

MR D & MRS J SMITH

**ERECTION OF 12 NO. INDUSTRIAL/CRAFT UNITS AND FORMATION OF ACCESS, LAND ADJACENT TO CHELSTON MANOR, CHELSTON, WELLINGTON AS AMENDED BY LETTER DATED 11TH DECEMBER, 2002 WITH ACCOMPANYING DRAWING NOS. D025/02/S111E AND LETTER DATED ... WITH ACCOMPANYING DRAWING NOS. ...**

15290/21240

FULL

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## 1.0 **RECOMMENDATION**

Subject to:-

- i. The receipt of satisfactory amended plans and no further representations raising new adverse issues thereon;
- ii. The views of the Secretary of State under the Departure Procedure; and
- iii. The removal of the Direction imposed by the Highways Agency under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995;

the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to condition of:-

- 01 The development hereby permitted shall be begun within five years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
- 02 The external surfaces of the development hereby permitted shall be of materials as shown on the plan hereby approved and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: To safeguard the visual amenities of the area.

- 03 (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, 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, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.
- 03 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the visual amenities of the locality.
- 04 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority and none of the trees so shown shall be felled, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
- 04 Reason: In the interests of the visual amenity of the area.
- 05 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.
- 05 Reason: In the interests of the visual amenity of the area.
- 06 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.
- 06 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health.
- 07 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 metres high, placed at a minimum distance of 2.0 metres 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 boles of the hedges so retained shall not be altered.
- 07 Reason: In the interests of the visual amenity of the area.
- 08 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.

- 08 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained.
- 09 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.
- 09 Reason: In the interests of the visual amenity of the area.
- 10 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.
- 10 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic.
- 11 The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.
- 11 Reason: To ensure orderly parking on the site and thereby decrease the likelihood of parking on the highway.
- 12 The development hereby approved shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans.
- 12 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic.
- 13 In the interest of sustainable development none of the units hereby permitted shall be occupied until a network of cycleway and footpath has been constructed within the development site in accordance with a scheme to be approved in writing by the Local Planning Authority. Each individual unit within the site should demonstrate adequate visibility in accordance with DB32 - places streets and movements.
- 13 Reason: In the interests of sustainable development.
- 14 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the building(s) or within the storage area(s) as may at any time be approved in writing by the Local Planning Authority.
- 14 Reason: In the interests of the visual amenity of the area.
- 15 Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what

measures, if any, may be necessary to ensure that noise arising from the proposed industrial units will not cause nuisance to neighbouring premises. The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Planning Authority prior to the commencement of development works.

15 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise.

16 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 shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall 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 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 shall be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

16 Reason: To prevent pollution of the water environment.

17 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

17 Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

18 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

18 Reason: To prevent the increased risk of flooding.

19 There shall be no access from the lane to the south-west of the site other than for pedestrians and cyclists.

19 Reason: In the interests of highway safety.

#### 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 (0541 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, TA1 4HE. Application for such a Permit should be made at least three weeks before access works are intended to commence.
- 06 Haywards Water currently floods out of bank in this area and the development must not contribute to the problems of flooding. It was suggested that a sustainable urban drainage scheme be used for the site to improve the flooding and water quality situation.
- 07 It is recommended that the developer investigate the use of Best Management Practises for drainage on this site, in order to reduce the rate of run-off and to reduce pollution. These methods consist of controlling the sources of surface water, and include:- a) Infiltration techniques; b) detention/attenuation; c) Porous paving/surfaces; d) Wetlands.
- 08 You are advised to refer to the Environment Agency's leaflet on Sustainable Urban Drainage Systems.
- 09 Any surface water discharges to watercourses should be limited to that which occurs naturally from the catchment and as calculated from a 1 in 1 year storm using 10% impermeability. Any excess flows should be dealt with by on site attenuation.
- 10 The design storm for any attenuation system shall be for a 1 in 25 year return period storm.
- 11 Environment Agency should be approached for consent to discharge and for their requirements regarding oil interceptors etc., and headwall design.
- 12 Details required of proposed point of discharge to watercourse together with details of headwall etc.
- 13 The poor quality of water discharging from surface water outfalls can seriously affect the receiving watercourse. Techniques to reduce the impact of these discharges have been developed and collectively form a range of sustainable urban drainage systems (SUDS) for dealing with urban run off. It is strongly recommended that some form of SUDS be used at this proposed development.

- 14 If there is regular tanker traffic to the site, the Environment Agency would recommend the use of a sluice, which may be closed at the end of the ditch, to allow a spill to be retained. All the buildings, roads and the surface water system itself must be located outside of the predicted floodplain of Haywards Water.
- 15 The future maintenance and management of the surface water drainage system should be arranged in advance, with parties taking responsibility for that maintenance. Commuted sums may be required to be paid for such maintenance. In order to allow for maintenance, machine access to the ditch should be preserved.
- 16 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Haywards Water, designated a 'main river'.
- 17 Any works that would affect the flow of water in any stream or watercourse on the site would require the prior consent of the Environment Agency. There is another existing ditch adjacent to Unit C in Zone C. Any culverting, or restriction of flow, would require the Agency's prior permission.
- 18 It is recommended that the developer uses this opportunity to improve access to, and the working strip along, the bankside. Efforts should also be made to improve the habitat of the river bank by producing a sensitive planting and landscaping scheme.
- 19 In the interests of pollution prevention, appropriate measures must be taken at the construction stage to ensure that surface and ground water are not polluted. Practical guidance is outlined in the attached Pollution Prevention Notes, however, the Environment Agency's Area Environment Management Officer would be pleased to advise further regarding this matter.

