

14/17/0020

WALFORD CROSS LTD

**Erection of 11 No. light industrial units (2 No. buildings) for Class B1/B8 usage on land at Walford Cross Depot, Walford Cross**

Location: WALFORD CROSS DEPOT, WALFORD CROSS, TAUNTON

Grid Reference: 327775.128022

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (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 5046\_PL\_01 Location Plan

(A1) DrNo 5046\_PL\_02 Proposed Site Plans UNITS 1-10 & 11

(A1) DrNo 5046\_PL\_03 Proposed Plans & Elevations UNIT 11

(A1) DrNo 5046\_PL\_04 Proposed Plans & Elevations UNIT 1-10

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

3. There shall be no exterior storage around the building 11 other than specified in areas on plan 5046\_PL\_02B and only parking in the locations indicated on plan 5046\_PL\_02B.

Reason: To protect nearby trees and limit noise levels.

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

a) Site Characterisation

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

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwater and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;

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

b) Submission of Remediation Scheme

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

c) Implementation of Approved Remediation Scheme

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

d) Reporting of Unexpected Contamination

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

e) Verification of remedial works

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

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

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

f) Long Term Monitoring and Maintenance

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

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

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

5. 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, 2 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.

Mon-Fri 0800 hrs to 1800 hrs  
Sat 0800 hrs to 1300 hrs

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.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to DM1(E) of the Taunton Deane Core Strategy.

6. The car parking shown on drawing No.5046\_PL\_02 shall be provided prior to the units being brought into use and shall thereafter be retained for the use of the approved units.

Reason: In the interests of highway safety.

7. Prior to the development being brought into use, a Measures Only Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To ensure a transport choice is provided and to ensure that staff will travel to and from work by means other than the private car in accordance with the relevant guidance in Section 4 of the National Planning Policy Framework.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

## Proposal

The proposal is to construct 11 light industrial/storage units on two sites within this existing industrial site at Walford Cross. One building is 65.6m x 10.2m, profiled steel clad and will be subdivided into 10 units. It is located centrally, on the site of existing fuel tanks that will be removed. The other site is a storage yard area south of the A361 but between existing buildings including a dwelling to the west and will consist of a single building 20m x 32.5m that will be block built with a profiled steel

roof.

## Site Description

The site for the new buildings is set back off the A361 and is screened from the road by a stand of trees that are protected by a TPO. The site is screened from the west by the former Langdons building and to the east by further trees. The M5 motorway runs to the east.

## Relevant Planning History

14/86/0010 - Erection of Warehouse on land at Langdon Industries Ltd, Walford Cross, Taunton - CA 3/7/86

14/89/0014 - Erection of extension to warehouse at Langdon Industries Ltd, Walford Cross, Taunton - CA 18/5/89

## Consultation Responses

*DURSTON PARISH MEETING* - After consultation with Parishioners in Durston the following details were requested to be evaluated prior to any decision being taken:

1. With 13 Personal Injury accidents being logged at Walford Cross within the last five years; combined with the ever increasing pressures of traffic flow and speeding (ref: officially recorded Speed Indicator Devices (SID's) data) along the A361 any proposed development which causes vehicles to be parked anywhere other than designated car parks can only be viewed as hazardous.
2. The site is suitable for HGVs; light vehicles and cars as has been seen historically be previous incumbents. It must be acknowledged though that it is essential the access road for the site is kept clear of obstructions at all times to permit the free and safe movement of said vehicles as well as any emergency vehicles; as well their flow onto/off the A361 and A38 roads which are in very close proximity.
3. The application suggests some tree felling may be required to allow the large building to fit within the designated site. It is felt that this should be opposed as these are mature and significantly screen a commercial site from surrounding properties and roads as well as some having TPO's on them.
4. Flooding has posed significant issues within the locality during recent timescales. Any construction must ensure flash flooding or run off does not in any way detrimentally affect neighbouring roads or properties including farm land.
5. Noise, light, land and air pollution must be analysed as residential properties are in close proximity. Requests could be made by planners eg: social working hours and white sound reversing alarms on applicable vehicles....
6. Parishioners have no qualms whatsoever about a brown field site being rejuvenated in order to promote prosperity and the generation of employment, but the application must take into consideration the sites size with regard to building size/ orientation and the associated facilities. Brown field site rejuvenation should

be supported wherever possible especially when the surrounding green field land is prized agricultural land.

