

## Officer Report On Planning Application: 17/04604/FUL

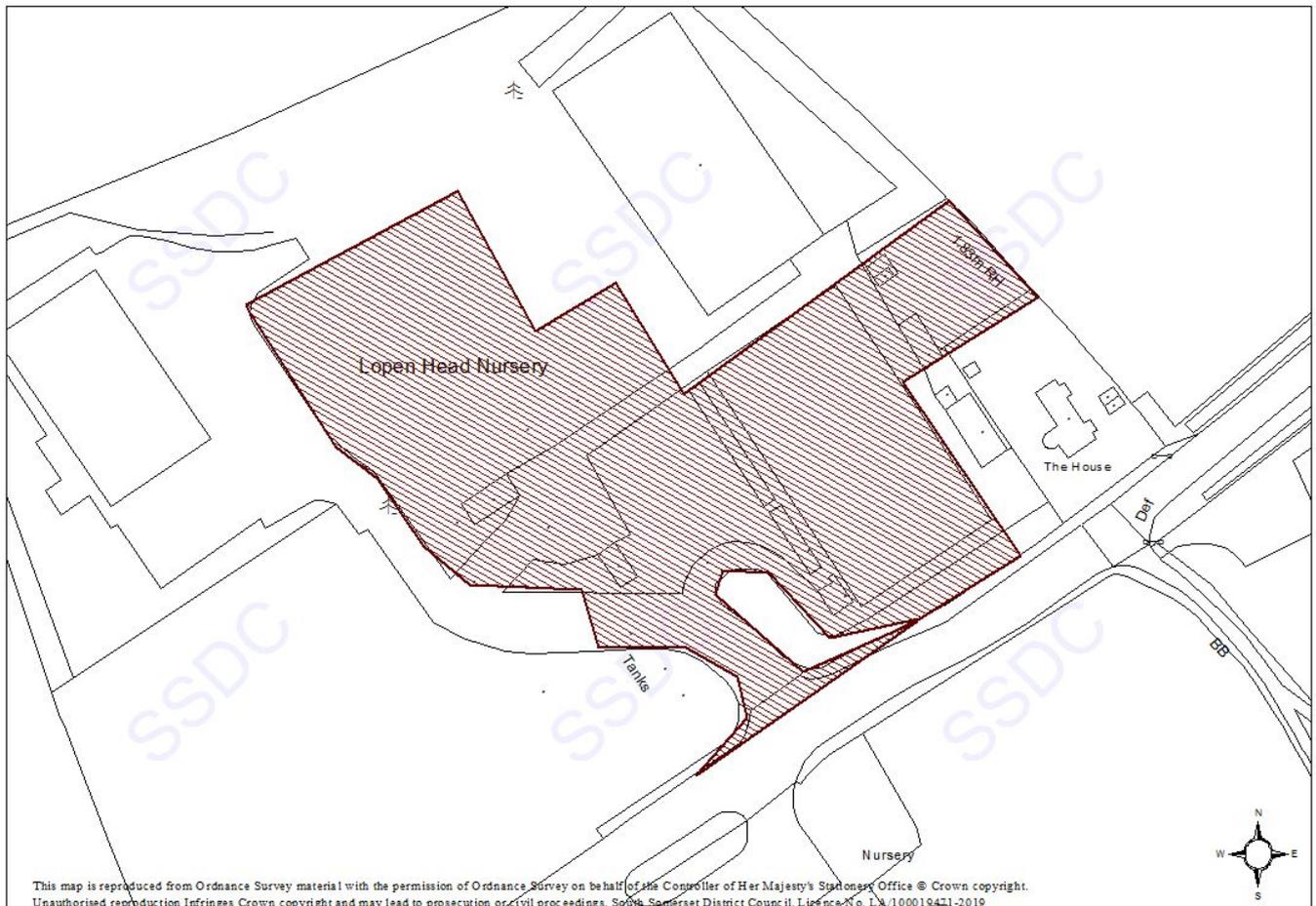
<b>Proposal :</b>	Demolition of various outbuildings and greenhouse and the erection of a warehouse building (Use Class B8) and associated parking and landscaping.
<b>Site Address:</b>	Probiotics International Ltd, Lopenhead, South Petherton.
<b>Parish:</b>	Lopen
<b>SOUTH PETHERTON Ward (SSDC Member)</b>	Cllr Adam Dance Cllr Crispin Raikes
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	2nd March 2018
<b>Applicant :</b>	Probiotics International Ltd
<b>Agent: (no agent if blank)</b>	Mr Matt Frost, Boon Brown Planning, Motivo, Alvington, Yeovil BA20 2FG
<b>Application Type :</b>	Major Manfr f/space 1,000 sq.m or 1ha+

