

USE OF LAND FOR B1 (LIGHT INDUSTRY) B2 (GENERAL INDUSTRY) AND B8 (WAREHOUSE AND DISTRIBUTION) DEVELOPMENT INCLUDING THE FORMATION OF VEHICULAR ACCESS FROM THE B3227, OS PLOT 8457, LAND SOUTH OF B3227, EAST OF WIVELISCOMBE

1.0 **RECOMMENDATION**

Subject to:-

- (i) The receipt of further wildlife surveys to be carried out during April;
- (ii) The receipt of a satisfactory Flood Risk Assessment as requested by the Environment Agency, and the further views from the latter;
- (iii) The views of the County Highway Authority and Wessex Water and any additional conditions they may request; and
- (iv) The views of the Secretary of State under the Departure Procedures,

the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to the following conditions:-

- 01 Before any part of the development hereby permitted is begun detailed drawings to an appropriate scale of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority.
- 01 Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order, 1995.
- 02 Application for approval of the reserved matters under (1) above shall be made to the Local Planning Authority within 3 years of the date of this permission.
- 02 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 03 Within a period of 3 years from the date of this permission, 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 before any work hereby permitted is commenced.
- 03 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid

environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN26.

- 04 Within a period of 3 years from the date of this permission, a programme of the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority, and the development of the estate shall not proceed other than in accordance with the approved programme. The programme shall provide for a maximum of 3.0 ha of land to be developed prior to 2011, except as otherwise agreed in writing by the Local Planning Authority.
- 04 Reason: The Local Planning Authority wish to ensure that the development of the estate proceeds in an orderly manner.
- 05 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.
- 05 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 06 (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 the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority 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.
- 06 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 07 Before any part of the development hereby permitted is commenced (a) a plan showing the location of, and allocating a reference number to each, existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed and the crown spread of each retained tree (in accordance with Sect.5 of BS 5837 : 2005); (b) details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site.
- 07 Reason: To safeguard the existing trees and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan Policies S2 and EN6.
- 08 Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective

fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2005. Such fencing shall be erected prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of B.S.5837:2005.

- 08 Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Revised Deposit Policies S2 and EN8.
- 09 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 09 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 10 All trenching works within the canopy spread of existing trees should be agreed with the Local Planning Authority's Landscape Officer. All works should be hand dug and no roots larger than 20 mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.
- 10 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 11 Before any part of the permitted development 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.
- 11 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 12 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 12 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Deposit Policies EN6 and EN8.
- 13 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 13 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and

- distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 14 Within 1 month of completion of the landscape scheme the applicant is required to provide an as built/planted plan highlighting any variation between it and the approved landscape drawings . If there are no discrepancies a letter confirming no variations should be received by this Authority within 1 month of the completion of the landscape scheme.
- 14 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 15 The development hereby permitted shall not be commenced (including any site clearance) until there has been submitted to and approved in writing by the Local Planning Authority a wildlife mitigation and biodiversity enhancement plan. The plan shall include:- (i) Results of species surveys, identified by Andrew McCarthy Associates' Extended Phase 1 Habitat Survey of Land at Manor Farm, Wiveliscombe, 8th January 2007, and in accordance with English Nature/Natural England guidelines; (ii) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during all stages of development, including ground works, demolitions and construction; (iii) Details of timing of works to avoid periods of the year when sensitive wildlife could be harmed by disturbance; (iv) Retention of hedgerows and trees identified as being important for protected species within the applicant's control and a scheme of planting, including details of species, that will enhance the foraging habitat in the adjacent/surrounding area; (v) Measures that will enhance, restore or add to biodiversity conservation interests ('biodiversity gain') as encouraged by PPS9. (vi) Persons responsible for:- (a) Compliance with legal consents relating to nature conservation (including applying for European Protected Species mitigation licences); (b) Compliance with planning conditions relating to nature conservation; (c) Installation of physical protection measures during construction; (d) Implementation of sensitive working practices during construction; (e) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; (f) Provision of training and information to all construction personnel on site about the conservation significance of the protected species present and the importance of protective measures and practices being employed. 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.
- 15 Reason: To protect legally protected species of recognised nature conservation importance in accordance with Taunton Deane Local Plan Policy E5.
- 16 The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans

and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

- 16 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 17 The access shown on the submitted plan shall be provided to the satisfaction of the Local Planning Authority before any other work on the site commences.
- 17 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 18 The existing access shall be permanently closed in accordance with the details shown on the submitted plan when the access hereby permitted is brought into use. The means of closure shall be in accordance with the details shown on the submitted plan.
- 18 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 19 There shall be no vehicular or pedestrian access to the site other than from the access points hereby approved.
- 19 Reason: To ensure that the development does not prejudice the free flow of traffic or conditions of safety along the adjoining highway in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 20 The visibility splays shown on the submitted plan shall be constructed prior to the commencement of the use of the premises and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority.
- 20 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 21 Plans showing parking areas shall be submitted to and approved by the Local Planning Authority before the development is commenced. This area shall be properly consolidated, surfaced and drained before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 21 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 M4.
- 22 Before the building(s) hereby permitted is occupied provision shall be made for the loading/unloading and the turning of vehicles within the curtilage of the premises in accordance with a plan to be approved in writing by the Local Planning Authority and the areas so provided shall thereafter not be used for any other purpose other than loading/unloading and turning of vehicles.
- 22 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 23 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.

- 23 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Policy M5.
- 24 None of the units hereby permitted shall be occupied until the footway and cycling link has been constructed in accordance with details shown on approved drawing No. 5090/08.
- 24 Reason: In the interests of sustainable development in accordance with Taunton Deane Local Plan Policy S1.
- 25 Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 5 Min Leq at any time during the day and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary. Monday - Friday 0800 hours to 1800 hours and Saturday 0800 hours to 1300 hours. At all other times, including Sundays and Bank Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics, e.g. hum, drone, whine etc., shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.
- 25 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).
- 26 Prior to or in conjunction with any detailed planning application for reserved matters, a Design Brief shall be submitted for the site.
- 26 Reason: The Local Planning Authority wish to ensure that the development of the estate proceeds in an orderly manner in accordance with Taunton Deane Local Plan Policy S2.
- 27 The uses within Class B1 shall preclude the provision of free-standing office accommodation, unless otherwise agreed in writing by the Local Planning Authority.
- 27 Reason: In order to provide for a development which does not generate a large number of journeys in accordance with Taunton Deane Local Plan Policy WV3.
- 28 Details for the provision and implementation of a surface water run-off limitation scheme shall be submitted to the Local Planning Authority prior to or in conjunction with any reserved matters application. The scheme shall be implemented in accordance with the approved programme and details.
- 28 Reason: To prevent the increased risk of flooding in accordance with Taunton Deane Local Plan Policy EN29.
- 29 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever ever is the greater. All filling points, vents,

gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

- 29 Reason: To prevent pollution of the water environment in accordance with the requirements of Taunton Deane Local Plan Policy S1(E).
- 30 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, including commercial lorry parks, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 30 Reason: To prevent pollution of the water environment in accordance with the requirements of Taunton Deane Local Plan Policy S1(E).
- 31 Washing facilities provided for the cleaning of vehicles, machinery and contaminated impermeable surfaces shall be drained to the foul sewer.
- 31 Reason: To prevent pollution of the water environment in accordance with the requirements of Taunton Deane Local Plan Policy S1(E).
- 32 Notwithstanding the submitted plans, no development shall commence on site until detailed plans showing an access together with full right turning lane and pedestrian/cycle facilities between the site and Wiveliscombe shall have been submitted to and approved by the Local Planning Authority and to the Highway Authority's satisfaction.
- 32 Reason: In the interests of highway safety and in the interests of sustainable development in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

Notes to Applicant

- 01 Your attention is drawn to the requirements of the Chronically Sick and Disabled Person Act 1970 with regard to access for the disabled.
- 02 To help conserve the world's energy you should aim to provide buildings which are well insulated, designed to reduce the overheating in summer and to achieve as high an energy rating as possible.
- 03 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 04 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).
- 05 Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Taunton Deane Area, Burton

