

NEW SITE ACCESS ONTO THE A38 LINK ROAD AT FOXMOOR BUSINESS PARK, HAYWARDS LANE, CHELSTON, WELLINGTON

Grid Reference: 316156.120381

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision:

The proposal would create a new access to an existing business park, which would not cause harm to highway safety and would not have an unacceptable impact on the visual amenities of the area. It would improve the economic development potential of the business park and its resident businesses in terms of its visibility and access to the strategic road network, in particular the M5 motorway. It would also improve the living conditions of a number of residents on Hayward's Lane by removing a significant amount of traffic from the existing access routes which are narrow and poorly aligned. Such matters are considered to outweigh the conflict with the development plan, which seeks to restrict new development in the open countryside and prevent new accesses onto County Routes, and is in accordance with Policy S1 (General Requirements) of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A4) DrNo.2384.03C Site location plan
(A1) DrNo 2384.08A Junction Details
(A1) DrNo 3001 rev E surface water drainage design
(A1) DrNo SPP.1657.1E Landscape Masterplan

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

3. No development shall commence except the implementation of the

landscaping scheme until full detailed plans and specifications for the left in/left out junction have been submitted to and agreed in writing by the Local Planning Authority. The access shall be constructed and thereafter maintained in complete accordance with those details.

Reason: In the interests of highway safety, to ensure that the access is constructed in an acceptable manner in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

4. No development shall commence until details of a flood compensation scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the commencement of works on the access road hereby permitted.

Reason: To ensure that flood risk is not increased in the area as a result of the development in accordance with Planning Policy Statement 25.

5.
 - (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 a planting season prior to the commencement of works to form the new access, or as otherwise agreed 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 preserves and enhances of the local character and distinctiveness of the area and that the visual amenities of the area are not unacceptably harmed in the short term whilst works are carried out in accordance with Taunton Deane Local Plan Policy S2.

6. The existing access from Haywards Lane shall be permanently closed to vehicular traffic, whilst maintaining a link for pedestrians and cycles only in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The access shall be closed in accordance with the approved details within 1 months of the new access being brought into use.

Reason: The acceptability of the development hereby permitted rests partly on the closure of the existing access. The provision for pedestrians and cyclists is required to encourage travel to the site by means other than the private car, in accordance with Policies S1 and M5 of the Taunton Deane Local Plan.

Notes for compliance

1. Where major works are to be undertaken on or adjoining the publicly maintainable highway an agreement under Section 278 must be entered into with the Highway Authority.
2. The details required by condition (3) shall be generally in accordance with Drawing 2384.08A.

PROPOSAL

This application seeks full planning permission for the construction of a new access to Foxmoor Business Park. The access would be provided directly from the link road between the A38 Chelston Roundabout and the M5 Junction 26 ("the link road"). It would be a 'left in-left out' junction arrangement, such that traffic travelling in either direction did not have to turn right across the flow of traffic. Consequently all traffic entering the site would be required to use the Junction 26 roundabout and all traffic leaving the site would have to use Chelston Roundabout.

The proposal would require the loss of a number of roadside trees planted along the southwestern edge of the road. The access road would then proceed to the business park, southwest of the access and curve left on its final approach, taking a route through an existing depression and slightly less wooded area of the existing landscaping, with a new earth mound being constructed; the intention of preventing direct views of the business park from the A38.

The existing access from Haywards Lane would be closed off to vehicular traffic, with a pedestrian and cycle access remaining in this location.

SITE DESCRIPTION AND HISTORY

Foxmoor Business Park began life as a plant nursery when permission was granted in 1996 for two glasshouses. In 2001, planning permission was granted allowing a change of use of 50% of the existing glasshouse to a B1 use. That permission was subject to a Section 106 agreement that restricted users of the B1 space to Foxmoor Nurseries Ltd. and any associated or subsidiary company.

In 2007, following an alleged breach of the planning permission whereby the site was used for independent business use, an Enforcement Notice was served. A subsequent appeal against the notice was successful, the result being a deemed planning permission for the use of half of the glasshouse at the site for B1, B2 and B8 purposes. The Council has subsequently considered that the associated Section 106 agreement is somewhat meaningless as, with the correct tenancy agreements in place, all companies can comply with its terms.