## 2.0 **APPLICANT**

Mr D & Mrs J Smith

## 3.0 **PROPOSAL**

The proposal provides for the erection of 12 industrial/craft units on a former orchard area to the north of the range of outbuildings the subject of the previous application.

The site area comprises 0.49 ha (1.2 acres). The initial planning application provided for a vehicular access from the by-passed section of the main road, the same lane that the proposal the subject of the previous application is proposed to be accessed from. The amended plans restrict this access to cyclists and pedestrians only and instead provide for a vehicular access from the site the subject of the next application which in turn is served from the existing Chelston Business Park.

The applicants propose rural scale and materials to complement the location and the adjacent barns. They see many similarities with the previously approved Hatch Beauchamp Business Park, for which the developers (WWD) were responsible.

#### 4.0 **THE SITE**

The site is a former orchard area, generally bounded on three sides by hedgerows and trees to the lane frontage. The 4th side to Billybrook House is a post and wire fence to the boundary, beyond which are mature trees and shrubs. Some of the mature trees bordering the lane have Tree Preservation Orders on them. The site gently slopes away from Chelston Manor and its outbuildings and is at a generally higher level than the adjacent lane and the adjoining field, which is the subject of the next application.

#### 5.0 **RELEVANT PLANNING HISTORY**

**46/2001/009** Development of land for B1/B8 employment use, Chelston Manor, Chelston, Wellington. Outline application refused June 2001. Subsequent Appeal dismissed (copy appended to Report).

**46/2002/012** Development of land for B1/B8 employment use, Chelston Manor, Chelston, Wellington. Outline application withdrawn.

#### 6.0 **RELEVANT PLANNING POLICIES**

##### **Somerset and Exmoor National Park Joint Structure Plan (Adopted April 2002)**

The following policies are relevant:-

STR1  
STR6  
POLICY 16

##### **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  
POLICY 49

**West Deane Local Plan (Adopted May 1997)**

The following policies are relevant:-

WD/SP/2      OUTSIDE DEFINED SETTLEMENT LIMITS, DEVELOPMENT WILL NOT BE PERMITTED UNLESS IT IS FOR THE PURPOSES OF AGRICULTURE OR FORESTRY OR ACCORDS WITH A SPECIFIC DEVELOPMENT PLAN POLICY OR PROPOSAL.

WD/IE/1      EMPLOYMENT PROPOSALS WILL BE ASSESSED AGAINST THE FOLLOWING CRITERIA;

- (A)      THE CONTRIBUTION TO LOCAL EMPLOYMENT OPPORTUNITIES;
- (B)      THE RELATIONSHIP TO THE ROLE, FUNCTION AND SIZE OF THE SETTLEMENT;
- (C)      IMPACT ON THE LOCAL ENVIRONMENT, PARTICULARLY SETTLEMENT CHARACTER, LANDSCAPE, WILDLIFE, ARCHAEOLOGY, RESIDENTIAL AMENITY AND VALUABLE OPEN SPACES;
- (D)      COMPATIBILITY WITH ADJOINING LAND USES;
- (E)      THE POTENTIAL AIR, WATER, NOISE AND OTHER FORMS OF POLLUTION CAUSED;
- (F)      THE EFFECT ON HIGHWAY CONGESTION, THE SAFETY OF ROAD USERS AND PEDESTRIANS AND RESIDENTIAL ROADS;
- (G)      THE ABILITY TO PROVIDE SATISFACTORY UTILITY SERVICES; AND

(H) THE IMPACT ON AGRICULTURE.

ONLY IN EXCEPTIONAL CIRCUMSTANCES WILL ANYTHING OTHER THAN SMALL SCALE, UNOBTRUSIVE PROPOSALS BE PERMITTED WITHIN AREAS OF OUTSTANDING NATURAL BEAUTY.

WD/IE/2 THE BOROUGH COUNCIL WILL NOT NORMALLY PERMIT CONSTRUCTION OF NEW BUILDINGS FOR INDUSTRY, WAREHOUSING OR OFFICE USE OUTSIDE THE DEFINED SETTLEMENT LIMITS. THIS CONTROL WILL BE PARTICULARLY STRONG WITHIN THE QUANTOCK HILLS AND BLACKDOWN HILLS AREAS OF OUTSTANDING NATURAL BEAUTY.

WHERE THERE IS NO SUITABLE SITE WITHIN THE VILLAGE, SMALL SCALE EMPLOYMENT DEVELOPMENTS WILL BE PERMITTED OUTSIDE BUT ADJACENT TO THE VILLAGE LIMITS, WHERE THE DEVELOPMENT CONTROL CRITERIA IN WD/IE/1 ARE SATISFIED.

WD/IE/3

WD/IE/4

WD/IE/8

**Taunton Deane Local Plan Revised Deposit**

The following policies are relevant:-

S1

S2

S3

- S8 Outside defined settlement limits, ~~development~~ new building will not be permitted unless it ~~protects~~ maintains or enhances the environmental quality and landscape character of the area and
- (A) is for the purposes of agriculture or forestry;
  - (B) accords with a specific Development Plan policy or proposal;
  - (C) is necessary to meet a requirement of environmental or other legislation; or
  - (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

New structures or buildings permitted in accordance with this policy should be designed and sited to minimise landscape impact, be compatible with a rural location and meet the following criteria where practicable:-

- (E) avoid breaking the skyline;
- (F) make maximum use of existing screening;
- (G) relate well to existing buildings; and
- (H) use colours and materials which harmonise with the landscape. and
- ~~(I) be of a reasonably necessary size to meet the need.~~

EC4 Outside the defined limits of settlements, the development of new small scale buildings for business, industrial, warehousing, tourism, recreation, community, commercial or other employment generating use, excluding retailing will be permitted provided:

- (A) the site is near a public road;
- (B) the site is adjacent to the limits of a village within which there is no suitable site available; and
- (C) there would be no harm to the residential amenity of neighbouring properties, landscape or highway safety and adequate arrangements can be made for the provision of services.

