

Area West Committee – 15th September 2010

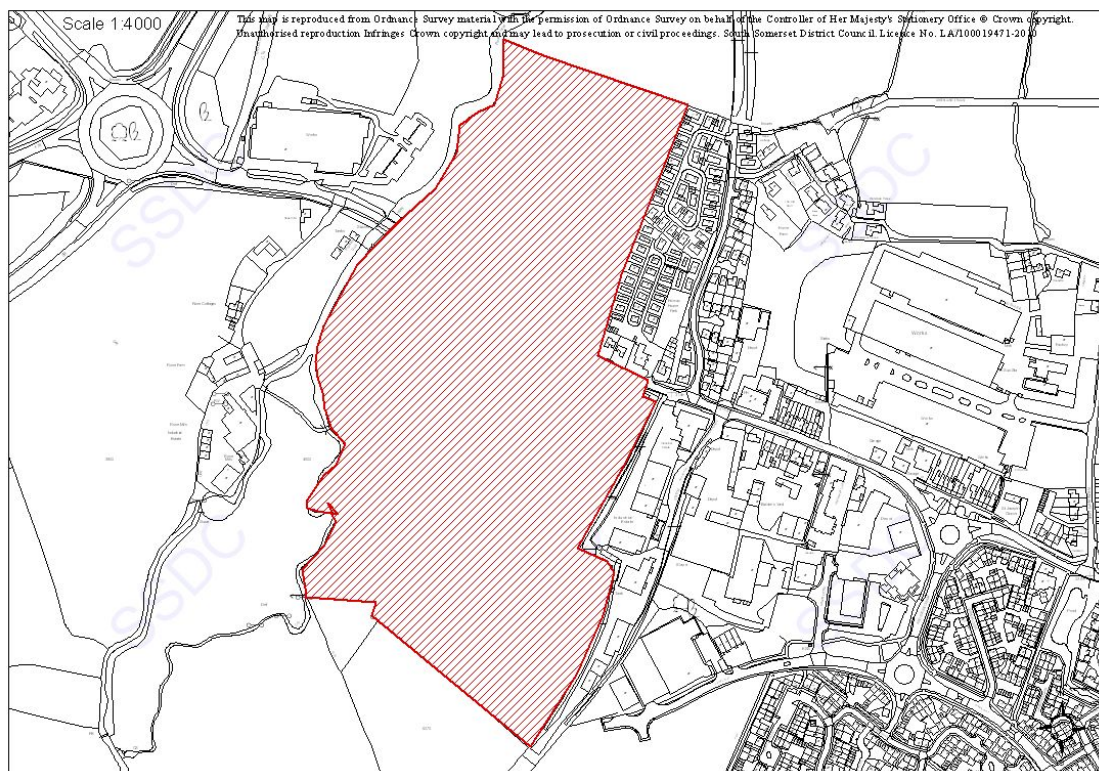
Officer Report on Planning Application: 09/00051/OUT

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| Proposal: | Demolition of factory complex, mixed use employment development consisting of B1, B2 & B8 uses, formation of vehicular accesses, public highway, flood mitigation and related works (GR: 334579/115198) |
| Site Address: | Horlicks Farm Land at Hort Bridge Station Road |
| Parish: | Iminster |
| ILMINSTER TOWN Ward | Cllr. Carol Goodall & Cllr. Kim Turner |
| Recommending Case Officer: | Andrew Gunn Tel: 01935 462192 Email: andrew.gunn@southsomerset.gov.uk |
| Target date: | 25th March 2009 |
| Applicant: | Alchemy Properties |
| Agent: (no agent if blank) | Alder King Planning Consultants (FAO: Mr Karl Scholz) 15 Pembroke Road Clifton Bristol BS8 3BA |
| Application Type: | Major Manfr f/space 1,000 sq.m or 1ha+ |

REASON FOR REFERRAL TO COMMITTEE:

The Application has been referred to Area West Committee as the application site exceeds 4 hectares.

SITE DESCRIPTION AND PROPOSAL



The application site is located on the western side of Iminster, approximately 1.5km from the centre of the town and 400 metres from the Southfield roundabout (A303 and A358). The

application site is split on different plots of land either side of Station Road (B3168), totalling 16.7 hectares. The northern part of the site is located to the west of Home Farm Park - a residential caravan park and to the east of the River Isle. Open fields are located to the north with industrial use to the west. The northern site, of approximately 4.9 hectares, is currently a flat agricultural field with some industrial buildings in the south east corner.