- Place, Taunton, Somerset, TAI 4HE. Application for such a Permit should be made at least three weeks before access works are intended to commence.
- 06 With regard to Condition 27, in line with the policies of the Taunton Deane Local Plan, the provision of large scale buildings will not be acceptable.
- 07 During construction, discharge of silty or discoloured water from excavations must be irrigated over grassland or a settlement lagoon be provided to remove gross solids.
- 08 You are reminded of the need to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. This should cover the use of plant and machinery, oils/chemicals and materials, the use and routing of heavy plant and vehicles, the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.
- 09 Development which involves a culvert or an obstruction to flow on an ordinary watercourse will require Environment Agency consent under the Land Drainage Act 1991.
- 10 The Environment Agency must be notified immediately of any incident likely to cause pollution.
- 11 The Environment Agency must be advised if a discharge to a watercourse is proposed.
- 12 All Western Power Distribution (WPD) equipment on site should be assumed to be LIVE until WPD prove otherwise and provide you with confirmation to this effect in writing. In particular, if you are excavating on site in the vicinity of either WPD Electrical apparatus or WPD Surf Telecom apparatus you must comply with the requirements of the following:- Health & Safety Executive guidance laid down in HS(G)47, Avoiding Danger from Underground Services. Work taking place in the vicinity of WPD plant is also regulated under the:- Electricity at Work Regulations 1989, Health and Safety Act 1974, CDM Regulations 94 (as amended). Safe working procedures should be defined and practiced. Please ensure that the use of mechanical excavators in the vicinity of WPD plant is kept to a minimum. WPD Surf Telecom ducts contain optical fibre cables, which are expensive to repair. Therefore, extreme care must be taken whilst working in the vicinity of these ducts, hand digging methods being used to determine their precise position. If there are overhead lines crossing the site, you must comply with the requirements of Health & Safety Executive guidance laid down in GS6, Avoidance of Danger from Overhead Electric Lines. Where diversions to WPD apparatus are needed to allow change to occur on site, the cost of those alterations may be charged to the persons responsible for the works.

REASON(S) FOR RECOMMENDATION:- The proposed development is consistent with the Local Plan strategy and the proposal is considered to be in general compliance with the criteria set out in Taunton Deane Local Plan Policy WV3.

2.0 **APPLICANT**

CMS Developments Ltd.

3.0 **PROPOSAL**

The proposal provides for the change of use of land from agricultural to B1 (light industry), B2 (general industry) and B8 (warehouse and distribution). The application is in outline only, but the proposal does include the formation of a new vehicular access from the B3227.

The application was accompanied by a Design and Access Statement, Transport Statement and Habitat Survey.

4.0 **THE SITE**

The application site consists of 4.6 ha (11.4 acres) of agricultural land situated to the south of the B3227 to the east of Wiveliscombe.

The site is bounded to the north by the B3227, which forms the main approach into Wiveliscombe from the east and from which it is separated by a reasonably dense screen of established landscaping and tree growth. In addition, a watercourse runs the full length of the northern boundary, a short section of which is culverted at the north-west corner, providing the only existing access point into the site. A small ditch runs along the western boundary for part of its length, beyond which runs a track which serves the sewage treatment works. Beyond this track is an area of vacant employment land and the meat processing premises (Grampian Foods). The southern boundary comprises a hedge and further ditch beyond which is more agricultural land. The eastern boundary is defined by a post and wire fence, which separates the site from the adjoining agricultural land forming part of Manor Farm.

There are no structures on the site, although overhead electricity cables cut diagonally across the site from the north-east to the south-west. The site gently slopes down towards to the south-east.

5.0 **RELEVANT PLANNING HISTORY**

49/2003/018 Use of land for B1 (light industry), B2 (general industry) and B8 (warehouse and distribution) development, including the formation of vehicle access from the B3227, O.S. plot No. 8457, land to the south of the B3227, east of Wiveliscombe. Application withdrawn.

49/2003/039 Use of land for B1 (light industry), B2 (general industry) and B8 (warehouse and distribution) development, including the formation of vehicle access from the B3227, O.S. plot No. 8457, land to the south of the B3227, east of Wiveliscombe. Outline planning permission granted October 2003. The permission lapsed last October.

