

MR D & MRS J SMITH

ERECTION OF 10 NO. INDUSTRIAL 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. ...

15300/21300

FULL

1.0 **RECOMMENDATION**

Subject to:-

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

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

- 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 work shall commence on the development site until a pedestrian footway measuring 1.8 m is provided between the development site and the existing footway on Summerfield Avenue, has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority.
- 14 Reason: In the interests of highway safety.
- 15 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.
- 15 Reason: In the interests of the visual amenity of the area.
- 16 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.

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

17 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.

17 Reason: To prevent pollution of the water environment.

18 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.

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

19 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.

19 Reason: To prevent the increased risk of flooding.

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, TAI 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.
- 20 With regard to Condition 14 you are advised of the need to enter into an Agreement with the County Highway Authority.

2.0 **APPLICANT**

Mr D & Mrs J Smith

3.0 **PROPOSAL**

The proposal provides for the erection of 10 larger scale industrial units (when compared to those the subject of the previous application). The applicants envisage a modern high quality appearance with low maintenance and high percentage of landscaping and screening as well as being respectful of existing established tree and hedge planting. The scheme only uses two colour schemes with matching architectural buildings style, irrespective of size, to create a homogeneous business park style. Courtyards for parking and goods vehicles would be created to keep service roads free of unwanted traffic and obstruction. The applicants consider that building densities relative to site area compare favourably with other modern developments. A total of 4,423 sq m is proposed in units of varying size.

Access to the site would be from the existing Chelston Business Park, via one of the existing premises on the business park.

4.0 **THE SITE**

The majority of the site is currently in agricultural use and is generally well surrounded by hedgerows and trees. The access to the site is currently used as a parking area in connection with a coach repair depot.

5.0 **RELEVANT PLANNING HISTORY**

There is no relevant planning history on the site.

6.0 **RELEVANT PLANNING POLICIES**

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

The following policies are relevant:-

STR1 Sustainable Development

STR6 Development Outside Towns, Rural Centres and Villages

Policy 16 Provision Of Land For Industrial, Warehouse and Business Development

**POLICY 18
LOCATION OF LAND FOR INDUSTRIAL, WAREHOUSING &
BUSINESS DEVELOPMENT**

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

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

Policy 19 Employment And Community Provision in Rural Areas

Policy 49 Transport Requirements of New Development

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

WD/IE/2

WD/IE/3

WD/IE/8

WD/WG/4 A SITE OF 2 HECTARES (4.9 ACRES) OF LAND WEST OF CHELSTON BUSINESS PARK IS PROPOSED FOR BUSINESS AND DISTRIBUTION USE. IN CONJUNCTION WITH DEVELOPMENT THE DEVELOPER WILL PROVIDE SUBSTANTIAL LANDSCAPE BUFFERS ALONG THE SOUTH WEST AND NORTH WEST BOUNDARIES OF THE SITE.

The majority of this plan has now been developed, but a small undeveloped part is included in the current proposal.

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

M1

M3

W9a A site of 1.3 hectares north of Chelston Farm as shown on the proposals map is allocated as an extension of Chelston Business Park for business B1 and warehousing B8 development, provided that the design and landscaping minimise the impact on views from the south and west.

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

8.0 CONSULTATIONS

Highway 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, HA 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 within the recognised development boundary limits, as indicated in the Taunton Deane Local Plan Draft Deposit, and lies adjacent to the existing Chelston Business Park. The site is to be accessed by the existing highway in the main part, and as such it may be unreasonable to object to this proposal on Highway grounds, provided that the site is to be accessed by several modes of transport, i.e. cyclists, pedestrians and motor vehicles etc.

At the present time, the point of access from the existing highway into the proposed site is through a private access. Whilst there is no objection to this in principle, there is currently no footway provision that will link this site access to the remainder of Summerfield Avenue, and the rest of the industrial estate. This will need to be provided, to maximise access to the site. It will also be necessary for pedestrians/cyclists to be able to gain access to all the units on the proposed site, and footway provision should be considered throughout.

It will be necessary for the applicant to enter into a legal agreement with SCC, and ensure that the necessary work is undertaken and completed before the industrial estate comes into operation.

As such, in the event of permission being granted for this application, I would request that the following conditions are attached to any consent:-

1. No work shall commence on the development site until a pedestrian footway measuring 1.8 m is provided between the development site and the existing footway on Summerfield Avenue, has been carried out in accordance with a design and specification to be approved in writing by the Local Planning

Authority and to be fully implemented to the satisfaction of the said Authority.

2. 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 of vehicles in connection with the development hereby permitted.
3. The development hereby approved shall not be occupied until sufficient parking space has been provided within the curtilage of the site.
4. 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.
5. 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.
6. In the interests of sustainable development non 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.”

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

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 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 Wyvern Waste Services Ltd (originally operated by Somerset County Council).

The licence permits the disposal of household waste; commercial and industrial; clinical waste and some difficult wastes. The licence has recently been modified to remove special 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.

If inert material (e.g. rubble, hardcore, topsoil, subsoil) is to be imported for the creation of the new access, a formal exemption from Waste Management licensing will be required. A written application should be made to the Agency's Waste Licensing Team, at this office. The application should include details of the amount of material to be used, the likely source of the material and a location plan.

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 development is located within a sewered area, with both foul and surface water sewers available.

The developer has proposed to dispose of surface water to a watercourse. It is advised that the developer should contact the Environment Agency regarding this proposal.

It will be necessary for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and, if required, surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage.