The southern part of the application site comprises undeveloped farm land and a former cheese factory. The farm land comprises 8 hectares with the ex cheese factory site approximately 3.8 hectares. The boundary is formed with a mix of hedgerows and a number of trees. Again, the River Isle runs along the western side of the site's boundary with fields to the south and industrial uses to the east.

The application seeks outline consent for approximately 16.7 hectares of B1, B2 and B8 employment use. The northern part of the site and the previously undeveloped southern part of the site are allocated in the South Somerset Local Plan for employment uses (ME/ILMI/4). The ex cheese factory is not formally allocated but is located within the development area.

The northern part of the site will solely be for B1 use and be accessed via a single road from Station Road with individual entrances to the units. The southern part of the site will have two vehicular access points with a circular road through the site, with separate access points for each unit. The development will provide new footways within the site and will link to the existing footpaths.

The scale of the B2 and B8 proposed buildings will be largely single storey with 2 storey B1 units. These are indicative scales and it is proposed that there is flexibility within the design to enable different users to accommodate their requirements.

The site is located within flood zone 3a. Thus flood risk management proposals have been developed in close co-operation with the Environment Agency having regard to the requirements of PPS25.

In terms of proposals to deal with flood risk, the existing flood defences will be improved, along with new defences, plus alleviation works to protect the site with an adequate margin of safety against future 1 in 100 year flood flows. The works on site will include provision of flood defences to at least 600mm above the predicted design flood levels, raising ground levels in the site adjacent to the river to at least the design level to enhance the robustness of the proposed flood defences, ground levels designed to allow for the free passage of flood flows through the development during flood events that exceed the design level of protection and to ensure that there is no loss of overall floodplain storage. The flood alleviation works include construction of flood berms - these are in the form of shelves or benches cut into the river bank to provide additional channel capacity at high flows, the lowering of the weir at Hort Bridge by 650mm, excavation of part of the land between the two branches of the River Isle upstream of the existing dairy complex to provide additional flood storage and material for flood banks and raising ground level.

HISTORY

05/02539/OUT - mixed Use development for B1, B2 and B8, Petrol Filling Station, A3, A4, A5, C3 and D1 use. Application refused 2006.

There are numerous applications mainly relating to the previous use at Horlicks. However, the application referred to above is most relevant to the current application.

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

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000)
Policy 5 - Landscape Character
Policy 9 - Built Historic Environment
Policy 16 - Provision of land for industrial, warehouse and business development.
Policy 18 - location of land for industrial, warehouse and business development.
Policy 39 - Transport and Development
Policy 48 - Access and parking
Policy 49 - Transport Requirements of New Development
Policy 60 - Floodplain protection

South Somerset Local Plan (adopted April 2006)

ST3 - Development Areas
ST5 - General Principles of development
ST6 - quality of Development
ST10 - Planning obligations.
EC3 - landscape character
EC8 - Protected species
EH5 - Settings of listed buildings
EH12 - Areas of High Archaeological Potential
EP1 - Pollution and Noise
EP2 - Pollution and Noise
EP3 - Light pollution
EP5 - Contaminated Land
EU5 - Flooding
EU6 - Culverting
EU7 - Groundwater Catchment Areas
TP1 - New Development and Pedestrian provision.
TP2 - Travel Plans
TP3 - Cycle parking
TP5 - Public Transport
TP6 - Non residential parking provision
ME1 - Provision for new Employment Land
ME2 - Provision for new Employment Land
ME/ILMI/4 - Land off Station Road Ilminster.

PPS's/PPG's

PPS1- Delivering Sustainable Development
PPS4 - Planning for Sustainable Economic Growth
PPS5 - Planning for the Historic Environment
PPS9 - Biodiversity and Geological Conservation.
PPS13 - Transport
PPS25 - Development and Flood Risk

South Somerset Sustainable Community Strategy

Goal 5 - High performance local economy
Goal 8 - Quality Development
Goal 11 - Environment

CONSULTATIONS

Town Council: - The Council strongly supports in principle industrial development on the proposed site which is consistent with the Local Development Framework and would provide additional and much needed employment opportunities within Ilminster.