M1  
M3

Interim Planning Policy on Extensions to Employment Sites (Approved by The Executive on 18th June, 2002)

Whilst the Taunton Deane Local Plan has allocated sufficient land to meet the Structure Plan employment requirement within the Plan period for Taunton Deane, the Council recognises that in order to secure economic growth and inward investment, additional employment land will be required for implementation within the early years of the Local Plan (i.e. pre 2006). Accordingly the following interim policy has been approved as a non-statutory policy:-

SUBJECT TO OTHER DEVELOPMENT CONTROL CONSIDERATIONS, PROPOSALS FOR THE EXTENSION OF EXISTING EMPLOYMENT ESTATES WILL BE PERMITTED WHERE (A) IT WILL HELP MEET THE SHORT-TERM NEED FOR STRATEGIC ESTATES SUITABLE FOR B1 LIGHT INDUSTRIAL, B2 AND B8 USES, (B) THE EXISTING ESTATE HAS GOOD ACCESS TO THE NATIONAL ROUTE NETWORK (ROAD AND/OR RAIL) AND (C) DEVELOPMENT WOULD NOT RESULT IN SIGNIFICANT ADVERSE ENVIRONMENTAL OR AMENITY IMPACT.

The supporting text to accompany the policy considers that the aims of the policy can be achieved through the modest rounding-off of existing industrial estates. The criteria for the identification of these aims to provide for the development of employment land with good access to the main transportation route network (road and/or rail) of a scale and quality of design and layout that provides the opportunity for a range of unit sizes to assist the Borough's short-term strategic land and growth requirements.

## 7.0 **RELEVANT CENTRAL GOVERNMENT POLICY ADVICE**

The general guidance regarding compliance with the current Development Plan contained in Planning Policy Guidance Note No. 1 'General Policies and Principle' is relevant. The following paragraphs are particularly relevant to the current proposal:-

Paragraph 4  
Paragraph 6  
Paragraph 21  
Paragraph 22

Paragraph 40      The Government is committed to a plan-led system of development control. This is given statutory force by section 54A of the 1990 Act. Where an adopted or approved development plan contains relevant policies, section 54A requires that an application for planning permission or an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise. Conversely, applications which are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify granting a planning permission. Those deciding such planning applications or appeals should always take into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the development plan is relevant, it will be necessary to decide whether the proposal is in accordance with the plan and then to take into account other material considerations. The status of plans which are not yet adopted or approved is covered in paragraph 48.

Paragraph 46  
Paragraph 47  
Paragraph 48  
Paragraph 49

Paragraph 54 If the development plan contains material policies or proposals and there are no other material considerations, the application or appeal should be determined in accordance with the development plan. Where there are other material considerations, the development plan should be the starting point, and the other material considerations weighed in reaching a decision. One such consideration will be whether the plan policies are relevant and up-to-date (the age of the plan is not in itself material). Particular policies of the plan may, for example, have been superseded by more recent planning policy guidance issued by the Government.

Paragraph 56 Local planning authorities may sometimes decide to grant planning permission for development which departs from a development plan if other material considerations indicate that it should proceed. Significant departures must be notified to the Secretary of State so that he can decide whether he wishes to intervene - see the Town and Country Planning (Development Plans and Consultation) Directions 1992 (Annex 3 to Circular 19/92). However, the Secretary of State's general approach is not to interfere with the jurisdiction of local planning authorities unless it is necessary to do so. He will be very selective about calling in applications and will in general only take this step if planning issues of more than local importance are involved (see Annex D, paragraph D7).

The following paragraphs from Planning Policy Guidance Note No. 4 'Industrial and Commercial Development and Small Firms' are relevant:-

Paragraph 3  
Paragraph 13  
Paragraph 24

The following paragraphs from Planning Policy Guidance Note No. 7 'The Countryside – Environmental Quality and Economic and Social Development' are relevant:-

Paragraph 1.3  
Paragraph 1.4  
Paragraph 2.2  
Paragraph 2.3  
Paragraph 3.8

The following paragraphs from Planning Policy Guidance Note No. 13 'Transport' (1994) are relevant:-

Paragraph 2.10  
Paragraph 2.11  
Paragraph 3.4 – 3.6

The following paragraphs from Planning Policy Guidance Note No. 13 'Transport' (Public Consultation Draft) are relevant:-

Paragraph 4  
Paragraph 13  
Paragraph 14

## 8.0 **CONSULTATIONS**

### **Highways Agency**

“Thank you for consulting the Highways Agency on the above planning applications. The Highways Agency has concerns regarding the impact of traffic that could be potentially caused by these applications, specifically at junction 26 of the M5 motorway.

In order that the Highways Agency is able to fully consider these proposals, we have found it necessary to direct your authority to defer planning permission for these applications, as no assessment of the impact of the developments on Junction 26 of the M5 motorway has been provided. The applicant should be asked to assess the potential impact of the proposed development using the Taunton Area Road Traffic (TART) Model. Accordingly, please find the enclosed Forms TR110, directing that planning permission shall not be granted for a period of six months.

However, if we complete our consideration of these applications within this timescale, it may be appropriate for us to withdraw our Directions and replace them with ones directing conditions, or even responses making no further comment.”