### REASON FOR REFERRAL TO COMMITTEE

This application has been referred to committee at the request of the ward members and in agreement with the Chair in order for a full discussion to take place in respect of the need and scale of the building, highways, landscape and residential amenity impacts.

### SITE DESCRIPTION





This 0.95 hectare site forms part of the former Lopen Head nursery, on the northern side of the old A303, approximately 1km from Lopen and 2km from South Petherton. The site is located to the front (southern part) of the former nursery site, fronting the road (old A303). Other than vegetation throughout the site, it currently contains a mix of large derelict glasshouses, outbuildings and structures previously used in connection with the nursery.

To the immediate north and west are the existing Probiotics buildings and LiftWest business. To the lower eastern boundary are a couple of dwellings, with fields to the upper half of the eastern boundary. On the opposite side of the road (old A303) is the Trading Post farm shop.

## PROPOSAL

This application has been made by Probiotics International Ltd to demolish the various derelict buildings and to erect a new building for B8 warehouse use along with associated parking and landscaping. Access would be gained via the existing access from the old A303 to the south of the site and along the existing internal road which serves the current businesses. A service yard located towards the front of the site will be accessed off a new access from the existing internal access road.

The proposed new building will be located to the rear part of the currently redundant site and physically adjoin and link with 2 of the existing Probiotics buildings. The new building will have a total floorspace of 3,240 square metres and be similar in terms of design and form to the exiting Probiotics units on site. The building will have a similar height to the 2 existing buildings. It will be significantly longer than the other units previously permitted but will sit in front of Bocks D and E. As viewed from the main road, the

new building would extend across most of the current visible built form mass, with approximately 10 metres visible of current building D and extending 4 metres to the east of current building F.

The scheme will provide 11 additional car parking spaces and, as amended, 4 HGV spaces within the service yard area. The Transport Assessment states that the scheme would generate 4no. HGV movements in the am peak hour and 2no. HGV movements in the pm peak hour.

The new unit will have external materials similar to the current buildings comprising primarily mid grey Kingspan cladding panels and Corus ribbed panel. A green ivy wall is also proposed on a section of the southern (road facing) elevation. Landscaping is proposed around the boundaries of the site with native species with a landscape buffer in the southeast corner of the site.

In addition to the various plans, the application has been supported by a Planning Statement, Design and Access Statement, a Transport Statement, Travel Plan, Ecology Report, Reptile Survey and a Noise Assessment. Further documents have since been submitted including a Landscape Visual Impact Assessment and a letter from the agent addressing/responding to comments received in regard to highway matters and need for the development.

## **HISTORY**

08/00053/OUT - Outline permission granted for development of the allocated employment site for B1 and B2 uses.

08/00248/FUL - Permission granted for the erection of B1/B2 industrial building (first Probiotics building)

08/05122/FUL Permission granted for the erection of B1/B2 industrial building (revision of 08//00248/FUL, the first Probiotics building).

09/03849/FUL - Permission granted for the erection of a building for B1, B2 and B8 uses (second Probiotics building).

09/03030/FUL - Development of land for B1,B2 and B8 use (withdrawn).

08/00053/OUT -Outline permission granted for development of the allocated employment site for B1 and B2 uses.

12/00951/FUL - Permission granted for the erection of a building for B1, B2 and B8 uses for associated infrastructure, parking and landscaping (third Probiotics building).

17/02926/FUL - Permission granted for the erection of a link extension between buildings D and E and construction of an external covered plant area.

17/03007/EIASS - Request for a screening opinion for a warehouse building (B8 USE) and associated works. This is in regard to the fourth Probiotics building (current application). The Council concluded that an EIA was not required.