Bearing in mind that the application is for outline planning consent, the Council would wish to reserve its position on a number of issues where the indicative plans do not include sufficient detail to enable precise recommendations to be made. In those cases it is expected that a

complete response will be forthcoming when full planning consent is sought, but at this stage they are flagged for the sake of completeness.

1. Flooding

There is considerable concern at the effect the development of the site will have on the disbursement of water in times of heavy rain. Whilst it is appreciated that the flood alleviation scheme is based on Environment Agency Statistical Information it is clear that some of the report is dated to 2005 and none of it addresses the major flooding event that occurred in that area during December 2008. The Council would expect the report authors to address that more recent incident when subsequent planning applications are presented.

It is accepted that the flood risk assessment proposes a range of strategies for dealing with potential flooding of the site itself - a flood bank, wetland and compensation areas, rivers berms, porous car park surfacing for example. However the Council would seek assurances from the Environment Agency not only that the proposals will provide effective protection for the sites themselves but also that there will be no detrimental effects on the surrounding area. The suggested changes to the levels of the land on both sides of the river does give cause for concern and confirmation would be sought that buildings at Rose Mills to the west and housing to the east will not have their flood risk increased.

Indeed the Council would strongly urge both Environment Agency and the Planning Authority to use the opportunity to deliver a flood prevention plan for that whole area of Ilminster. Such a holistic approach could address run off problems as well as river based inundation and the capacity of current ditches, pipework and culverts to respond. The Council would support the use of resources released through a Section 106 agreement for this purpose as an appropriate way of benefiting the community of Ilminster.

The Council would also seek a clear statement on the long term responsibility for the management and maintenance of flood alleviation schemes including the wetland and compensation areas and river bank improvements.

2. Roads

As the major route into town from the west, the Council would wish to see the main road improved and enhanced with planting so that it offers an attractive as well as functional approach to Ilminster.

There is concern that the proposed eastern entry to the southern section of the site is directly opposite two residential properties. That location not only has the potential to generate unacceptable noise and disruption for these residents but also would impede their ability to enter their property by vehicle when approaching from the east. The Council would therefore wish to see the proposed design re-visited.

3. Design and Appearance

The Council would reserve its position on the design, appearance, configuration and use of the buildings included on the indicative plans but would offer the following preliminary observations.

- (a) It would expect to receive and comment upon a Landscape Plan for the whole site including approach roads.
- (b) It would expect there to be a buffer zone around the site, particularly where it abuts residential properties which would provide screening and protect the living conditions of residents. That is particularly important on the north east boundary where the site is higher than adjoining properties.
- (c) It is considered that proposed two storey development along the north east boundary with Home Farm Way would be inappropriate and intrusive to local residents. The

Council is also likely to seek conditions on use of premises in that area, noise and hours of operation and location of windows to protect residents.

- (d) There is concern at the materials used in the illustrative building designs. The site can be viewed from surrounding vantage points and the Council will be pressing for more appropriate sympathetic colouring which avoids light reflective tones. The Ilminster by Design document will be used as a guiding principle
- (e) Whilst it is appreciated that the class of use of buildings will need to reflect the requirements of potential users and cannot easily be prescribed in full details, nevertheless the Council would reserve its position on the balance and location of B1, B2 and B8 categories.

Adjacent Parish Council: - Donyatt PC: No objections to this application provided there are flood protection measures in place and a traffic analysis study has been considered.

Highways Agency: - Original comments (18th March 2009):

The Highways Agency originally directed that planning permission is not granted for a period of 6 months. This would allow sufficient time for the applicant to provide the additional information requested regarding the potential impact of the proposed development on the Strategic Road network and for the Highways Agency to review these submissions. In addition, the Highways Agency sought further information with regard to the Transport Assessment and revision to the Strategic Travel Plan. Further information was submitted and forwarded to the Highways Agency. However, the Highways Agency responded on the 7th May 2009 that further information was still required. The direction of non approval remained in force.