The following further response has also been received from the Agency:-

“You may recall that the Highways Agency (HA) has a long history of involvement with proposals in Chelston and Wellington, having commented on a number of similar applications over the past two years and given evidence at the Local Plan Inquiry. Indeed, the Agency's concerns regarding proposals in both Taunton and Wellington resulted in a partnership with Somerset County Council and Taunton Deane Borough Council in the development of the Taunton Area Road Traffic (TART) model.

At the time of the Taunton Deane Local Plan Inquiry, the Agency objected to Policy W9, which allocated employment land at Chelston Manor. In a joint representation with Somerset County Council, the Highways Agency outlined its reasons for objecting to future development in Wellington and highlighted the results of the TART model. These results clearly indicated that there was a significant transfer of traffic from the A38 between Wellington and Taunton to the parallel M5. In addition, the TART model showed that this problem was further exacerbated by development proposals in Wellington.

However, the Highway Agency agreed to conditionally withdraw its objection to Policy W9 following an agreement between the Agency, Somerset County Council and Taunton Deane Borough Council that the matter would require further examination and that some measures would need to be introduced to minimise this transfer. This withdrawal was, however, conditional upon a joint undertaking with the two councils that further TART model tests would be carried out for future developments in Wellington.

The Agency have subsequently commented on a number of applications within Wellington and, on each occasion, have remind the Borough Council of the work it agreed to undertake. We refer you to the Agency's representation to the Local Plan Inquiry in May 2002 and to our letter dated 29th August, 2002. To date, we have not received any response to our original request for further testing of developments proposed in the Wellington area using the TART model.

In view of these quite legitimate concerns, we cannot agree to your request to lift the Direction on these current applications without some concrete assurances that the Local Planning Authority are addressing these matters in a meaningful fashion.”

### **County Highway Authority**

“The site lies outside the recognised development boundary limits, and must therefore be a matter for the local Planning Authority to determine whether this is a suitable location for the application that has been received.

In detail, no vehicular access to this development shall be derived from Chelston Lane, which has sub standard junctions with the B3187. Therefore all access to this development will need to be via the proposed industrial development, which is the subject of planning application number 46/02/033.

The provision of a cycle/pedestrian link from the proposed development to Chelston Lane would be acceptable for accessing the bus service to Taunton/Wellington, and I would advise that the access shown should be amended for pedestrian/cycle use only. It would also be necessary for pedestrians/cyclists to gain access to the rest of the

industrial estate, and footway provision should be considered throughout the development.

In the event of permission being granted for this application, I would request that the following conditions be attached to any consent:

1. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.
2. The development hereby approved shall not be occupied until sufficient parking space has been provided within the curtilage of the site.
3. 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.
4. The development hereby approved shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans.
5. In the interest of sustainable development none of the units hereby permitted shall be occupied until a network of cycleway and footpath has been constructed within the development site in accordance with a scheme to be approved in writing by the Local Planning Authority. Each individual unit within the site should demonstrate adequate visibility in accordance with DB32 - places streets and movements.

Note: 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, TA1 4HE. Application for such a Permit should be made at least three weeks before access works are intended to commence.

I would therefore invite the applicant to submit an amended plan detailing the alterations to access, and details of the pedestrian/cycle link for approval”.



### **County Archaeologist**

There are limited or no archaeological implications to this proposal and therefore have no objections on archaeological grounds.”

### **Environment Agency**

“The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

CONDITION: 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 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.

REASON: To prevent pollution of the water environment.

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by of the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding.

The Agency would wish to be consulted in respect of any details submitted pursuant to the above conditions.

For such a large site, the Agency would wish to be consulted on the planning application regarding the method of surface-water disposal and confirm that there will be no additional burden on existing surface water systems that might cause flooding problems elsewhere.

The Agency has been involved in pre-development talks with Total Construction Management regarding the drainage of the site. The intention is to provide an overall surface water drainage scheme for the site (all three zones) that will ultimately discharge to Haywards Water, which runs along the Northern border. Haywards Water currently floods out of bank in this area and the development must not contribute to the problems of flooding. It was suggested that a sustainable urban drainage scheme be used for the site to improve the flooding and water quality situation.

It is recommended that the developer investigate the use of Best Management Practises for drainage on this site, in order to reduce the rate of run-off and to reduce pollution. These methods consist of controlling the sources of surface water, and include:- a) Infiltration techniques; b) Detention/attenuation; c) Porous paving/surfaces; and d) Wetlands.

A copy of the Agency's leaflet on Sustainable Urban Drainage Systems has been sent to the applicants agent.

Initial discussions suggested that all surface water for the site be combined into one discharge This would first run through a petrol/oil interceptor in case of spills on parking and highway areas. It should then outfall into one end of a linear attenuation ditch. This linear ditch should have grass banks and the bottom should be planted with reeds. This vegetation will provide a certain amount of water treatment as the water percolates along its length. At the end of the ditch, there should be a flow control device to allow water to only escape from the ditch to Haywards Water at the same rate as for the green-field run off for a 1 in 1 year event. The ditch itself should be able to retain the rainfall volume for a 1 in 100 year event. In the event of a greater return, the ditch will overflow down to Haywards Water without threatening the rest of the site.

If there is regular tanker traffic to the site, the Agency would recommend the use of a sluice, which may be closed at the end of the ditch, to allow a spill to be retained. All the buildings, roads and the surface water system itself must be located outside of the predicted floodplain of Haywards Water.

The future maintenance and management of the system should be arranged in advance, with parties taking responsibility for that maintenance. Commuted sums may be required to be paid for such maintenance. In order to allow for maintenance, machine access to the ditch should be preserved.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Haywards Water, designated a 'main river'.