The Business Park, as it now exists, comprises a former glasshouse, which has been subdivided into more than 39 independent business units. Access is derived from Haywards Lane to the west of the site, which leads to the A38 some 400m to

the north. The narrow road passes close to a number of dwellings, particularly at the northern end, close to the A38. A concrete and hardcore roadway/hardstanding wraps around the building.

To the east of the glasshouse, agricultural fields separate the site from the link road. Along the link road boundary there is a strong line of tree planting. Within the fields, further planting has been undertaken to provide a 'parkland' landscape with small groups and individual trees, together with substantial groups of trees on an elevated mounds close to the glasshouse. These were created when permission was originally granted for the nursery and have, largely, succeeded in their aim of obscuring the glasshouse from view when travelling along the link road.

The link road is a short stretch of road that carries traffic between the M5 J26 and the A38 at Chelston Roundabout. The road is lined by trees on both sides and, when travelling in a northerly direction, from the motorway, bares gently to the left for the majority of its length. Shortly past the application site, to the north, the road widens to provide two westbound lanes and one eastbound lane. To the south, lay-bys are provided on both sides of the road, which are understood to be heavily used by car-sharing commuters. A ditch lies between the field and carriageway, within the tree line.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST BUCKLAND PARISH COUNCIL – Supports the granting of planning permission.

SCC - TRANSPORT DEVELOPMENT GROUP – The site lies outside of any development limit and is remote from any urban area, and therefore distanced from adequate services and facilities. As a consequence, the new development is likely to be dependant on private vehicles for most of their daily needs, deliveries and customers. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000), and Policy ST3 of District Local Plan. However, it must be a matter for the Local Planning Authority to decide whether the proposed development would warrant an exception.

In terms of the detail, the proposal seeks to create a new left in/left out junction on the M5 Link Road. Policy 51 of the Somerset and Exmoor National Park Joint Structure Plan Review classifies the M5 Link Road as a County Route. Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review states that no new development should derive direct access from a County Route, unless there is a special need or benefit to do so. This stretch of highway is key route in the highway network, which forms part of the County Freight Route and the M5 diversion route.

However, it is recognised that subject to the closure of the access from Foxmoor Business Park onto Haywards Lane (as part of this application), the proposal would provide betterment to the local road network removing goods and other vehicles

from Haywards Lane.

It must be a matter for the Local Planning Authority to decide whether the relocation of traffic movements away from Haywards Lane and directly onto the strategic road network or any other overriding planning need, outweighs the transport policies that seek to protect the strategic road network.

Bearing the above information in mind, I would therefore ask that in the event of permission being granted, a condition is imposed requiring full details of the proposed junction prior to any works taking place.

ENVIRONMENT AGENCY – The site is located in Flood Zone 3, being at risk of the 1 in 100 year fluvial flood event from the Haywards Water. In accordance with PPS25, the application should be accompanied by a Flood Risk Assessment (FRA) which is currently not the case and this alone could be grounds for refusal.

However, we would advise that whilst the requirements of PPS25 have not been adhered to in this instance, we consider that based on the information submitted to date, the development will meet the principles of PPS25 provided that conditions are attached requiring a flood compensation scheme to be submitted to and approved in writing.

LANDSCAPE LEAD – Initially expressed concern that the proposals will have a significant landscape impact, contrary to policy EN12, and against the spirit of the S106 agreement which still covers the landscape of the site. Considerable care was taken in arriving at the landscape scheme, now implemented, for the glass houses. The road a proposed would not respect that design.

Further to these comments, there have been detailed discussions about the landscape impact and the a detailed landscaping scheme has been submitted in attempt to mitigate the impact of the proposed development. The landscape officer now feels that, despite the fact that there would be significant short term harm to the immediate landscape and views along the A38 link road, this would be limited to around 2 years whilst the planting established and that, in the long term, the landscape impact would be limited.

WELLINGTON CHAMBER OF TRADE & COMMERCE – No comments received.

STRATEGY LEAD – The proposal is for a new access onto the A38 link road to serve the existing Foxmoor Business Park, West Buckland. The proposal indicates a limited access from the J26 roundabout direction and egress towards the Chelston roundabout/Wellington direction only. As such I would imagine that County Highways and Highways Agency may have concerns and will wish to comment, being both in proximity to J26 and requiring J26 roundabout as a manoeuvring mechanism to enter the site.