*CREECH ST MICHAEL PARISH COUNCIL* - I would advise that the CSM PC agreed to OBJECT to this application.

The PC appreciates that this is a brown field site and that this type of development would normally be suitable but considers this application constitutes over development which will cause problems.

The PC has also asked me to contact the enforcement officer as the existing car parking on site appears to be to a large extent used as a yard - displacing vehicles to park off site.

The PC believes this planning application will further worsen the position and more car parking spaces will be lost and as a result even more vehicles will be parked off site. This is of particular concern as there is a history of accidents at Walford cross (a blackspot) and the units would increase traffic flows as well.

The PC also has a particular concerns over the scale and proximity of the large single unit to the nearby domestic house as this will cause an unreasonable loss of amenity and cause noise problems. The removal of barriers, banking and trees (which are believed to have TPOs on) and their impact on flora, fauna, wildlife and the sites ecology are all of concern. There are also concern over the septic tank under the site and for increasing surface water run off-the PC has heard from neighbours of the problems and lack of maintenance of the original drainage and water runoffs soakaway systems causing problems downstream.

The PC is also mindful that land is already earmarked in the local plan off the A38 for employment and suggests the start-up units could be better housed there.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposed development is located within an existing industrial area which 'Lagdons' previously operated from, on land to the south of the A361 and east of the A38 Walford Cross. Access to the site is gained via the A361 / Walford Cross priority junction. Road Records held by Somerset County Council indicate that the A38 and A361 are both 'A' class Highway, which are subject to a 50mph speed limit. Walford Cross which provides access into the development site is a Classified 'D' Highway for its entire length. The internal roads within the industrial area are all private.

#### Site Access

The access will utilise the internal Priority Junction as detailed on the red line plan, this junction is considered acceptable and allows for HGV's to enter and exit the site in forward gear and not overrun the highway limits. The sites redline runs parallel to the A361, it should be noted the Highway Authority would not accept an access in this location will propose this as a condition as part of the recommendation.

#### Existing conditions and Accidents

It is noted that whilst a count of the junction was under taken in September, the mainline was not counted and 2012 traffic flows utilise the Hartnells Farm TA, some of which was counted in 2010 and is considered outdated. The data has been checked in the LvW Transport Statement utilising DfT data. Having reviewed data from the SCC permeant counter at Walford Cross the DfT data appears to be broadly in line with the SCC data (AADT). Ideally an count of the whole junction including the mainline would show an accurate picture of the existing situation of the junction.

Accident data obtained from Somerset County Council identifies that 12 accidents have occurred in the vicinity of the Walford Cross junction from 2012 to 2017. The junction is complex as the A38 and A361 meet. Any increase in traffic generation could contribute to uplift in accidents at a junction that has a recurrent accident pattern. It may be necessary for the applicant to improve safety at the junction.

#### Trip Generation

The proposed development is expected to generate approximately 15 Peak hour trips and 100 daily. Further information provided indicates that the proposal is expected to generate less traffic than the extant permission. Given that the traffic generation from the proposal both peak hour and daily is lower than the previous use it would be unreasonable for the Highway Authority to object to the proposal.

#### Travel Plan

A measures only Travel Plan would be required for a site of this size, this has not been provided to date. This will need to be conditioned subject to the development gaining consent and will need to be reviewed by this Highway Authority prior to occupation.

#### Parking

A total of 20 parking spaces are proposed. Lorry and cycle spaces aren't detailed and should be provided inline the Somerset County Parking Standards.

#### Conclusion and Recommendation

To conclude the proposed development is unlikely to have a detrimental impact on the surrounding highway network. There are some minor points that need to be clarified but the Highway Authority does not believe that this would be sufficient enough to warrant an objection on traffic impact grounds.

Therefore taking into account the above information the Highway Authority raises no objection to this proposal and if the Local Planning Authority were minded to grant permission then the following conditions would need to be attached.