Any works that would affect the flow of water in any stream or watercourse on the site would require the prior consent of the Environment Agency. There is another existing ditch adjacent to Unit C in Zone C. Any culverting, or restriction of flow, would require the Agency's prior permission.

It is recommended that the developer uses this opportunity to improve access to, and the working strip along, the bankside. Efforts should also be made to improve the habitat of the river bank by producing a sensitive planting and landscaping scheme.

Should you wish to discuss the surface water drainage arrangements farther, please contact Mr Dave Hughes - Development Control Engineer (tel: 01278 484727).

In the interests of pollution prevention, appropriate measures must be taken at the construction stage to ensure that surface and ground water are not polluted. Practical guidance is outlined in the attached Pollution Prevention Notes, however, the Agency's Area Environment Management Officer, Mr Ian Myers, would be pleased to advise further regarding this matter.

According to Agency records there is a landfill site within 250 metres of the proposed development.

The landfill site, Agency ref WML 28, was issued to Wyvem Waste Services Ltd (originally operated by Somerset County Council).

The licence permits the disposal of household waste; commercial and industrial; clinical I waste and some difficult wastes. The licence has recently been modified to remove special f waste and bonded asbestos from the list of waste types that can be deposited. The licence is still valid. The site is classified as being at high risk from the production of landfill gas.

Waste Management Paper No 27 states:- "Where development is proposed within 250 metres of a landfill site the developer will need to take account of the proximity of the proposed development to the landfill".

The applicants agent has been forwarded a copy of the attached landfill gas information sheet.

If off-site waste disposal is utilised it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994.

The applicant should ascertain from Wessex Water whether the existing sewerage network can adequately accommodate the increase in foul sewage flows from this development.”

### **Wessex Water**

The developer has proposed to dispose of foul and surface water to existing drainage arrangements. No objection in principle to the proposal.

### **Avon & Somerset Constabulary**

“I would recommend that the industrial zones should not be linked therefore creating only one entrance/exit point for each zone. If the zones are linked with a roadway or footpath it will allow for undesirable permeability to each zone for those with criminal intent.”

### **Landscape Officer**

“My main concerns are:-

- i. The impact of the proposed access way on the TPO trees (which is likely to require the felling of at least two of the five TPO'd trees) and the existing hedgerow planting of mainly 5 and 6 and the turning head between units 5 and 1.
- ii. Units 1 and 2 are very close to a large Ash tree along the southern boundary hedgerow. Unit 1 is especially close to this hedgerow. I recommend no building works closer than 3 m to the edge of the hedgerow to allow future maintenance and avoid construction damage.
- iii. There is no landscape design statement or details to comment on.”

### **Conservation Officer**

“Principle of development acceptable, substantial landscape buffer required between Chelston Manor complex and site. Cross section(s) through units 1 – 4 and Chelston Manor complex required. (Units 1 – 4 too close to Chelston Manor).”

### **Drainage Officer**

“It is noted that surface water disposal is to be to an adjoining watercourse. This watercourse has a previous history of localised flooding.

Therefore before any approval is given an agreed system of surface water disposal will need the approval of this authority and the Environment Agency.

I also enclose a copy of our standard design requirements for the provision of attenuation systems. Also included are details of required sustainable urban drainage systems (SUDS) methods for treatment of surface water discharges.

I await further details for approval before any permission be given.

- “1. Any surface water discharges to watercourses should be limited to that which occurs naturally from the catchment and as calculated from a 1 in 1 year storm using 10% impermeability. Any excess flows should be dealt with by on site attenuation.
2. The design storm for any attenuation system shall be for a 1 in 25 year return period storm.
3. Environment Agency should be approached for consent to discharge and for their requirements regarding oil interceptors etc., and headwall design.
4. Details required of proposed point of discharge to watercourse together with details of headwall etc.
5. The poor quality of water discharging from surface water outfalls can seriously affect the receiving watercourse. Techniques to reduce the impact of these discharges have been developed and collectively form a range of sustainable urban drainage systems (SUDS) for dealing with urban run off. It is strongly recommended that some form of SUDS be used at this proposed development. “

#### **Economic Development Officer**

“Chelston Business Park is strategically sited with excellent linkages to the national route network. The modest rounding off of this site will extend the availability of the strategic land supply whilst providing a range of unit sizes to attract inward investment as well as a location for small, quality ‘starter units’.”

#### **Forward Plan and Regeneration Manager**

"The Councils interim employment land policy allows for the modest rounding off of existing industrial estates fulfilling a strategic function. For the aims of this policy to be met it is essential that:-

- (i) Access is only taken through the existing Chelston employment area and not the minor road to which it fronts, in order to ensure an integrated and comprehensive approach to development of the employment area.
- (ii) Development should not commence prior to commencement of units to the north (application 46/02/033) which form part of the lands allocated under policy W9a of the revised deposit Taunton Deane Local Plan. This should be required in order to ensure that there is a justification for developing this land on the basis of 'need' rather than accumulating additional land beyond that required in the Plan and cherry picking development opportunities on non Local Plan sites".

I would also recommend that this be considered as a departure and the Government Office informed accordingly."

### **Environmental Health Officer**

Due to the possibility of noise arising from proposed industrial sources affecting proposed dwellings recommends that prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise arising from the proposed industrial units will not cause nuisance to neighbouring premises.

The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Planning Authority prior to the commencement of development works.

### **West Buckland Parish Council**

"There should be no access to the lane from this site, especially as it could provide a 'rat run' from Zone C. A proper flood prevention system for both zones B and C (a flood attenuation pond with controlled outflow) needs to be addressed prior to any development. This will also have to include work downstream at Ham if it is to be effective."