6.0 **RELEVANT PLANNING POLICIES**

Regional Planning Policy Guidance for the South West (RPG10 September 2001)

The following policies are relevant:-

Policy SS19 Rural Areas

Market towns should be the focal points for development and service provision in the rural areas and this role should be supported and enhanced. Outside market towns, development should be small scale and take place primarily within or adjacent to existing settlements, avoiding scattered forms of development. Local authorities in their development plans should:

- locate development to support the rural areas primarily in market towns, identified and designated in development plans through a balanced mix of homes, jobs, services and facilities suitable to the scale and location of such settlements;
- adopt policies which support the restructuring of the rural economy and the provision of jobs to satisfy local needs;
- set out policies for supporting sustainable farm diversification schemes which help to maintain the viability of the agriculture sector and rural economic vitality;
- seek ways of providing for essential shops and services to serve the rural areas;
- promote improved and integrated public transport, communications and service delivery and support innovative community based solutions to public transport and communications, in order to increase access to jobs, housing and facilities;
- limit housing growth in market towns near larger urban areas where it would fuel commuting rather than meet local needs.

Policy EC1 Economic Development

Policy EC2 Employment Sites

Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 200)

The following policies are relevant:-

STR1 Sustainable development

Policy 16 Provision of Land for Industrial Warehouse and Business Development

Policy 18

LOCATION OF LAND FOR INDUSTRIAL, WAREHOUSING & BUSINESS DEVELOPMENT

When determining the location of land for employment generating activities, in the context of other policies in the plan, consideration should be given to the following:

- where significant levels of freight traffic are likely to be generated, sites should be located close to the existing County or National road network or rail facilities;
- activities which are environmentally compatible with other land uses may be located within or adjoining such existing or proposed uses;
- activities which are not compatible with other land uses should be located where their impact on the local environment can be mitigated;
- large developments with high employment density activities should be located close to established public transport nodes.

Policy 19 Employment and Community Provision in Rural Areas

Policy 49 Transport Requirements of New Development

Taunton Deane Local Plan (Adopted November 2004)

S1 General Requirements

S2 Design

S4 Bishops Lydeard and Wiveliscombe are defined as rural centres, appropriate for selective development which enhances or maintains their local social and economic role and environmental quality and is unlikely to lead to a significant increase in car travel.

EC1 Employment Development

M1/M3 Transport Access and Circulation Requirements of New Development

M5 Cycling

EN5 Development which would harm protected species will not be permitted unless:

(A) conditions and/or planning obligations would prevent such harm;

(B) other material factors are sufficient to override the importance of the species; and

(C) every possible effort is made to minimise ill effects on wildlife.

EN6 Development which would harm trees, woodlands, orchards, historic parklands and hedgerows of value to the area's landscape, character or wildlife will not be permitted unless adequate provision is made for tree cover to compensate for this loss.

The good management of such tree cover for nature conservation purposes will be sought.

EN9 The planting and positive management of native broadleaved trees will be sought where this would benefit wildlife, enhance the landscape or a public view, provide screening or compensate for loss of trees in the locality.

EN12 Landscape Character Areas

EN28 Development and Flood Risk

EN29 Flooding due to Development

WV3 A site of 5.6 hectares south of Taunton Road, as shown on the Proposals Map, is allocated for Class B1, B2 or B8 employment uses, with a maximum of 3.0 hectares to be developed within the Plan period, subject to the provision of access from the existing employment site, landscaping belts on the northern and eastern boundaries and a landscaping scheme incorporating the stream along the southern boundary. Large-scale buildings and major office developments will not be permitted.

7.0 **RELEVANT CENTRAL GOVERNMENT POLICY ADVICE**

Planning Policy Statement 1 – Delivering Sustainable Development (PPS1)

Paragraph 5 Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

Paragraph 13 Key Principles

Paragraph 23 Sustainable Economic Development

Paragraph 27 Delivering Sustainable Development – General Approach

Planning Policy Guidance Note No. 4 – Industrial and Commercial Development, Commercial Development and Small Firms (PPG4)

Paragraph 3 Development Plans

Paragraph 13 Development control - A Positive Approach

Paragraph 24 Speculative Development

Planning Policy Statement 7 – Sustainable Development in Rural Areas (PPS7)

Paragraph 1 Key Principles

Paragraph 3 Location of Development

Paragraph 5 Planning authorities should support a wide range of economic activity in rural areas. Taking account of regional priorities expressed in RSS, and in line with the policies in paragraphs 2-4 above, local planning authorities should:-

- (i) identify in LDDs suitable sites for future economic development, particularly in those rural areas where there is a need for employment creation and economic regeneration;
- (ii) set out in LDDs their criteria for permitting economic development in different locations, including the future expansion of business premises, to facilitate healthy and diverse economic activity in rural areas.