Also relevant on the adjoining Lift West site are:-

09//00670/FUL - Permission granted for the erection of B1/B2 industrial building (revision of 08/00250/FUL).

08/00250/FUL - Permission granted for the erection of B1/B2 industrial building.

Also relevant are the following screening opinions in relation to environmental impacts that have been given:-

12/00587/EIASS -The Council concluded that an Environmental Impact Assessment (EIA) is not required in support of the proposal (letter dated 21/02/12). The matter was subsequently raised with the National Planning Casework Unit who twice offered the same opinion (13/04/12 and 31/08/12) concluding that the "development proposed is not EIA development".

In view of the issues raised since April 2013 a further screening opinion has been requested:-

14/03151/EIASS - This again concludes that the impacts of the development are not such that a formal Environmental Impact assessment is required.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

### Relevant Development Plan Documents

South Somerset Local Plan (Adopted 2015)  
SD1 - Sustainable Development  
SS1 - Settlement Strategy  
EP4 - Expansion of Existing Business in the countryside.  
TA4 - Travel Plans  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
EQ2 - General Development  
EQ4 - Biodiversity

### Relevant Material Considerations

National Planning Policy Framework (2018)  
Chapter 2 - Achieving Sustainable Development  
Chapter 4 -Decision Making  
Chapter 6 - Building Strong Competitive Economy  
Chapter 9 - Promoting Sustainable Transport  
Chapter 15- Conserving and Enhancing the Natural Environment

Somerset County Council Adopted Parking Strategy

## **CONSULTATIONS**

**Lopen Parish Council:** 2 detailed responses objecting to the development have been received from the Parish Council in regard to the original application, and following the submission of additional plans and information from the applicant. The original letters are available to view on the Council's website. They will also be attached as appendices to this report if the application is requested to be considered by the Area North Committee – please see attached at Appendix 1 (page 25) and Appendix 2 (page 29).

A summary of the points raised by Lopen Parish Council:

- The building is disproportionately large and completely unsuitable for its hill top location.
- Original allocation excluded B8 use
- Combined totals of B8 use for Probiotics would amount to about 60% of the floor space.
- Site is not in a sustainable location.
- Criticism of the Transport Assessment which does not accurately reflect limited public transport, pedestrian and cycling access, nor accurate traffic levels.
- Lack of justification for the building and concerned at the rapid expansion of this business. Concerns about need for future growth/expansion.
- Outside of the original employment allocation and contrary to most of Policy EP4. Hence would be unlawful unless need can be proven. Contrary also to policy SS2.
- Employment need for South Petherton already exceeded by development on this wider site.
- Application should be refused. If approved suggest conditions in regard to limiting hours of working and stronger landscaping control to ensure works fully carried out.

Officer comment: In regard to the Parish Council comments in respect of the additional information, their position remains unchanged and strongly object to the application. Major concerns remain about the scale of the building, the inadequate landscaping proposed, visibility in the landscape, accompanying photographs are taken from carefully selected locations to downplay the visual impact of the buildings, lack of need, traffic and overall cumulative impact.

#### **Adjoining Parish Council:**

##### **South Petherton Parish Council:**

Comments made:

- Original application stated that there would be landscaping which would include trees to screen the site - it is not apparent that this has been done and the PC would like to see this enforced.
- Some Watergore residents worried about the size, visibility and traffic impact of the site.
- Comments from the PC supporting business opportunities, infrastructure and improvement on the look of the site.

#### **Highway Authority (HA) (summary of first response)**

##### Traffic Impact

The principle of commercial development has previously been accepted at this site and, whilst the HA note the significant increase in additional traffic, particularly HGV traffic, and concern about the perception of pedestrian safety along the road, the HA conclude that it is unlikely that it will result in a severe highway impact, the test under the NPPF.

##### Travel Plan

The draft Travel Plan has been audited by the HA and confirm that it is generally acceptable subject to some minor revisions in regard to electric charging points and cycle provision.