### **Wellington Town Council**

"There should be a one-way traffic system along the lane (old Chelston Road) from west to east with a ban on right turning traffic for vehicles emerging from the lane onto the Wellington – Taunton Road.

Traffic from the proposed new development which wanted to drive into Wellington would have to travel around the Chelston roundabout which the Town Council feels would be much safer than attempting a right turn at the top of the lane.”

## 9.0 **REPRESENTATIONS**

Two letters of objection have been received to the application (initial plans) on the following grounds:-

1. This parcel of land is agricultural land and is outside the local plan for development.
2. The site has recently been the subject of two previous applications which were rejected even at appeal.
3. The lane fronting the land is very narrow for most of its length and the distance between the bridge parapets is only 5.5 m. It is unsuitable for any additional volume of traffic.
4. Both junctions of the lane with the main road are potentially dangerous, the westerly junction is very acute and really only allows access in the direction towards Wellington. Visibility from a car eastwards is difficult enough, but from a commercial vehicle without rear side windows, visibility eastwards would be impossible. The easterly junction is better, but still at an acute angle to the main road, and close to the roundabout. Traffic coming off the roundabout has very little vision of this junction, and traffic coming up the straight from Wellington can be travelling at speed.
5. The proposed link with this section of the development and that of the larger units would encourage even more traffic onto the lane making it a 'rat run'.
6. The site slopes down towards objector's property with nowhere for surface water to drain other than across property, causing nuisance and potential pollution of pond and gardens.
7. As the site slopes, there is no level area for building. This situation is not addressed in the application, therefore the full implications of the impact on the surroundings cannot be assessed.
8. To put even more water into the nearby stream would threaten residential properties with inevitable flooding problems.
9. Commuting workers for the proposed units and the inevitable delivery vehicles, plus the access from the other industrial area,

together with the proposed 10 dwellings in the barns would turn this lane into a very busy highway.

10. Increase in traffic onto lane and the busy Wellington to Chelston roundabout road.
11. Query what restrictions there would be on movement, hours of business, type of business, noise, smell and disturbance to local people/houses will be made by the proposed.
12. The units, if required, should be sited on Chelston Business Park, which is adjacent with excellent infrastructure already in place.

#### 10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Does the proposal comply with the current policies of the Local Planning Authority? PLANNING POLICY
- B. Will the proposal have an acceptable impact on the highway network of the area? HIGHWAYS
- C. What effect will the proposed development have on the rural character of the area? IMPACT ON CHARACTER OF AREA
- D. Are the proposed drainage arrangements acceptable? DRAINAGE
- E. In the proposed development sustainable? SUSTAINABILITY
- F. OTHER ISSUES

##### **A. Planning Policy**

The area of land the subject of the application is not allocated for development in either the West Deane Local Plan (the current adopted plan for the area) or the Taunton Deane Local Plan (the emerging local plan).

Although it lies adjacent to a site proposed for employment development in the Taunton Deane Local Plan (that site is the subject of the next report item) as an extension to the existing Chelston Business Park, it lies beyond the recognised limits of any recognised settlements where open countryside policies apply. In this respect, therefore the proposals are contrary to the currently operative and emerging Development Plans.

The County Structure Plan indicates the broad levels of land which will be made available for industrial, warehouse and business development over the plan period (currently to 2011) and recognises Wellington as



a location for employment use. The West Deane Local Plan allocated land to meet employment requirements to 2001 on other land also adjacent to Chelston business Park and at Rylands Farm at Bagley Green. These have only been partly developed. The remaining part of the proposed allocation adjacent to the Business Park is the subject of the following report item. The emerging Taunton Deane Local Plan also proposes the development of further land in the Wellington area, primarily at Chelston House Farm, which is close the current site.

Whilst there is an adopted policy presumption against the proposal, it will be noted that the Economic Development Officer considers that the modest rounding off of this site will extend the availability of the strategic and supply whilst providing a range of unit sizes to attract inward investment as well as a location for small, quality 'starter units'. He notes that Chelston Business Park is strategically sited with excellent linkages to the national route network.

Since the previous planning application on this site, which was refused and the subsequent appeal dismissed, the Council has approved an Interim Planning Policy on Extensions to Employment Estates. This is a non-statutory policy aimed at promoting the development of land for employment use in the early period of the Taunton Deane Local Plan. Subject to other development control considerations, the introduction of this interim policy means that there is a presumption in favour of the extension of existing employment estates, provided certain criteria are met. In the light of the context of the Inspector's decision on the earlier planning application (appended to this Report), I consider that these criteria are met in this case. The Forward Plan and Regeneration Officer considers that the aims of the Interim Planning Policy are met with the proposal provided access is taken through the existing Business Park and development does not commence until the commencement of units proposed as part of application 46/2002/033. This additional site is being supported on the basis of an urgent need to provide additional employment land in the short term. I do not therefore deem it necessary to impose a phasing condition as requested by the Forward Plan and Regeneration Officer. No such condition was imposed on the recent Summerfield application to extend this business park.

## **B. Highways**

The initial submission proposed the vehicular access to the lane to the south-west of the site. The County Highway Authority had concerns with this due to the substandard junctions with the B3187. I also had concerns at a vehicular access from this direction due to the potential impact on the trees on the site frontage, none of which are the subject of a Tree Preservation Order.

Consequently, the application has been amended to provide for all vehicular access to be via the industrial development which is the

subject of planning application 46/2002/033, which in turn derives access from the existing business park. Access off the lane is now proposed for pedestrians and cyclists only. The County Highway Authority consider that the provision of such a link is acceptable.