Planning Policy Statement 9 – Biodiversity and Geological Conservation (PPS9)

Paragraphs 15/16 Species Protection

Planning Policy Guidance Note 13 – Transport (PPG13)

The document gives the underlying objectives as integrating planning and transport at the national, regional, strategic and local level in order to:-

- (i) promote more sustainable transport choices for both people and for moving freight;
- (ii) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and
- (iii) reduce the need to travel, especially by car.

The underlying theme is that all traffic generating developments should be accessible by a choice of means of transport.

Paragraphs 4 – 6 Objectives

Paragraphs 28 – 30 Design, Safety and Mix of Uses

Paragraphs 49 – 55 Parking

Paragraphs 72 – 74 Public Transport

Paragraphs 75 – 77 Walking

Paragraphs 78 – 80 Cycling

Paragraph 82 Planning Conditions

Planning Policy Statement 25 – Development and Flood Risk (PPS25)

This sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process, to avoid inappropriate development in areas at risk of flooding and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere and, where possible, reduce flood risk overall.

8.0 CONSULTATIONS

County Highway Authority

Views awaited.

Environment Agency

“The Environment Agency OBJECTS to the proposed development on the grounds that the application may present a significant flood risk from the generation of surface water run-off but is not accompanied by a Flood Risk Assessment (FRA) as required by PPS 25.

This site is located in Flood Zone 1, which is land outside the floodplain as shown on the Environment Agency's Flood Zone Maps. Whilst the site is outside the floodplain, development in this category (i.e. over 1 ha) can generate significant volumes of surface water. The impact and risks posed by this will vary according to the characteristics of both the development and the catchment.

A Flood Risk Assessment (FRA) must be submitted and to be acceptable as a FRA the applicant must confirm as a minimum:-

1. That it will be feasible to balance surface water run-off to the greenfield run-off rate for all events up to the 1 in 100 year storm (including climate change) and set out how this will be achieved.

2. How sustainable drainage techniques (SUDS) will be used with any obstacles to their use clearly justified.

Please contact Nigel Smith (Development Control) on 01278 484807 to discuss any of the above further.

Should the Agency's objection to the proposal subsequently be overcome the agency would seek the application of the following conditions.

CONDITION: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

CONDITION: Washing facilities provided for the cleaning of vehicles, machinery and contaminated impermeable surfaces should be drained to foul sewer.

REASON: To prevent pollution of the water environment.

CONDITION: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON: To prevent pollution of the water environment.

CONDITION: During construction discharge of silty or discoloured water from excavations must be irrigated over grassland or a settlement lagoon be provided to remove gross solids.

REASON: To prevent pollution of the water environment.

The following informatives and recommendations should be included in the Decision Notice.

INFORMATIVES

The Agency recommend that because of the need to protect and safeguard the environmental qualities of the site and the scale and likely programme of construction the Local Planning Authority should seek undertakings from the applicant/developer to minimise detrimental effects to natural/water environmental

features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.

Development which involves a culvert or an obstruction to flow on an Ordinary Watercourse will require Agency consent under the Land Drainage Act 1991. An Ordinary Watercourse is defined as any watercourse not identified as a Main River held on maps by the Environment Agency and DEFRA.

Wessex West Water Limited should be consulted and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution

This Agency must be advised if a discharge to a watercourse is proposed.”

Wessex Water

Views awaited.

Natural England

“Natural England has been consulted on the above application your letter of 19th February, received in this office on 20th February, refers. Accompanying the application was a copy of the phase I (walk over) habitat survey undertaken by Andrew McCarthy Associates. I have spoken to Pam Motum too about the proposal as she has visited the site.