##### Parking /access

The car parking provision of 24 would be significantly over the optimum requirement of 11 spaces for parking. 13 lorry parking spaces are required. The Transport Assessment outlines that the parking would be used for plots D and F combined. Parking next to Plot E (outside of application site) appears also to be altered. The TA also mentions that other space is available within the wider site - this should be within the application site area. The submitted details for HGV's are not satisfactory and the HA have asked for clarification of the parking arrangement across the site, including provision for HGV parking and turning.

Access is gained via the current access from the old A303. This can safely cater for HGV's. Swept path analysis required to show safe access for HGV's into the service yard area and a plan needed to show/ensure that no vehicles within the service yard area blocking the entrance to other vehicles. Tracking also required to show safe access to the bin stores north of plot E. Concern overall that HGV's may have to wait on the public highway. Plans require revision to address the above issues.

**Highway Authority: (summary of second and revised response following submission of additional information and plans from the agent).**

**Car parking**

The applicant has noted that an additional 11 spaces is in accord with the adopted parking strategy.

HGV parking arrangements. HGV parking spaces in the service yard area have been reduced from 5 to 4. The plan shows that the westernmost loading bay has been removed. It is now demonstrated that HGV's can manoeuvre in and out of the parking spaces within the service yard area. Distribution of Probiotics goods are undertaken by external haulage providers and there is no need for extensive HGV parking on site. Provision of 4 HGV spaces in the service yard area is acceptable.

**Service yard access junction**

The applicant's plan shows that an HGV can manoeuvre in and out of the proposed service yard access and appropriate visibility provided.

The bin store location is to the north of Plot E, as previously approved.

On the basis of the above, the HA raise no objection to the scheme subject to a condition in respect of the provision of a service yard area visibility splay and advisory notes in regard to the need to secure the appropriate legal agreement/licence from the HA in regard to any works within or adjacent to the public highway.

**Spatial Policy: (summary of first response)**

Whilst noting policy support nationally and locally for the expansion of existing businesses in the countryside, further information is required for the justification and benefits of the development, in particular the need for the scheme. Clarification also sought on the current position in regard to the current and proposed buildings on site.

Officer comment: Following receipt of the above comments, the applicant submitted additional information to support the need for the building and current provision on site. The Spatial Policy officer stated the further information submitted by the agent sets out the need for the proposed development, as requested.

Paragraphs 80 to 84 of the revised NPPF would support the application, particularly 84 - I would draw your attention to the second sentence which requires developments not well served by public transport to not have an unacceptable impact on local roads and exploit any opportunities to make the location more sustainable.

Based on the additional information, you should now be in a position to consider whether the proposal complies with the criteria in Policy EP4 and is mindful of the relevant sections of the revised NPPF.

Officer comment: In regard to opportunities to make the location more sustainable, the applicant has submitted a Travel Plan which has been audited by the HA. They have confirmed that it is generally acceptable subject to some minor revisions in regard to electric charging points and cycle provision.

## **Environmental Health Officer (EHO) (summary of response)**

The EHO is satisfied with the proposed noise mitigation measures outlined in the Noise Assessment Report. Recommends conditions to further protect the amenity of the closest residential property. The recommended conditions relate to the control of burning of any waste or other materials, restriction on hours for loading/unloading of vehicles, and the fitting of noise attenuated reversing alarms on forklifts.

## **Ecologist:**

No objection subject to 2 conditions in regard to the protection of nesting birds and biodiversity enhancement.

## **County Archaeologist**

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

## **Natural England (summary)**

No objection to the application. Refer to their published Standing advice for protected species or to consult with the Council's own Ecologist. It is for the LPA to determine if the application is in accord with national and local policies on the natural environment.

## **REPRESENTATIONS**

14 letters/emails have been received in regard to the application raising the following concerns/objections to the development:

- Watergore is not suitable for additional HGV traffic
- Many HGV's travel overnight serving Branston's close to properties
- Detrimental impact on amenity of local residents who live close to the main road.
- Highway Infrastructure not suitable in Watergore, currently a very busy road with lorries thundering past properties.
- Damage to local properties
- Unsafe to walk along this stretch of road
- A link road should be built direct to the A303 to bypass Watergore.
- Need a 30mph speed limit and speed cameras (currently 40 mph) - speed limit often exceeded,
- Road condition is deteriorating.
- Ask the Highway Authority to remove the weight restriction of the old 303 towards Ilminster to relieve the flow of traffic through Watergore.
- Proposed development is disproportionately large and inappropriate for the location
- New building would result in a 45% increase in the built area.
- Warehousing which is contrary to the original employment allocation for the adjacent site will be 5,149m<sup>2</sup>, far exceeds the b1 and b2 uses.
- Harm to landscape
- Support comments of Lopen PC.
- History of the original employment allocation provided.
- Development is not a genuine expansion but a long term pre-planned multi stage development.
- Council have disregarded environmental concerns at the site.
- Questions the validity of some of the statements in the planning statement, in particular that this site meets the allocation in the local plan for employment land in South Petherton.
- Starting point for consideration of the application is the local plan - proposed building is not

supported by the Local Plan.

- Do not agree that the development would not generate additional lorry movements
- Site is not safely accessible to the village due to lack of pavements and lighting
- Cars parked along internal road demonstrate lack of parking spaces within site as a whole
- No scope for landscaping due to scale of building
- Loss of conifer screen not helped reduce noise impact from site.
- Lack of business justification for the new building.

A letter has also been received from the Campaign for the Protection of Rural England (CPRE). Their preference is for such development to be located on brownfield land in urban rather than rural areas. Acknowledge that the site has seen extensive development and the impact on the countryside has already taken place. However, concerns raised about the scale of the building, site outside of original employment allocation, significant B8 use, little employment creation, previous landscaping not fully implemented and needs landscaping to soften the appearance of the scheme.

1 letter has been received following submission of the additional information raising the following objections:

- Landscape has always been a major issue on this site. Removal of boundary confers was contrary to the employment allocation.
- Landscaping report commissioned in 2014 by the contributor shows inadequate planting at the site - previous landscaping not implemented.
- Buildings are not screened by topography, clearly visible.
- Landscape buffer is not adequate
- Appearance of the proposed and existing buildings contrary to local landscape character.
- Development permitted close to site boundary has allowed developer to avoid retention of previous conifer screening.
- Site is publicly visible.
- Proposal is contrary to policy EQ2 of the local plan.
- Travel plan has not been implemented.
- Lack of parking on site
- Lack of adequate access plans further demonstrates the application is unacceptable and beyond the original employment aims for this site.
- Question the need for the building.

## **CONSIDERATIONS**

### **Need**

Strong concern has been raised that insufficient need has been demonstrated to justify support for this large warehouse building. Countering this position, the agent has made the case that the company has grown significantly over the last decade and is clearly a successful business. In terms of figures, the agent has outlined this growth. Total sales over the last 5 years have grown by over 150% to over £30m with 65% of products sold overseas to over 80 countries. In terms of employment, 138 staff are based at Lopen with 178 employed in total. 70% are resident to South Somerset. This development will generate another 15 full time jobs. It is clear from these figures that the company has grown and is forecast to continue. As a result of this growth, there is a need for additional storage space.

The agent has stated that the company has a shortfall of storage space and is currently renting 600m<sup>2</sup> of warehousing at Ilton. Whilst this off site storage clearly solves a short term need, it is not an efficient or economic way to operate, particularly given if there are storage options adjacent to their manufacturing operations. Locating their storage requirements at their Lopen site would reduce traffic

movements and costs. It would also overcome the potential future issue of securing an appropriate long term lease either on the current site at Ilton or finding appropriate storage space elsewhere.

The long term business plan of the company is to increase production space in Building E, with all on site warehousing taking place in the new building (F). This will allow for storage space permitted within E to be transferred to the new unit.

It is accepted that this is a significant sized building and the concerns raised about the need for such a building have been carefully assessed. It is clear that Probiotics have grown quickly and are continuing on this upward path. It is not accepted that the ad hoc growth of physical development on site has been a pre-planned tactic of the company. However, it would not have been unreasonable for the company to look to grow and expand when first starting up on this site. Whilst most businesses seek to grow and provide more employment, this can never be guaranteed and a whole host of issues can prevent or stunt growth. Probiotics started their investment on the wider site not long after the 2008 economic crash and have continue to grow throughout difficult economic times, and projected to grow notwithstanding the current economic uncertainty surrounding Brexit. The storage space to be provided within the new building will clearly not all be required immediately but allow for the continuing production and storage needs into the future. It should be added that the company would not be making a significant investment in their business on this site if there was no need for the new building.