The Highways Agency has issued a Direction under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 that the planning authority should not grant planning permission for a period of 6 months (from 6th November, 2002) in order that they may assess the transportation impact of the development for possible adverse effects on the M5 motorway at junction 26. I take the view that junction 26 is nowhere near capacity, certainly not when considering the scale of the current application, together with the other two proposals at Chelston Manor. Indeed it is probably the junction with the greatest spare capacity along the route of the M5 in the south-west. However, until the Direction is lifted, the Authority is not in a position to grant planning permission, and this is reflected in my recommendation. If additional traffic studies are required as requested by the Highway Agency, these should be carried out urgently because any developments at Wellington, including the local plan allocation, will be prevented from coming forward until this is resolved.

### **C. Impact on Character of the Area**

In considering the dismissed Appeal in 2001, the Inspector did not consider that there was any need to retain this land as a form of buffer from the Business Park for either landscape or residential amenity purposes. He considered that the site had a substantial well established hedgerow including mature trees along the lane. A further well established hedgerow follows the far side of the lane and yet another bounds the B3187 itself. Thus with suitable landscaping he could see no reason why employment development of an appropriate scale need have any adverse effect on the wider countryside. The Inspector's main concern was the basic conflict with the policies of the adopted Development Plan and the emerging local plan. As indicated above, the Inspector's decision was arrived at without any consideration of shortage of employment land. In the light of the worsening situation in that respect and the approval of the Interim Planning Policy on Extensions to Employment Estates, the proposal has to be considered against that background.

The landscape Officer was concerned with the initially submitted plans due to the likely need to fell at least 2 trees which are subject to a Tree Preservation Order on the frontage to the lane.

The amended plans reposition the access (which is now only for pedestrians and cyclists) a minimum of 6 m from the nearest tree. The applicants have also indicated that as part of the tree management programme they will confirm the provision of protection and root barrier for the trees.

#### **D. Drainage**

The applicants have held discussions with the Environment Agency and it has been agreed that an overall surface water disposal scheme be provided which will ultimately discharge to Haywards Water which runs along the northern boundary. It is being recommended that the applicants investigate the use of a sustainable urban drainage scheme be used for the site which will incorporate attenuation ponds and porous surfaces.

Foul drainage is to be directed to the existing Wessex Water mains system.

#### **E. Sustainability**

Although the site is beyond the settlement limits of Wellington it is close to the existing business Park at Chelston and adjacent to a proposed extension thereto. It is also close to regular, frequent bus services along the B3187/A38 between Taunton and Wellington. Cyclists/pedestrian links are proposed to enable suitable access to Wellington.

It is not anticipated that there will be any detrimental impact on wildlife habitats.

#### **F. Other Issues**

The Environmental Health Officer recommends that prior to commencement of any works, a suitably qualified acoustics consultant submits a report to ensure that the proposed development will not have a detrimental effect from a noise point of view on the amenities of the occupiers of neighbouring premises.

### 11.0 **CONCLUSIONS**

The site is in open countryside where there is a policy presumption against new development unless there is an agricultural or other appropriate need. The site is not allocated for development in the adopted West Deane Local Plan or the emerging Taunton Deane Local Plan and consequently the release of the site at the present time constitutes a departure from the Development Plan. This is reflected in my recommendation.

Since the previous refusal of permission on this site, and the subsequent dismissed Appeal, the Council has approved an interim planning policy which allows for the extension of existing employment estate. This has been in response to a perceived severe shortfall in the supply of employment land in the short term. Although the site is not immediately adjacent to the existing business park at Chelston, it is

adjacent to an area of land which is proposed for employment use in the emerging Taunton Deane Local Plan. That area of land is the subject of the application which follows this one. I consider that the urgent need for additional employment land justifies the release of this site at the present time.

The current development will provide for a range of units at Chelston with this site meeting the need for smaller units. I see the proposal as a logical rounding off of the business park development, particularly in the light of the Inspector's decision on the previous planning application on the current site.

Against the background of the current employment land position, with the interim planning policy, my recommendation is that subject to the views of the Secretary of State under the Departure Procedures and the resolution of the Highways Agency concerns, the proposal is acceptable and I therefore recommend favourably.

**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**

APPENDIX

Taunton Deane Borough Council  
Planning Committee

46/2002/033

1:2,500



NT Noall, Chief Planning Officer  
The Deane House, Belvedere Road,  
Taunton TA1 1HE

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# Appeal Decision

Site visit made on 2 October 2001

by **Peter G Robottom** MA(Oxon) DipTP MRTPI  
MIMgt  
an Inspector appointed by the Secretary of State for Transport,  
Local Government and the Regions

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Date

10 OCT 2001

**Appeal Ref: APP/D3315/A/01/1069224**  
**Chelston Manor, Chelston, Wellington, Somerset**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr D Smith against the decision of Taunton Deane Borough Council.
- The application (Ref. 46/2001/009), dated 28 March 2001, was refused by notice dated 21 June 2001.
- The development proposed is change of use of existing agricultural land to B1/B8 use as an extension to Chelston Business Park.

**Summary of Decision: The appeal is dismissed.**

## Main Issues

1. From the written representations and my inspection of the site and its surroundings, I consider that the main issues in this appeal are the effect on the character and appearance of the countryside in which the site is situated and whether the proposal is premature in relation to the emerging local plan.