Notwithstanding this, the route lies within open countryside. Policy S7 of the adopted Local Plan (2004) applies. In line with government policy the Local Plan seeks strict control on development in the countryside. The proposal does not fit any

of the defined criteria under this policy. Is there thus an overriding 'requirement' that negates the application of this policy? An enforcement appeal was considered for the activity at Foxmoor Nursery in 2007. The Inspector noted with regard to the existing Haywards Lane access that "if there was concern over the potential traffic levels in Haywards Lane, I believe that the Highways Authority would have made representations to that effect". The appellants argued that Haywards Lane largely complied with the Manual for Streets (5.5m carriageway) and that the geometry of the road is suitable for the current levels of traffic. The Inspector noted that the Highway Authority had not requested upgrading of the existing road and that a mix of industrial uses would not be detrimental in terms of highway safety, provided the permission was regulated by conditions designed to limit the traffic movements to and from the site.

I am not aware of what conditions were subsequently applied, however, there has been no further application to extend the uses or thus intensify traffic movement, thus I can see no evidence as to why this new route would be justified or acceptable.

WELLINGTON TOWN COUNCIL – Object to the application for the following reasons:

- Access and exit point perceived as a highway danger;
- Current access seen to be sufficient;
- The impact on the landscape would be contrary to policy;
- It would open up the land for further development.

HIGHWAYS AGENCY SOUTH WEST – Content that the proposal will not have an adverse effect on the Strategic Road Network, therefore no objections.

ECONOMIC DEVELOPMENT SPECIALIST – I should like to express my support for the development proposed. The provision of a new, improved access would significantly enhance the business potential of the business park and of the resident businesses on it, by providing better vehicular access, and improved visibility from the A38. It would also reduce any conflict which currently exists between the occupiers and the nearby residential properties who currently share the same access.

The provision of better access may also open up the longer term opportunities to improve the Business Park. Again, I would be wholly supportive of that – Foxmoor is in a perfect location to attract business that requires proximity to the M5, so this Park could become the Borough's foremost business location in years to come. To enable that to happen in the future it is important that the current proposed access has the anticipated highways capacity to accommodate that extra traffic.

Representations

5 letters of SUPPORT from 4 people have been received raising the following comments:

- The lane in general, and particularly the 90 degree corner near Chelston Cottage, are totally unsuitable for HGVs. The situation is dangerous, especially for pedestrians.
- Getting in and out of cars parked on this bend is increasingly hazardous – particularly with children.
- The lane is narrow and lorries have to squeeze past parked cars. Warning cones that have been positioned have been flattened by HGVs.
- Traffic has increased to six HGVs in one hour and 66 in 12 hours, making local residents' lives a misery. There will doubtless be a serious accident in time.
- Vehicles visit at all hours, including on Sundays and bank holidays.
- The development definitely warrants an exception to Policy 49 as the benefits to residents and pedestrians in Haywards Lane would be monumental and make a real difference to our quality of life.
- The application would greatly reduce the flow of traffic on the narrow Haywards Lane and make it easier for the heavy traffic to and from the motorway.
- The proposals would make the link road safer with a central reservation.

2 letters of OBJECTION has been received, raising the following concerns:

- The proposal would open up the area for further unwelcome development.
- Foxmoor Nurseries should never have been granted permission in this location. Any further development should be refused.
- Recent development at Chelston is putting further pressure on the area as a whole.
- Until recently, Wellington was approached from the motorway through fields but a succession of planning permissions and badly screened developments is creating anonymous outskirts like hundreds of other towns.
- The road in the main carries traffic on and off the motorway. Traffic exiting the motorway will still be travelling at speed. The curve to the left does not give extensive vision.
- There will be extra use of the Chelston roundabout which is already very busy.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
 EN28 - TDBCLP - Development and Flood Risk,
 F1 - TTCAAP - Developments within the Floodplain,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 EN28 - TDBCLP - Development and Flood Risk,
 M5 - TDBCLP - Cycling,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 W14 - TDBCLP - Landscape Setting of Approach Roads,
 T34 - TDBCLP - Approach Routes to Taunton,

DETERMINING ISSUES AND CONSIDERATIONS

The assessment of this application requires a balanced assessment of a number of

competing considerations. These can be grouped under headings of planning policy, highway safety, visual impact and impact on neighbouring residents. In this case, all the issues must be considered in the round, so this report will discuss the proposal in terms of each of the above matters and then draw them together to reach a reasoned decision.