### **Employment Allocation ME/LOPE/1 and Policy EP4**

Concern has been raised that this development would be contrary to the original Local Plan employment allocation on the adjacent site. It is correct that both the scale of development on the business park as a whole is now much greater than the original allocation proposed, and that it did not allocate for B8 use. The original allocation was to provide sufficient land for the employment needs of South Petherton and surrounding villages. In so far that the site is now host to 2 major employers in the district providing significant employment should be regarded as a success. Further growth beyond the original employment allocation is what is now being sought and assessed.

The Local Plan clearly supports the expansion of existing businesses in the countryside (EP4). It is considered that this scheme meets the various criteria listed under this policy. Whilst it is acknowledged that there are genuine local concerns about the development, in particular the scale, landscape and traffic impact, in the absence of any objection from statutory consultees or service providers it is not considered that there is sufficient evidence to demonstrate that the proposed development would result in significant adverse harm warranting refusal. The NPPF also seeks to support a prosperous rural economy by permitting the sustainable growth and expansion of all types of business in rural areas. It adds that these are not always going to be located in areas that are well served by public transport. On this basis, it is clear that there is policy support both at local and national level for the expansion of business in the countryside.

A point has been raised by the Parish Council that the proposal would result in an unlawful development because it departs from the original allocation. This is not the case. The applicant is entitled to submit the application and for the merits of the proposal to be assessed. The proposed building would not be located on land that formed part of the original allocation. However, it is considered that only limited weight can be attached to the original allocation as it is the expansion of an existing business that is being considered. Policies and circumstances have evolved and changed since the date of the original allocation. It would simply not be correct for the current scheme to be solely assessed against the original allocation given the local and national support for the expansion of business in the countryside.

### **Highways impact / parking**

Much of the local objection to the scheme has focused upon the volume, speed and additional traffic, particularly HGV traffic, using the Old A303 through Watergore. Having visited the site on a number of

occasions and also having sat in a local property along this stretch of road experiencing the volume traffic, there is no doubt that this is a busy road with a mix of both HGV's and cars/vans. The concern about the speed of traffic is also a genuine concern. However, this is matter for the police and/or County Highway Authority. In terms of the traffic impact of the development, the Highway Authority have fully assessed the Transport Assessment. The TA states that the proposed development would generate 14 total vehicle movements in the am peak with 12 in the pm peak, with 4 (am) and 2 (pm) HGV movements respectively. The Highway Authority have concluded that whilst there would be an increase in traffic, particularly HGV traffic, it would not result in a severe highway impact. The NPPF advises development should not be refused on highway grounds unless the impact is severe.

In regard to parking provision, the Highway Authority originally raised concern about the over provision of car parking and the lack of detail in regard to HGV parking. The agent has submitted additional information which addresses these points. It is explained that the 24 car parking spaces shown on the plans to the rear of building D include the re-positioning of the existing 13 spaces previously approved for building D. The 11 additional spaces are in accord with the adopted parking strategy and are acceptable. Concern has been raised by local residents that there is insufficient parking across the site. However, permission for Plot D predated the 2013 parking strategy and the provision was considered to be acceptable. It is accepted that parking does occur on the access road, in a similar manner to parking on many public roads. In this case, the internal access road is a private road and is able to properly function as a service road to the units.

In regard to HGV parking and access to the service yard area, the applicant has submitted additional plans and information which has satisfactorily addressed the original concerns of the Highway Authority. 4 HGV parking spaces have been provided and tracking plans submitted to show that those vehicles can safely enter and exit the service yard area. Whilst the Highway Authority were seeking 13 HGV spaces based on the gross floor area of the development, they have accepted the position that the distribution of Probiotics goods are undertaken by external haulage providers. Accordingly, there is no need for extensive HGV parking on site and provision of 4 HGV spaces in the service yard area is acceptable.