## Planning Policy

2. The development plan for the locality comprises the Somerset and Exmoor National Park Joint Structure Plan which was adopted in April 2000 and the West Deane Local Plan which was adopted in May 1997. Policy STR6 strictly controls development outside settlements to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need for travel. Policy STR23 gives greater encouragement to tourist development. Policies WD/SP/2, WD/IE/2, WD/RT/1 and WD/RT/17 of the local plan apply comparable policies to the local area. In particular, WD/IE/2 indicates that permission will not normally be granted for industry, warehousing or office use outside defined settlement limits. Where no suitable sites are available, small-scale developments may be permitted on land adjacent to settlement limits.
3. Objections to the Revised Deposit Draft of the Taunton Deane Local Plan are being considered at Inquiry during autumn 2001. Notwithstanding a general restriction on rural development, Policy EC4 gives some encouragement to small-scale developments for business, industrial, warehousing, tourist and other employment generating purposes providing the site is near to a public road, the site is adjacent to a settlement where there is no suitable site and there would be no detriment to residential amenity or highway safety. Again there is greater encouragement under Policy EC20 for tourist caravan and camping sites. Finally, one of the changes introduced at the Revised Deposit stage was to propose an extension of some 1.3 hectares to the Chelston Business Park. Although not yet part of the development plan, these policies will warrant some weight as material considerations in accordance with the advice of Paragraph 48 of PPG1.

4. Planning Policy Guidance PPG4 and PPG7 are both generally encouraging to employment generating development, but the latter also emphasises the need to protect undeveloped countryside and the need for sustainable development, more fully set out in PPG1, has to be taken into account.

**Reasons**

5. There is no dispute that the 0.4 hectares of agricultural land currently in use for pasture and a small orchard are situated outside any defined settlement boundary so that use for employment development would generally be in conflict with Policy STR6 of the adopted Structure Plan and Policies WD/SP/2 and WD/IE/2 of the adopted local plan. As the site is about 1 mile east of Wellington and 6 miles north-west of Taunton, with only limited housing in the vicinity, although it could have good road access to the M5 via the Chelston Business Park, its development seems very likely to foster an increase in travel. I do not consider that the proposed development should be regarded as sanctioned by the small-scale development provisions as the site is not immediately adjacent to a settlement but only to a very small group of dwellings. Moreover, although of modest size itself, the proposal only comes forward for consideration because of the emerging local plan proposal to extend the Chelston Business Park. Thus, its development would become an integral part of that major commercial site which includes very substantial employers. In my judgement, therefore, the appeal proposal would be in clear conflict with the provisions of the development plan.
6. The situation in relation to the emerging local plan is slightly less clear-cut. However, again I do not consider that the small-scale development provisions should legitimately be applied to the appeal development for the reasons already cited, although the criteria concerning highway safety and avoidance of harm to residential amenity could be met in working-up detailed proposals. Nevertheless, I do not consider that there is a need to retain this land as some form of buffer separate from the Business Park for either landscape or residential amenity purposes.
7. As far as the appearance of the countryside is concerned, the site has a substantial well-established hedgerow including mature trees along the lane serving the cluster of houses at Chelston close to the A38. A further well established hedgerow follows the far side of the lane and yet another bounds the A38 itself. Thus, with suitable landscaping I can see no reason why B1/B8 development of an appropriate scale need have any adverse effect on the wider countryside.
8. As for residential amenity, the site falls away north-westwards from Chelston Manor farmstead and although relatively open on the frontage to the farmstead save for the orchard trees, suitable landscaping could provide adequate separation, particularly as that part of the farmstead closest to the site is currently largely in commercial use in connection the appellant's removal business. At the opposite end of the site, although a path with only wire fencing forms the immediate boundary with Billybrook House, there are mature trees and shrubs beyond the path and the house is set very well back from the road well away from the appeal site. Thus, I can see no reason why a suitably designed scheme on the appeal site need harm the amenities of that property.
9. Nevertheless, neither of these findings overcomes the basic conflict with the policies of the adopted Development Plan and the emerging local plan in that the proposal would involve the development of greenfield land outside a settlement. This must be harmful in itself to

the character of the countryside and to the interests of sustainable development. Thus, in relation to the first issue I consider that the appeal should fail.

10. With regard to the proposal to extend the Chelston Business Park onto adjoining land that forms part of the Chelston Manor holding, if this were an assured intention, it would be a significant factor to consider in relation to my conclusion on the first issue. However, the proposal was only introduced at the Revised Deposit stage in circumstances that are not fully explained in any of the representations. Clearly the majority of the existing Business Park is developed, but the balance of new development at locations such as this away from the main towns of Somerset in relation to the need for employment development is a matter that should be assessed in the Local Plan context. Thus, although the development of the appeal site alone would not constitute a major development of the scale that paragraph 47 of PPG1 concerning prematurity appears to envisage, the justification for its development is bound up with a proposal that in the context of the emerging Taunton Deane Local Plan should only be determined in the light of the conclusions of the Local Plan Inspector.
11. Moreover, I accept that there is an argument that even if the proposed Chelston Business Park extension is sanctioned, it is not absolutely necessary for the appeal site to be developed for similar purposes. There would seem no reason why the grazing and use for free range poultry currently on the site (and as far as grazing is concerned on the area of the proposed Business Park extension) could not continue. Thus, it seems to me that the boundary for any extension of the Chelston Business Park as well as the principle of any extension at all should properly be considered in the context of the Local Plan Inquiry. Consequently, in relation to the second issue, I consider that the appeal development should be considered premature pending the conclusions arising from the Local Plan Inquiry.
12. I have considered the nature and appearance of other nearby existing or permitted uses. In particular, it seems to me that there is a clear distinction in policy terms between development for tourist purposes, such as camping and caravan sites, and the generality of employment generating development in the countryside. In relation to none of these uses do I find anything to counter my findings in relation to the main issues.

#### **Conclusions**

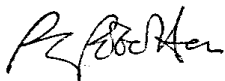
13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

#### **Formal Decision**

14. In exercise of the powers transferred to me, I dismiss the appeal.

#### **Information**

15. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.



INSPECTOR