Planning Policy

The site is in the open countryside where there is a general presumption against new development. Policy S7 of the Taunton Deane Local Plan applies and sets out the types of development that are acceptable in rural locations. In terms of the policy, new development must be for the purposes of agriculture or forestry; accord with a specific development plan policy or proposal; be necessary to meet a requirement of environmental or other legislation; or support the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

The applicant considers that the proposals for the new access road would support the vitality of the development by providing a more sustainable access, reducing overall business miles whilst the landscape masterplan would maintain the landscape character of the area and in particular minimise the views of the Business Park from the A38 Link Road.

However, taking account of the comments from the Strategy Lead, your officers consider that the proposed development does not appear to accord with any of these specific requirements. It clearly cannot be situated within a settlement as the overall site cannot be relocated, however it cannot be said to support the vitality and viability of the rural economy as such because the business park can, and continues to, function perfectly well on the basis of the existing access arrangements.

The proposed access would be created directly onto an important link in the strategic road network, a County Route. Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review clearly states that “unless the special need for and benefit of a particular development would warrant an exception, [development should] not derive access directly from a County Route.

Again, the applicant suggests that Policy 49 is complied with on the basis that the proposals provide safe access designed in accordance with DMRB guidance and comments received from SCC’s Highways Safety Audit Team. It is stated that the proposals provide access on to a road of adequate standard in the route hierarchy. The existing Haywards Lane access route and Haywards Lane junctions with the A38 are unsuitable to serve the Business Park because of the number of goods vehicle movements generated by the development. The removal of heavy goods vehicles and other commercial vehicles from Haywards Lane would encourage walking and cycling to the site and would be a benefit for both the local community and Foxmoor Business Park.

However, returning to the wording of Policy 49, it is difficult to argue that there is a ‘*special*’ need’ given that the site already benefits from an existing access which an appeal inspector has already determined is capable of accommodating the traffic likely to be generated by the site.

In your officer’s view, all of this suggests that the proposal may be contrary to the

development plan and unacceptable in principle.

Highway Safety

It would be fair to say that the Local Highway Authority has always had concerns about the approach route to the site along Haywards Lane. However, in the context of the appeal decision, it is considered to be acceptable to serve the development in terms of highway safety. That said, it is clearly not the best for accommodating a significant amount of heavy traffic, with generally poor forward visibility and limited width.

In terms of the specific proposal, protracted discussions with the Local Highway Authority have resulted in a junction onto the link road that, subject to minor tweaking, is technically acceptable in highway safety terms. In particular, the design is such that vehicles are significantly discouraged from turning right towards the M5 and, rather, are required to exit to the left and (if necessary) make a 'U' turn around the Chelston Roundabout to reach the M5. Similarly, vehicles travelling from Chelston will have to perform a 'U' turn around the Junction 26 roundabout in order to access the site. Accordingly, there should be no need for vehicles to cross the carriageway and, as such, the free-flow of traffic is maintained. The Highway Authority are now broadly content with the proposals and the Highways Agency have raised no objection in principle. However, they are still not satisfied with the fine technical details of the access, which are still to be approved through the safety audit process. Therefore, they recommend a condition that full details of the access are approved prior to the commencement of development.

Visual Impact

As noted above, the link road is lined on both sides by mature trees, providing a rural feel to this important approach route into Wellington. Policy W14 seeks to preserve the landscape setting of approach routes into the town.

Those passing the site have, in the majority of cases, just left the strategic motorway network or are travelling to it. It could be argued either way: That the mind is already accustomed to the visual context of highway infrastructure; or that the link road provides a pleasant visual break between the strategic road network and the employment development at Chelston.

Interestingly, in negotiating the detailed design proposals for the junction, the Highway Authority have required the 'engineering' of the junction to be reduced, with the removal of a central reservation, which provides a less urban approach to the proposed road layout. However, the provision of the required acceleration and deceleration lanes, together with the visibility requirements – complicated by the inward curve of the road, will result in a significant loss of existing tree planting along the link road. Detailed landscaping proposals are provided to mitigate the impact of this loss, involving the planting of new trees behind the new visibility splays. The applicant has agreed to plant these in advance of the works to the access, so that they are already in place when the existing trees are removed. This will go some way to mitigating their loss, but they will still take some time to establish, so there will be some short term visual harm to the visual amenity of the area.