## **Landscaping**

The building will be located to the front of the former nursery site and will result in the removal of derelict glasshouses and associated structures. These have long been a rather unattractive feature at the front of the former nursery and their removal is welcomed. However, as stated previously, the scale of the proposed new warehouse is significant and will clearly be a visual presence on the site. Local objection has been raised about the adverse landscape impact that will be caused due to its mass and scale. Due to the scale of the proposal, the Landscape Officer recommended that the applicant undertake a Landscape and Visual Impact Appraisal (LVIA). Whilst there has been criticism of some of the photographs and viewpoints taken as part of the LVIA, the key viewpoints were as advised by the Council's Landscape officer. The main conclusion of this assessment is that the biggest visual impact of the proposed building would be within close proximity to the building but acknowledges that the development would be visible from a number of, albeit limited locations in the local area.

It is clear that a building of this scale would have a visual and landscape impact. The key question is whether this would result in such significant adverse impact to warrant refusal. The building will be located adjacent to previously approved units on site and from a number of viewpoints will be viewed in the context of established employment units. It has also been designed to reflect that of the other Probiotics buildings. Its height will be similar and have an external finish to match the other Probiotics units. Tree, hedge and shrub planting will also be implemented to soften the impact of the building. For these reasons, it is not considered that the overall landscape impact would be significantly adverse to warrant refusal.

In regard to the points raised about the original confer screen that bounded the wider site, it is correct

that the original employment allocation included retention of the boundary conifer screen. However, when it came to assessing the applications on the wider site, it was advised by the Council's Landscape Officer that it would be preferable to replace the non-native trees with more appropriate planting. The conifer trees were not in very good health with the lower branch sections having died. Importantly, the clear advice was that any new planting would have struggled to grow and compete with the conifer trees. Therefore, on these grounds it was considered appropriate to remove the conifers. Their removal was not to permit the development closer to the boundary of the site as has been alleged, new boundary planting has and will replace the conifers around the previously approved Probiotics units.

With regard to the concerns raised about the incomplete planting approved as part of previous permissions on the wider site, it should be noted that landscaping associated with Probiotics has been fully implemented. Local concern has been raised that this previous landscaping is insufficient. However, the landscaping schemes followed the advice of and agreed by the Council's Landscape officer. It is correct, however, that the full landscaping scheme, primarily the planting of trees, has yet to be implemented to the front and side boundaries of LiftWest, which occupies the other frontage plot, to the west of the current application site. However, the owner has now agreed for the District Council to undertake the planting. The plants and trees have been ordered from the nursery and planting will take place once they have arrived in about 2 or 3 weeks.

### **Residential amenity**

The proposed new unit and its service yard area will be located to the front of the former nursery site. The closest residential properties are located to the north east of the site, close to the road frontage and 3 metres from the site boundary. An acoustic panel fence is proposed along this shared section of the site boundary. In addition, the Environmental Health Officer has recommended that vehicle movements and the loading/unloading of vehicles are restricted to 7.30 am to 7pm Monday to Friday and 8.30am to 6pm with none on Sundays, Public or Bank Holidays. Plus, noise attenuation reversing alarms to be fitted to forklifts. In regard to the proposed hours restriction, it is not considered reasonable to impose restrictions on all vehicles as this has not been considered reasonable to impose previously. However, it is agreed that this restriction is applied to all HGV movement and loading/unloading within the service yard area as this is closest to those residential properties. With these controls it is not considered that the scheme would cause adverse harm to the residential amenity of those nearest residential properties. In addition, it is considered that these HGV restrictions would control HGV movements associated with this development through Watergore during the evening and through the night.

### **Ecology**

The application has been supported by an Ecological Assessment and reptile assessment. The Council's Ecologist has assessed the accompanying reports. He confirms that reptiles weren't recorded on site and the assessment didn't identify any particularly significant constraints or issues. He also advises that nesting birds, and significant habitat for nesting birds, were recorded. He agrees with the recommendations of the ecology report and recommended 2 conditions in regard to the protection of nesting birds and biodiversity enhancement.

### **Conclusion**

It is fully acknowledged that there are strong local objections to the proposed development and that the scale of the building is significant. However, after careful assessment of the proposal, it is concluded that there are no significant adverse impacts which warrant refusal of the proposed development. It is considered that there is a genuine need for the building in order to allow Probiotics to continue their growth and to provide additional employment.