- No vehicular shall be formed from the site direct to the A361.
- Prior to the commencement of the development, a Measures Only Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel. The measures should continue to be implemented as long as any part of the development is occupied.
- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of construction and thereafter maintained until the use of the site discontinues.
- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the

Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - Thank you for consulting on the above application. The proposed B1 units are to the south, away from any nearby residential properties (and B1 units should be light industrial, suitable for operating in residential areas). However, the larger B8 unit (storage and distribution) is adjacent to residential premises.

The design and access statement says that the proposed B8 building does not have any openings on three facades to minimise any “noise intrusion from the building”. This is a sensible idea, however, there is no information on the structure of the building and how much noise attenuation may be provided by the walls and roof (which is normally a lighter construction). This may be an issue if machinery (such as forklift trucks) are operating inside the building at night.

There is no indication of the type of B8 use that may occupy the site. It is hard to comment on the potential for disturbance as the type of use covered by B8 is very varied. It could be pallets of goods stored in the warehouse, but could also be lorries tipping and loading rubble or other material outdoors.

A way to minimise disturbance would be to restrict the use of the outside (parking) area to vehicle parking only. If this area cannot be used for storing any materials it would restrict the ability of the site to be used as a depot for groundwork/engineering, which are more likely to create noise or dust problems.

The application does not include any proposed hours of use for the new units. Restricting the hours of use for the B8 unit (or maybe hours of deliveries, loading and unloading) would help to minimise disturbance. I am aware that the Walford Cross site is used by businesses that operate 24 hours a day, however, the new B8 unit is closer to residential premises, and in particular the access/parking area is closer. The loading areas on the existing units are on the south sides away from the houses, with the buildings providing some shielding.

The B8 unit should not have any plant or equipment installed on the roof, or on the west or north facades that face the nearby houses. A planning condition could be used to control the level of noise from any plant or equipment on the units. (example below)



## **Contaminated land**

A report has been submitted with the application

- Phase 1 Land Contamination Assessment. 2 May 2017 Ecologia

This report contains information on the history of the site and a site survey. It identified a number of locations where there had been storage of fuel and other materials and recommends that these be investigated further. I attach a condition that could be used to ensure that the developer provides the required information. The report that has been submitted would go towards meeting this condition.

## **Noise Condition.**

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, 2 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.

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*SCC - LEAD LOCAL FLOOD AUTHORITY* - No comment received.

*SCC - ARCHAEOLOGIST* - As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

*WESSEX WATER* - New water supply connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website. Non domestic supplies required for firefighting or commercial use will require assessment with networks modelling subject to design requirements. We will normally recommend the use of storage tanks where network capacity is not available or where off site reinforcement is necessary to provide the stated demand.

*TREE OFFICER* - Re the above application, TPO TD1125 was served to protect the boundary trees on this site – see attached. I'm concerned that the trees on the western side might be under threat, as the plan does not make it clear what is to be retained, and the trees on the TPO are not shown accurately. Can we ask for a more accurate plan confirming that these trees are to be retained?

I note that T17, lime, is shown as removed on the eastern side. I think that we would have to allow this, given that the tree is not highly visible from the main road.

Can we have a Tree Protection Plan, clearly showing the line of the fencing outside of the RPAs (given by BS5837), and a condition re protective fencing that requires that it is agreed on site prior to commencement.

*LANDSCAPE* - The proposed northern unit will be tucked away behind a large existing building and tree belt and so will be well screened.

The southern unit will be located further back from the public highway and will complement its immediate surroundings. Could its location be altered slightly to retain some of the trees that are required to be felled?

*ECONOMIC DEVELOPMENT* - I fully support this proposal, as it meets the need for more and better quality industrial units locally. New units of this size and specification will enable local businesses to develop and grow whilst remaining within the borough, giving local residents access to better employment opportunities in the area.

*WALES & WEST UTILITIES* - No objections but our apparatus may be at risk during construction works and the developer should contact us directly to discuss our requirements. Should diversion works be required then these will be fully chargeable.