The proposed access will open up new views into the site. The proposed access road has been designed such that it curves around and does not afford direct views of the glasshouse. Again, additional planting is proposed within the site to prevent any direct views that may exist and that will fully establish in the medium term.

Neighbouring residents

The existing business park creates a substantial amount of traffic along Haywards Lane. From recent survey's of activity, the applicant's have estimated this to be in the region of 500 vehicle movements per day. A small number of dwellings towards the northern end of Hayward's Lane have to bear the brunt of these vehicle movements on a day to day basis, some in very close proximity to the building's themselves.

The proposals would see the Business Park's access onto Haywards Lane closed for all but pedestrian and cycle traffic and there is no doubt, therefore, that the quality of life for these few households would improve as a result of the development.

No nearby residents are likely to be directly affected by the new access itself.

Other matters

The application includes provision for surface water drainage from the site. The Environment Agency are content with these proposals, however, they also note that the proposals are within flood zone 3. On that basis, they would wish to see a floodplain compensation scheme submitted prior to the commencement of the development and this can be adequately controlled by condition.

There is no doubt that the proposals would enhance the attractiveness of the business park as an employment area. The direct access from the M5 would raise its profile in terms of ease of access and visibility. This is a far cry from the small scale B1 uses, ancillary to existing horticultural enterprises, that the Local Planning Authority originally envisaged at the site. Indeed, the concerns of Wellington Town Council and also expressed in the representations that the proposal could open up the area for further development, or indeed full redevelopment of the business park may be very real. Such future developments would need planning permission and any issues of expansion would need to be considered at that time.

The Council's Economic Development Specialist lends his support to the proposals, stating that the proposals "would significantly enhance the business potential of the business park and of the resident businesses on it, by providing better vehicular access, and improved visibility from the A38...The provision of better access may also open up the longer term opportunities to improve the Business Park. Again, I would be wholly supportive of that – Foxmoor is in a perfect location to attract business that requires proximity to the M5, so this Park could become the Borough's foremost business location in years to come".

Discussion and conclusions

The above summarises the main issues in respect of this application. From this, it is

clear that a new access that is technically acceptable in highway safety terms can be constructed onto the link road. It would also significantly improve the residential amenities of a few residents that are local to the site. However, this extends to only a handful of properties, so in assessing the amount of weight that should be attributed to this matter, it is important to consider that the wider public interest may be vested in conflicting matters.

On the matter of visual impact, it is clear that there would be some short term harm arising from the proposals, with views of the site being significantly opened up whilst the new planting establishes. In the long term, the new access would always exist, being a new fairly urban feature within the otherwise rural landscape. That said, it is viewed in the context of the strategic road network and motorway infrastructure, and is close to further, significant employment development at Chelston. Given the development of Chelston Business Park and the more recent and continuing development of Westpark 26, this site is no longer significantly detached from other significant employment development, or indeed the remainder of Wellington. Further, the proposed landscaping will, in the long term, serve to screen the main part of the development from those travelling on the link road, so the area will tend to feel more rural than urban. In this context, the comments in the representations that the proposal would contribute to "creating anonymous outskirts like hundreds of other towns" is considered to carry little weight.

Perhaps most importantly, it has been shown that the proposal conflicts with the development plan both in terms of strategic development policy and specific highway policy relating to access onto County Routes. Decisions on planning applications must be made in accordance with the development plan unless material considerations indicate otherwise that the proposal is acceptable. It can easily be shown that there is little harm arising from the proposal in terms of landscape impact or highway safety. However, that 'little harm' could not in itself outweigh the development plan which, in terms of Structure Plan Policy 49 for instance, requires 'special need or benefit' to be demonstrated.

However, the rationale behind these policies must surely be to prevent sporadic or poorly related development in the open countryside and to secure the free flow of traffic along important stretches of highway. In this case the development does, in fact, already exist and has been specifically allowed in this location. The proposal only relates to an access and not the principle of the development as a whole (no matter how much that is viewed as paving the way for further development in the future); and that access would, due to its design, not compromise the free flow of traffic on the County Route. In this context, the benefit that would be felt by the handful of nearby residents that have to endure the existing site traffic, combined with the economic development potential of the site and its businesses that could be unlocked through the access is considered to carry sufficient weight to overcome the conflict with the plan.

It is, therefore, considered that the proposal is acceptable and it is recommended that planning permission is granted.

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

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