## **SECTION 106 PLANNING OBLIGATION and COMMUNITY INFRASTRUCTURE LEVY**

The application be approved subject to:

a) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s) before the decision notice granting planning permission is issued, the said planning permission to cover the following terms/issues:

1) Submission of a Travel Plan.

CIL is not sought for this type of commercial development.

### **RECOMMENDATION**

Grant permission.

01. Notwithstanding local concerns about the proposed development, the benefits of the proposed development in terms of employment opportunities and the contribution to the rural economy stemming from the expansion of an established business adjacent to its existing site, would outweigh any visual, highway and landscape impacts. The scheme, for which a reasonable justification has been made, will provide a satisfactory means of vehicular access, provide sufficient parking, without adverse harm to ecology, local landscape or residential amenity. The proposed development is therefore in accord with Policies SD1, SS1, EP4, TA4, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan, the NPPF and the County Council's adopted parking strategy.

### **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EQ4 of the South Somerset Local Plan.

03. Prior to the first occupation of the building hereby approved, details of measures for the enhancement of biodiversity (e.g. bird boxes, native species planting in landscaping scheme) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF and Local Plan Policy EQ4.

04. There shall be no obstruction to visibility greater than 600 mm above adjoining road level in advance of lines drawn 2.4metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

05. The development hereby approved shall be carried out in accordance with the following approved plans:

Drawing Numbers: 3761/PL03 rev B, 3761/PL01 Rev A, 3761 /PL02 Rev A, 3761/PL04 Rev A, 3761 / PL06 Rev A, 17102/001 Rev A, 17102 TK03, 3761/100 Rev A, 3761-BBA-PL-011 Rev A, 3761/PL05 AND 3761/PL08.

Reason: For the purposes of clarity and in the interests of proper planning.

06. There shall be no burning of any waste or other waste materials on the site, except in an incinerator, the details of which shall be approved in writing by the Local Planning Authority, before the development is brought into use. The use approved shall be carried out strictly in accordance with the details agreed.

Reason: To accord with the NPPF.

07. No HGV movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 07.30 to 19.00 hours Monday To Fridays, 08.30 to 18.00 hours on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan.

08. Any forklift trucks used on the application site shall be fitted with noise attenuated reversing alarms. All such alarms are to be kept in working condition and operable wherever a forklift truck is used on site.

Reason: To protect the amenity of the locality to accord with Policy EQ2 of the South Somerset Local Plan.

09. Prior to its installation, details of the acoustic panel fence hereby approved (as shown on plan 3761/100 Rev A) shall be submitted to and approved in writing by the Local Planning Authority. It shall be fully installed prior to the first use of the warehouse building and service yard hereby approved and shall be maintained and retained thereafter.

Reason: In the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan.

10. The approved landscape scheme shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

11. The warehouse building hereby permitted shall not be constructed above base course level until details of all external materials are submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

12. No external lighting shall be installed within the application site unless details have first been submitted and approved in writing by the Local Planning Authority. Any approved lighting shall not be altered without the written permission of the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

### **Informatives:**

01. The applicant is advised of the following advice from the Highway Authority:

#### General Works

(As some work relating to this development may need to be undertaken within or adjacent to the existing public highway, the following note should be added to any planning certificate):

The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

- **Section 171 Licence**  
(minor works such as tree works, installation of private street furniture, building/re-building boundary walls on or adjacent to the highway)  
The applicant will be required to secure a licence from the Highway Authority for works on or adjacent to the highway necessary as part of this development, and they are advised to contact Somerset County Council at least four weeks before starting such works.
  - **Section 184 Agreement**  
(the construction of, or alterations to, any site access or accesses where these are the only highway works required to be executed to enable the development or if they need to be constructed in advance of the main works under a Section 38 or 278 Agreement)  
The applicant will be required to enter into a suitable legal agreement with the Highway Authority for the highway works that will be carried out as part of this development, and they are advised to contact Somerset County Council to progress this agreement well in advance of the development starting.
  - **Additional Bin Store**  
If the applicant wishes to provide a further bin store, then they must supply appropriate drawings that demonstrate its accessibility for refuse collections.
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