Natural England supports the surveyors recommendations that surveys for protected species likely to be impacted upon by this development should be undertaken. Species most likely to be present are bats in semi and mature trees, water vole in the ditches, great crested newts in a disused reservoir, dormice and breeding birds. The woodland bordering the B3227 is the likely dormice habitat and we support the surveyor's suggestion that a dormice survey is undertaken, we would suggest dormouse tubes are an effective method of detecting dormice.”

Western Power Distribution

“I now enclose a copy of our plan showing existing Western Power Distribution (WPD) Electricity/WPD Surf Telecom apparatus in the vicinity of your proposed works. This information is given as a general guide-only and its accuracy cannot be guaranteed. Please note that all WPD equipment on site should be assumed to be LIVE until WPD prove otherwise and provide you with confirmation to this effect in writing.

In particular, if you are excavating on site in the vicinity of either WPD Electrical apparatus or WPD Surf Telecom apparatus you must comply with the requirements of the following:-

Health & Safety Executive guidance laid down in HS(G)47, Avoiding Danger from Underground Services. Work taking place in the vicinity of our plant is also regulated under the:- Electricity at Work Regulations 1989, Health and Safety Act 1974, CDM Regulations 94 (as amended).

Safe working procedures should be defined and practiced.

Please ensure that the use of mechanical excavators in the vicinity of our plant is kept to a minimum. WPD Surf Telecom ducts contain optical fibre cables, which are expensive to repair. Therefore, extreme care must be taken whilst working in the vicinity of these ducts, hand digging methods being used to determine their precise position. 1) If there are overhead lines crossing the site, you must comply with the requirements of Health & Safety Executive guidance laid down in GS6, Avoidance of Danger from Overhead Electric Lines.

Where diversions to WPD apparatus are needed to allow change to occur on site, the cost of those alterations may be charged to the persons responsible for the works.

If you require advice in connection with your proposals please contact one of the following numbers depending upon your location:- South West (England) 0845 601 2989 or South Wales 0845 601 3341.

Following consultation the local Western Power Distribution team will where necessary prepare detailed proposals and provide a quotation for any necessary alterations and/or development of our equipment on the site.”

Landscape Officer

“This is a very prominent site when viewed from the east. It frames the gateway to Wiveliscombe.

I would like to see substantial landscaping along this eastern boundary (minimum of 10 m width).

I am not happy with the access into the site, as it breaches a significant tree belt and ditch.

The proposed access is to be sited very close to a fine oak tree. I think the new road will damage the tree's roots.

There is scope for further planting along all the boundaries of the site to provide further screening and to widen biodiversity potential.

The proposed layout is rather regimented and formal. I would like to see a more fluid layout, broken up with tree planting.

The landscape area adjacent to the new pond should be larger-consideration should be given to re-siting car parking in this area”

Nature Conservation & Reserves Officer

“Further to the findings of AMA's habitat survey (08 Jan 2007), a site visit and information from Natural England (e-mail 13.03) there are protected species surveys that need to be carried out. Because the species concerned are European Protected Species I advise that water vole; dormouse, using dormouse tubes and surveys to establish if great crested newts will be affected by the proposals should all be undertaken before the application is determined PPS9.

Bat surveys should be done if works to mature trees, identified in AMA's report are planned.

The main access into the site is proposed where there is a valuable piece of habitat - identified as being possible dormouse habitat; wet ditch with possible water vole burrow and the mature oak trees that are suitable for bats to roost. Connectivity with the wider site is via ditches and gappy hedgerows. If great crested newts are found to be using the reservoir on adjacent site this will have implications for the development.

I recommend that a robust landscape plan with accompanying management scheme, based on protected species surveys, will be a requirement of any permission on site.”