Turning to water supply, there are water mains in the vicinity of the proposal. Again, connection points can be agreed at the design stage to accommodate an arrangement for the satisfactory supply of water.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems.”

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.”

County Archaeologist

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

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 Officer

“The site forms part of the policy W9a (revised deposit) allocation. Two objections were made to this proposed allocation. However, in line with the guidance in PPG1 it is not considered that the site area or use is so significant that an early approval would undermine the Plan process.

If permission is granted, access should only be taken via the existing Chelston Business Park in order to ensure integration and avoid unnecessary commercial vehicle movement through minor rural roads.”

Landscape Officer

“My main areas of concern are:-

- there is an old pollarded oak tree between unit 9 and the proposed eastern boundary access road at the end of the existing hedgerow that should be retained.
- Several of the units ‘J’ , ‘K’ and ‘G’ are very close to the existing hedgerows. I recommend no buildings closer than 3 m to the outside edge of the hedgerow to protect roots, provide amenity and allow future growth and maintenance of the hedgerows.
- Generally all the hedgerows need managing by laying. This work should be undertaken before work commences on site, to avoid damaging the hedgerows and providing a healthy hedgerow for the next 10 years. Work should be carried out during the winter to avoid nesting birds.
- There are two large off site trees in the SE and SW corners of the site next to unit K which should have no working within their canopy spread to avoid root damage.
- There are no detailed landscape proposals. Given the size of the site I would expect a design statement suggesting type and density of planting with details of species, etc before going to reserved matters.
- There are no proposals for the north western boundary of the site. I would recommend ‘ecological parkland’ planting.”

Drainage Officer

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

Therefore before any approval can be 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) for treatment of surface water discharged.

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.”

Conservation Officer

“If principle of development acceptable, substantial landscape buffer required between Chelston Manor complex and site. Cross section through Unit J and proposed residential units and Chelston Manor required. (Unit J too close to Chelston Manor complex).”

Environmental Health Officer

“Due to the possibility of noise arising from proposed industrial sources affecting proposed dwellings recommend 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.”

Wellington Town Council

No objection.

West Buckland Parish Council

“A proper flood prevention system for both this proposal and application 46/2002/032 (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. Unit J appears too large and too close to the new housing in Zone A. Night work should be restricted to protect the residents of nearby properties. Proper screening of the whole site is important especially near the boundary with Billybrook.”

9.0 **REPRESENTATIONS**

Two letters of objection have been received to the application on the following grounds:-

1. It has not been shown on the plans whether the buildings would be built into the ground on the high side or the lower side built up to accommodate the slope. The latter would make the visual impact more overpowering.
2. No provision has been put in the plans for a bund and screen planting to lesson the intrusion from objector's property, which is the normal case for developments of this nature.
3. The surface water run-off would cause possible nuisance and pollution to objector's property.
4. The units would be a departure from the set plan for the area.
5. Query what restrictions there would be on movement, hours of business, type of business, noise, smell and disturbance to local people and houses will be made by this proposal.

1 letter of representation (from one of landowners) – concern that the proposed development has a major access which dissects owners current property in two and at no time has agreed to allow applicant access.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Do the proposals comply with the current policies of the Local Planning Authority? PLANNING POLICY
- B. Is the proposed access to the site acceptable? ACCESS
- C. Are the proposed drainage arrangements acceptable? DRAINAGE
- D. Is the proposed development sustainable? SUSTAINABILITY

F. OTHER ISSUES

A. Planning Policy

A small part of the area of land the subject of the application is allocated for development in the West Deane Local Plan (the current adopted plan for the area). The remainder is proposed for development in the Taunton Deane Local Plan (the emerging local plan).

Although it lies adjacent to the existing Chelston Business Park, it lies beyond the recognised limits of any recognised settlements where open countryside policies apply. Therefore the proposal is contrary to the currently operative West Deane Local Plan, although it is in line with the emerging Taunton Deane Local Plan. The plans is at an advanced stage of preparation and advice in PPG1 is that where this is the case and there is no objection to a particular policy considerable weight may be given to that policy. Only two objections were made to the proposed allocation of the site in the Taunton Deane Local Plan. I therefore consider that considerable weight should be attached to the policy.

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 to the current site. However it is unlikely that this will come on stream in the immediate future.

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.

The Forward Plan and Regeneration Officer does not consider that an approval in advance of the adoption of the Taunton Deane Local Plan would undermine the Plan process. Wellington Town Council raises no objection and West Buckland Parish Council has no objection in principle.

B. Access

The County Highway Authority does not object to the proposal on highway grounds, but does request that footway provision is made to link with the footways on the existing Business park.

C. 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.

D. Sustainability

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

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

E. Other Issues

The Local Plan states that the proposal has limited landscape impact and I consider that the amended plans meet to a large extent the concerns expressed by the Landscape Officer and the Conservation Officer.

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. I consider that this will ensure that there will be no detrimental impact on the amenity of the residents of the nearest dwellings and as such there is no need to specifically restrict the use of the site to B1 and B8 uses to the exclusion of B2 uses.

11.0 CONCLUSIONS

The majority of the site is not allocated for development in the adopted West Deane Local Plan. However the site is proposed for development in the emerging Taunton Deane Local Plan. Consequently the release of the site at the present time in advance of the adoption of the Taunton Deane Local Plan constitutes a departure from the Development Plan. This is reflected in my recommendation. The current development together with the site the subject of the previous application will provide for a range of units to be provided at Chelston.

Against the background of the advanced stage of the emerging Taunton Deane Local Plan the limited objection to the Local Plan

proposal and the current employment land position, 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.

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