railway, and notes re safety levels, layout, drainage and scaffolding adjacent to tracks.

FORWARD PLAN & REGENERATION UNIT - No problem with this, but we should control employment/B uses to prevent even more retail leakage out of the town centre.

Representations

Cllr Sue Lees objects on grounds that Chip Lane is already a well used road, which in her opinion is not able to cope with the additional traffic that would be produced by this development. The additional traffic would result in increased noise level for the residents living in the immediate vicinity. Should be a Committee decision.

Cllr Jefferson Horsley objects on grounds of additional traffic movements on Chip Lane, the impact on the local community of the extra noise and disproportionate size of the proposed storage warehouse.

16 letters of objection (inc 3 from one occupier)

- What will the use be?
- More traffic will be generated;
- Additional noise;
- Additional fumes;
- There are already vans and lorries going day and night along Chip Lane to the PO Sorting Office;
- The road is already narrow with cars parked one side of the road;
- The access is not suitable;
- It is difficult to exit from Ashleigh Gardens;
- This is a residential area;
- The warehouse should go to an industrial site;
- There will be parking problems for people visiting the PO Sorting Office;
- When Langdons were operating from this area, there were noise problems, especially from the reversing warnings and refrigeration units running all night; if granted, then there should be limitations on all operations including arrivals and departures;
- Articulated vehicles will not be able to turn in the restricted area, which will have an impact on the operation of business;
- Loss of valuable sky space/overpowering effect due to height;
- Further light pollution;
- Restrict hours to Monday to Friday – working hours only;
- Backlog of lorries waiting to load/unload and associated noise from ‘bleepers’, engines and fumes;
- The PO Sorting Office is losing its carparking due to the 40 steps bridge relocation;
- Access and parking for collecting of parcels from post office blocks the end of The Avenue’s drives;
- Loss of value of properties;
- Noise from the construction site as well as noise from lorries/deliveries to the

- retail units and residential home;
- There was an understanding that the use of these units was restricted to light industry between 9am and 5pm;
- Out of keeping, should be a contemporary design;
- Inaccurate plans which do not show a temporary showroom, a portacabin or fenced compound, so giving a misleading impression of space and available parking areas;
- The pedestrian access to the new pedestrian footbridge will conflict with the Chip Lane traffic;
- This is just to infill the site with no consideration to the local residents;
- This is a residential area, with houses dating from 1826;
- More people use the sorting office to collect parcels etc after ordering on line, thus there is already an increase in traffic on Chip Lane;
- A unit was unlet for years prior to use by a charity, thus there is little need for an additional unit;
- Other sites have better access to major roads and motorways;
- The plan shows trees which were a condition of a previous permission, and cut down some time ago;
- Is this a way to increase the value of the site, as it may be needed in future road plans;
- It is currently difficult to access Ashleigh Gardens due to cars –parked on Chip Lane;
- Photographs submitted showing parked lorry on application site whilst another is being unloaded;
- The type of lorry being used by a current occupier of the units is larger than those shown in the plans, and this size is used more frequently.

PLANNING POLICIES

PPS4 - Planning for Sustainable Economic Growth,
 PPG13 - Transport,
 STR1 - Sustainable Development,
 STR2 - Towns,
 STR4 - Development in Towns,
 S1 - TDBCLP - General Requirements,
 M3 - TDBCLP - Non-residential Development & Transport Provision,
 T1 - TDBCLP - Extent of Taunton,
 EN23 - TDBCLP - Areas of High Archaeological Potential,

DETERMINING ISSUES AND CONSIDERATIONS

The existing area of land is generally unused apart from occasional parking of vehicles. The units to the west have permission for use as retail use, but the current occupiers have relatively low customer usage, and thus the areas previously shown as parking area for these units to the eastern end of the site are generally unused. The agent advises that there is sufficient number of car parking spaces for the existing units after construction of the proposal. The County Highway Authority does not object to the proposal, and also considers the amount of parking sufficient for all the uses on the site, and the officer is aware of the history of this site. The Highway officer's opinion is that the vehicle movements generated by this proposal will not have a significant impact on the existing junction with Staplegrove Road junction. The proposal has been considered in the light of the proposed NIDR, and there is no 'conflict'.

In policy terms Central Government (PPS4) (Policy EC10: Determining Planning Applications for Economic Development), recommends - Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. This application site is not in the town centre nor an 'industrial estate', however it is in a 'commercial area' with retail uses one side, the Post Office Sorting Office the other, and is next to the main line railway line, and eventually will be adjacent to the Northern Inner Distributor Road, and thus generally uses such as B8 will be seen in a favourable light. It is acknowledged that the site is on the northern side of Chip Lane and the southern side of this part of Chip Lane is residential. Chip Lane could be considered as the dividing line and the northern side could not be described as a residential area. The site is well within settlement limits, close to the A3027 (Staplegrove Road), its bus routes and is within walking distance of Taunton Town Centre and railway station, thus is considered to be sustainable in vehicular and employee access.

The main line railway with its associated trains and the line of the NIDR are/will be noise sources, albeit these routes are to the north of the site away from residents, and therefore it is considered that the introduction of a storage use at this location will not significantly add to noise levels. Noise during construction works will be inevitable. History on the site shows the current application site as an area for parking and vehicle turning area, including a S106 relating to amended parking areas in relation to the previous planned connections with the NIDR (now significantly altered). However having regard to current parking/usage, the former Staplegrove car sales area to the west of the retail units, now being vacated, and the County Highway Authority comments, it is not considered that parking and turning facilities for the existing units would be adversely affected should the proposal be implemented.

The local Members and local residents have many concerns, summarised above. In respect of use, this is an outline application and any eventual occupier is unknown. It is likely that some additional traffic will be generated, but the numbers of vehicles, any associated noise and nuisance are not considered to be significantly above the existing levels associated with traffic using this road. Whilst it is acknowledged that the residents have found accessing/exiting Ashleigh Gardens difficult on occasions, such situation results from existing parking. The POSO parking situation may alter when the NIDR and associated works are constructed, and at that time parking is likely to be at a premium. However it is not reasonable in planning terms to refuse this proposal on the basis of what may occur on the adjacent site. It is acknowledged that noise is emitted from reversing and refrigerated lorries, however the Local Planning Authority cannot control vehicles on the public highway, and only has a degree of control over vehicle movements within sites. Working hours could be limited by condition, which would cover the application site, but would not cover any lorries waiting to load/unload in the vicinity. The construction of a building on this site is unlikely to have a significant effect on light pollution, and the building would be sited at least 33m to the north of the nearest dwelling so would not have an overpowering effect on dwellings. Design has not been submitted but the illustrative plans show a two storey building with pitched roof, a recent approval shows curved roof and re-cladding the adjacent retail units. The Local Planning Authority is not in a position to insist that a different location is more appropriate.

In conclusion, the proposed B8 unit is considered to be acceptable on this site, there

is likely to be some increase in traffic, noise and general activity, but not to such an extent that would merit refusal. The proposal will bring some employment in a sustainable location in easy reach of the town centre. In addition the building could help screen some noise from the railway line and proposed NIDR. In order to give some protection to local residents, it is proposed to condition working hours on the application site, although this will not cover use of Chip Lane and other parts of the larger site. Use would be restricted to B8 only so that the Local Planning Authority could control future proposed uses, and the applicants will need to amend the S106 relating to the larger site which shows this area as parking.

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

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