Economic Development Officer

“The EDU has discussed this application and would make the following observations:-

- (a) We have been working with the (new) owners to encourage their re-submission of the formerly 'out of time' application, and fully support this proposal as it provides much needed employment opportunities in the west of the Deane.
- (b) We are also aware through our work with the Wiveliscombe Area Partnership that they are keen for this development also. You should be aware that they are asking whether the site might include a location for overnight/long-stay HGV and PSV parking. This is apparently causing some problems through the use of the TDBC car park opposite the proposed site of the County Childrens centre (at the other end of the village - and reflects use by school bus operators and HGV's awaiting a delivery slot at the Grampian factory.
- (c) We would support proposals that include an area for open storage compounds, as there is evidence that current facilities across the whole of the Deane cannot match demand, and that a number of small businesses on existing sites are relocating out of the Borough to achieve business expansion and development. I would ask whether there might be some opportunity to achieve this through a Section 106?

- (d) I understand that the site will also house the new Stacey Organisational HQ which it is proposed will be relocated from its existing site in Station Road - thus allowing for significant improvements to that particularly unkempt part of Wiveliscombe.”

Environmental Health Officer

“Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 5 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary.

Monday - Friday 0800 hours to 1800 hours, Saturday 0800 hours to 1300 hours. At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.”

9.0 **REPRESENTATIONS**

Two letters of objection have been received making the following points:-

1. Sad that such a development should be considered at the gateway to our lovely picturesque village.
2. Disappointing that the Economic Development Manager deems it acceptable to greet visitors with a monstrosity of warehouses and all the lorries, etc, that go with it and instead concerns himself with making improvements to the ‘unkempt part of Wiveliscombe’, the Station Road area, rarely if ever visited by tourists to the area.
3. No amount of clever landscaping and planting of trees will mask the proposed development and for the foreseeable future until the trees grow will cause an eyesore. The Grampian factory, although surrounded by trees, remains visible even though it is quite some distance from the road.
4. Surprised at the need for more employment opportunities in the area, as the Grampian factory employs a very high percentage of employees not only from outside the area, but also outside the UK. In view of the employment opportunities at developments part of the Taunton Vision, question the need for this development.

5. Numerous other locations available for this type of development along the M5 corridor, which would provide easy accessibility.
6. Not good for the countryside environment to encourage more vehicles, particularly large lorries, to the areas and create more pollution.
7. Concern at increase in traffic and positioning of the proposed entrance along a length of road where vehicles travel very quickly and where it is very close to a roundabout.
8. An increase in traffic to the area could cause many problems on the road from Taunton to Wiveliscombe, e.g. at Norton Fitzwarren where the road is narrow with parked cars.
9. Will detrimentally affect the running of the adjacent farm.
10. Use of the name Manor Business Park could cause confusion leading to lorries confusing the business park with the farm, leading to vehicles entering Manor Farm by mistake, leading to an increased risk of disease and contamination spread.
11. Increased noise pollution, which could easily unsettle milking cows grazing in the adjacent field.
12. Concern at landscaping belt overshadowing adjacent farmland, making it more difficult to grow crops and species of trees may be poisonous to cows.
13. Drainage needs careful consideration.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Do the proposals comply with the current policies of the Local Planning Authority? PLANNING POLICY
- B. Is the proposed access to the site acceptable? ACCESS
- C. Is the impact of the development on the landscape of the area acceptable? LANDSCAPE
- D. Will there be any adverse impact on wildlife in the area? WILDLIFE
- E. Is the proposed development sustainable? SUSTAINABLE
- F. Is there any flood risk from the proposed development? FLOOD RISK

A. Planning Policy

The site is proposed for employment uses in the Taunton Deane Local Plan. This is subject to the provision of access from the existing employment site to the east. The current application proposes access directly from the B3227 to the north. The

proposal is therefore being forwarded to the Government Office under the Departure Procedures.

The proposal is consistent with the function of Wiveliscombe as a Rural Centre (Taunton Deane Local Plan Policy S4) and compatible with RPG10 Policy SS19 : Rural Areas.

The site can be readily serviced and the applicants are keen to move forward with the proposed development at the earliest opportunity. The Economic Development Officer fully supports the proposal, which involves the development of additional local employment opportunities to serve Wiveliscombe and the surrounding rural areas.

B. Access

The results of the capacity analysis in the submitted Transport Statement demonstrates that the likely traffic generation associated with the proposal can be easily accommodated within the existing local road network.

