

## **Planning Committee - 24 January 2007**

### **Report of the Development Control Manager**

#### **Miscellaneous Item**

#### **51/2006/013 - Erection of 5 No. Industrial Units with B1 and B2 Use at The Old Basket Works, Lyng Road, Burrowbridge**

At its meeting on 13th December, 2006 the Committee resolved to grant permission for the development subject to the further views of the Environment Agency. This was required as the Environment Agency had raised objection to the application and the recommendation was therefore one of refusal (copy of report attached).

The Environment Agency has been re-notified in light of the view of Committee and their further comments requested. Their comments are as follows:-

“The Agency has reviewed its position in respect of the proposal and concluded that it must maintain its formal objection on the grounds detailed in its letter dated 13th November, 2006.”

The application is not a 'major application' and referral to the Secretary of State is not therefore required in line with Circular 4/2006, the Flooding (England) Direction 2007.

However, in light of the Environment Agency objection being maintained, Members are requested to consider the application further.

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

**CONTACT OFFICER: Mr J Grant Tel. 356465**

## APPENDIX

51/2006/013

MR N CRADDOCK

### **ERECTION OF 5 NO. INDUSTRIAL UNITS WITH B1 AND B2 USE, THE OLD BASKET WORKS, LYNG ROAD, BURROWBRIDGE**

335215/129846

FULL

---

#### **PROPOSAL**

The proposal comprises the erection of a single building which would accommodate 5 No. industrial units, and which the applicant intends to rent out to tenants with restrictions to use classes B1 and B8 (light industry and warehousing). The building would be constructed of steel frame with profile cladding, and would measure some 50 m x 10 m in ground area, with a maximum ridge height of 6.5 m.

The building would be sited to the rear of the Old Basket Works, to the side of an existing industrial unit, and on the site of a former established lorry park. Access to the building would be via an existing access route off the A361.

The site is within a flood zone and accordingly, a Flood Risk Assessment has been submitted. A Design and Access Statement has also been submitted.

A similar application, reference 51/2006/002, was withdrawn in March 2006, because of concerns raised by the County Highway Authority and by the Environment Agency.

#### **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY views awaited. ENVIRONMENT AGENCY Whilst the Agency acknowledges the background flood risk knowledge and the proposed mitigation measures being promoted, it must reiterate its previous comments of 15 February 2006 by referring back to the sequential test of PPG25. It is the Agency's opinion that this commercial development should be located in an area with a lower flood risk i.e. outside Flood Zone 3. Accordingly, the Agency's objection still stands, on the grounds that the provision of a safe/dry access has not been demonstrated within the submitted FRA, as required under paragraph 31 of PPG25. Whilst the Agency does not disagree with the statement that the time duration for the different moors to fill is weeks rather than minutes, suggesting that an adequate warning and evacuation could take place, the FRA does not fundamentally overcome the problem that the site will be inaccessible when the A361 is submerged during a large flood event. As stated in the FRA, the A361 has been submerged many times over the last 40 years to a depth of 200-300mm. To date, the Agency has not witnessed the 1 in 100 year flood in this area, therefore this depth is likely to increase due to climate change. It is also important to note that the emergency services consider 300 mm to be the maximum depth for a vehicle to drive safely through. If your Authority wishes

to approve the application despite the above concerns the Agency would be grateful for a further opportunity to discuss the application. WESSEX WATER recommends notes. SOMERSET DRAINAGE BOARDS CONSORTIUM As is well known the area is subject to occasional but severe flooding. Hopefully the private flood defences will protect the existing and new property but during severe flooding access to the site may be very restricted. Users of the site should be aware of this It is suggested that if the development is permitted measures are taken to ensure that use of the site does not require emergency assistance during flooding when resources may be limited. It should be confirmed that the on site detention storage has sufficient capacity to accommodate any increased storm water runoff attributable to the new development. If necessary additional capacity may need to be provided on site.

LANDSCAPE OFFICER I am concerned about the flood risk implications associated with this application. I do however concede that on landscape grounds, the siting of the low rise industrial units will have little impact on the landscape. There is already a well screened hardstanding where the units are proposed. The existing willow trees however, would benefit from some tree surgery. ENVIRONMENTAL HEALTH OFFICER recommends noise control condition. DRAINAGE OFFICER has no objections subject to the Revised Flood Risk Assessment being approved by the Environment Agency. If so approved then the flood risk management measure listed should be made a condition of any approval given. Recommends note.

PARISH COUNCIL supports.

## **POLICY CONTEXT**

Taunton Deane Local Plan Policy EC7 accepts the development of new small scale buildings for industrial use outside the defined limits of settlements, provided, inter alia, the site is near a public road; the site is adjacent to the limits of a village; there would be no harm to the landscape or highway safety.

Policy S2 advises that development must be of good design and must minimise adverse impact on the environment.

Policy EN28 advises that land with little or no risk of flooding will be the priority location for development, but where development is permitted on land subject to flooding, the Borough Council will require the development to be protected to at least the standard of 1 in 100 year.

## **ASSESSMENT**

Whilst the proposal is considered acceptable having regard to its design, its limited impact on visual amenity, and the previous use of the site as a lorry park, there are two contentious issues, namely impact on road safety, and the flood risk concern.

At the time of agenda preparation, the observations of the County Highway Authority were awaited, but with regard to flood risk, the Environment Agency's previous objection is reiterated, on the grounds that the provision of a safe/dry access has not been demonstrated. They disagree with the statement from the agent that the time

duration for the different moors to fill is weeks rather than minutes, and they advise that the Flood Risk Assessment does not fundamentally overcome the problem that the site will be inaccessible when the A361 is submerged during a large flood event.

In response to the Environment Agency's objection the agent has advised that flooding would in practice put neither personnel nor the site itself in danger for reasons including:- the development would be situated within an existing commercial facility which is already protected by its own ring bank schemes; the site is and will remain totally commercial with no personnel resident overnight; it requires a couple of weeks or more of persistent wet weather before levels in Stan Moor rise to the point where access between the site and Burrowbridge becomes impossible; the Environment Agency runs a well established flood warning system; the applicant intends to develop robust evacuation procedures for the proposal site; there are no known records of personnel being put in immediate danger; and the applicant is prepared to accept planning conditions formally requiring the various precautionary measures.

Notwithstanding these above comments the Environment Agency maintain their objection and refusal of permission is therefore recommended.

### **RECOMMENDATION**

Permission be REFUSED on the grounds that the provision of a safe/dry access to and from the A361 can not be achieved during a 1:100 year fluvial flood event.

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

**CONTACT OFFICER: 356465 MR J GRANT**