## **Representations Received**

8 letters of concern over flooding in Charlton Road with restriction of culvert which it is considered could be worsened.

5 letters of concern over

- noise and disturbance,
- operating hours,
- site at capacity,
- proximity to gas main,
- impact on septic tank and drainage,
- insufficient parking,
- parking will impact on accessibility and safety and emergency service access to end of lane.

1 letter of support as will bring needed employment to the area and there is adequate access and parking on site.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP2 - Economy,  
CP6 - Transport and accessibility,  
CP8 - Environment,  
DM1 - General requirements,  
SD1 - Presumption in favour of sustainable development,  
SS1 - Monkton Heathfield,  
A1 - Parking requirements,  
ENV1 - Protection of trees, woodland, orchards, and hedgerow,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

N/A

### **New Homes Bonus**

The development of this site would not result in payment to the Council of the New Homes Bonus.

## **Determining issues and considerations**

The main considerations with this proposal are the principle, access, parking, drainage and impact on amenity.

### Principle

The site lies within an existing industrial site and it is also allocated for industrial uses under policy SS1 of the Taunton Deane Core Strategy. Consequently the principle of an industrial use in this location is considered acceptable and would support the important provision of jobs as set out in the Core Strategy. The development is supported by the Economic Development Officer on this basis.

### Access & parking

The site provides for 11 industrial units in the form of one B8 storage use of 656sqm and B1 uses of 669sqm. In terms of the parking strategy this equates to the provision of 20 spaces whereas the development provides for 32 spaces. This is considered to be more than adequate level of parking provision for the site and in compliance with policy A1.

A Transport Statement has been submitted with the proposal and this sets out the level of likely traffic movements as a result of the development. The increase in traffic identified is considered to cause a negligible impact on the junction. An analysis of the accidents that have occurred at the junction over the last 5 years has

taken place and this shows there is no clear evidence of any connection to industrial estate traffic with all accidents resulting from movements to and from the A361 from the south with 'driver error' at the give-way lines being the cause in all cases. The traffic levels from the development are considered below the levels of the former use of the site by Langdons. The Highway Authority has considered the submitted information and considers that the development is appropriate and acceptable in traffic and transport terms. A condition with regard to a travel plan is considered necessary and appropriate, while the other suggested conditions are not necessary or enforceable and are covered by other legislation.

### Drainage

The site is largely hard surfaced area and the development of these industrial units will not increase surface water run-off from the site, which is currently attenuated in settlement tanks to prevent pollution entering the water system. The land to the north of Charlton Road naturally slopes to the south to existing field ditches which act as a catchment to acres of farmland. Any perceived drainage problems to the south cannot be linked to the site given the current controls and intervening land which is not controlled by the applicant.

In terms of foul drainage this is to be linked to the existing system which is controlled by the Environment Agency and has a valid EA permit. This is routinely maintained and it has been advised that the existing system has sufficient capacity for the additional use. There has been a letter of concern over the siting of drainage runs for the neighbouring dwelling. However this does not appear to conflict with the siting of the building and is a civil issue between the owners concerned.

### Amenity Impact

The proposed development is located in two areas of the site. The siting of the 10 units is located centrally and while it will result in a loss of a number of trees these are part of a significant group and it is not considered to cause potential impacts on amenity. The siting of unit 11 however lies to the north and is bounded to the west by a residential property known as Edgebury. The site is currently an open storage area that is uncontrolled in terms of both noise restrictions and operating hours. The building will be cut into the site and will result in the removal of 4 trees to the east of the site. The loss of these trees however will not significantly impact on visibility from the road and the remaining trees will be protected during construction as well as a control on limiting any future storage. A noise report has been carried out and in light of neighbour concerns and the view of the Environmental Health Officer, a condition limiting noise from the building is considered appropriate and suitable alternative to limiting operating hours given that the whole site has no operating hours controls at present and any external use cannot be adequately controlled through the current development.

### Conclusion

In summary the use of the site for industrial units is compliant with policy and the buildings are not considered to result in harm to flooding, highway safety or amenity

subject to appropriate conditions and the application is recommended for approval.

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

**Contact Officer: Mr G Clifford**