The Local Plan policy states that the development should be subject to the provision of access being from the existing employment site, to the west. The applicants are seeking to acquire the access from the adjoining employment site, but negotiations are proceeding very slowly. If successful this would enable the applicants to access the site from the Grampian Food roundabout, which is in line with the Local Plan proposal. This would need to be the subject of a further application. Whilst this would be the most desirable outcome, it is by no means certain that terms can be reached. In the meantime, the applicants are keen to re-establish the outline planning approval for the scheme, which lapsed last year.

By providing an access centrally along the boundary with the B3227, this enables the most appropriate internal circulation to be achieved, minimising the extent of internal access roads required to service the site and thereby achieving the most efficient use of the employment land. The indicative site plan illustrates that the central access and internal circulation road provides good access to appropriately sized development plots on either side.

C. Landscape

Whilst the proposals indicate new central access to the site from the B3227 which would require the removal of some of the existing tree and hedge planting along the northern boundary, the proposed development also provides the opportunity to supplement the depth of this landscape margin with additional planting behind. By increasing the depth of this visual screen with appropriate species, the applicants consider that it should be possible to further screen the proposed development within the site. The proposals also indicate a substantial new landscape margin along the eastern boundary of the site, which would further screen views of the proposed development when approaching Wiveliscombe from the east along the B3227.

The Landscape Officer is not happy with the proposed access into the site, as it breaches a significant tree belt and ditch. However, the proposal will incorporate additional belts of landscaping, which will go some way towards mitigating against the visual impact of the proposed development. I consider that it is important that this development, which will assist the economy of the area, is brought forward.

D. Wildlife

An extended Phase 1 Habitat Survey of the land has been carried out. This concludes the site is of low nature conservation value and does not impose any significant constraints on the proposed development. A small bank of unmanaged grassland bordering the field may support small number of protected reptile species, such as slow worm. A number of mature trees are potentially suitable for roosting bats and the hedgerows and ditches may be used by foraging and commuting bats.

The dense plantation adjacent to the B3227 provides habitat suitable to support dormice, which have been recorded within 1 km of the site. The woodland and hedgerows may also support breeding birds during the spring. Suitable territorial habitat for great crested newt is present in the hedgerows and also within the field itself. A waterbody suitable for supporting breeding great crested newt is located 50 m from the survey area. The ditches bordering the site provide suitable habitat for water vole. The Survey recommends a spring site visit to determine the requirement for great crested newt survey and to further inspect the potential for water vole and dormice. A specialist survey of bats is also recommended.

The Council's Nature Conservation Officer considers that the various surveys should be carried out prior to determination of the application. However, I consider that conditions requiring the necessary surveys are appropriate in this instance.

E. Sustainability

The site is adjacent to an existing employment area. The proposal will provide for increased availability of employment land for local businesses and will help Wiveliscombe maintain its function as a centre of employment, reducing the need for local people to travel to work in other centres.

Existing road and public transport links are well established and the site is close enough to Wiveliscombe to encourage convenient access by foot and cycle. The proposed highway improvement works also include the provision of new bus stops, to encourage travel to the site by public transport, and the provision of a foot/cycle path along the southern side of the B3227 from the existing roundabout.

Appropriate conditions are recommended to ensure that any protected species on the site are adequately taken into account.

F. Flood Risk

The Environment Agency has lodged a holding objection to the application on grounds that the development may prevent a significant flood risk from the

generation of surface water run-off, but is not accompanied by a Flood Risk Assessment as required by PPS25.

My recommendation allows for the submission of the required Flood Risk Assessment for further consideration by the Environment Agency.

11.0 **CONCLUSIONS**

The site is allocated for employment development in the Taunton Deane Local Plan. The policy indicates that the development should be subject to the provision of access from the existing employment site to the west. As discussed in this Report, I consider the current proposal, which provides for the access to be derived directly from the B3227 is acceptable.

Because the proposal is not strictly in compliance with the Local Plan policy in this respect, the applicant is being forwarded to the Government Officer under the Departure Procedures.

Although the proposed new access will affect the tree belt on the northern boundary of the site, the proposal will bring about much needed industrial land in the Wiveliscombe area and my recommendation is therefore a favourable one.

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

CONTACT OFFICER: MR J HAMER Tel: 356461