Following submission of further information, the Highways Agency withdrew their direction for non approval. The Highways Agency were satisfied that the mitigation proposals and the analysis to confirm that this has been reviewed and at present demonstrates a nil detrimental effect to the Strategic Route Network. A TR10 certificate has now been issued by the Highways Agency with a direction to attach certain conditions to any planning permission. These conditions relate to 1 submission of a revised strategic travel plan; 2 submission of a construction management plan; 3 Maximum Land use permissions; and 4 Mitigation works to Southfields Roundabout. The latter condition will require the applicant to enter into a legal agreement with the Highways Agency.

Spatial Policy Officer:

Planning policies are supportive of the proposal to develop an employment allocation with the mix of employment uses required by the Local Plan, subject to the detail of the transport and flooding impacts being acceptable. The inclusion of additional land not within the allocated site is within Ilminster's development area, and therefore broadly accords with Local Plan Policy ME3, especially given the need for additional employment land in Ilminster.

Ecologist:

I am satisfied that the Environmental Statement has identified the majority of the likely significant ecological issues and impacts. I detail below a few specific issues which may require further work or comment from the applicant.

This is an ecologically sensitive site, particularly due to the presence of several European and UK protected species of conservation significance and the River Isle running through the site. Development of this site will need to incorporate a range of measures and precautions in order to avoid harm to wildlife and to ensure compliance with wildlife legislation. There will also be a need for works to provide suitable mitigation, compensation and biodiversity enhancement in accordance with the requirements of PPS9.

There is potential for harm to protected species as a consequence of finalising or changes to the masterplan, detailed design or infrastructure such as drainage. It is therefore likely that there will be a need to continue to assess ecological impact at various stages of planning and implementing the development. There will be seasonal constraints associated with many of the protected species so timing of the development and wildlife mitigation measures will need to be carefully planned.

I therefore support the recommendation made in the Environmental Statement that an 'Environmental Action Plan' is prepared, through which the recommendations of the Environmental Statement and during further detailed design, can be taken through to the pre-construction, construction and post construction stages.

I am satisfied with the mitigation proposals given in the Environmental Statement and these will need to be presented in greater detail in due course.

Potential issues and conflicts requiring further comment or clarification

I have identified several potential issues which don't appear to have been properly identified or discussed within the Environmental Statement and which I suggest it may be worth seeking clarification on.

Impact of flood alleviation works

The ecology section of the Environmental Statement indicates the importance and sensitivity of the River Isle corridor, and gives mitigation proposals for its protection. However, there doesn't appear to be any mention or consideration of potential impact from the proposed excavation of shelves in the existing river banks for the formation of flood berms. I suggest this part of the scheme may require specific impact assessment and mitigation proposals.

Recreation

Could clarification be sought over whether there is any proposed increase in recreational provision (e.g. pedestrian/informal footpaths) within or in close vicinity of the river corridor. Any such increase may require an impact assessment and mitigation.

Investigations involving excavations, e.g. archaeological, geological/contaminated land.

Such works could potentially cause harm to protected species. I suggest an ecological assessment of any such plans and/or ecological advice to inform such plans could be necessary in order to avoid risk of harm to protected species and conflict with wildlife legislation.

Bridge works

Existing bridges may potentially be used by bats and I suggest appropriate survey and assessment may be required.

Renewable energy

I note SSDC's Climate Change Officer's comments regarding lack of renewable energy provision. I would just like to raise awareness that some parts of the site, particularly the river corridor, could be sensitive to the siting of wind turbines due to the bat activity in the area.

Engineer:

I am inclined to defer to the views of the EA in respect of this application as they are more familiar with flood risks etc. I would suggest that the Flood Risk Assessment should include reference to recent flooding of this area (13/12/2008) and comment on comparison to previously established flood risk area.

Environment Agency:

No objections subject to conditions in relation to flood risk, surface water, sustainable drainage systems, maintenance of existing flood defences during construction, restrictions on storage of materials, ecological surveys, environmental management plan, a mitigation plan for otters, contamination and water efficiency.

Parrett Internal Drainage Board:

No objection subject to:

- 1 The channel and floodplain improvement works being carried out as required by the Environment Agency.
- 2 The use of sustainable drainage techniques on all parts of the development and restriction of surface water discharges from the site.
- 3 Surface water details to be submitted and approved by the LPA prior to commencement on site.

Landscape Officer:

I have now had opportunity to read through the supporting material submitted as part of the above application, inclusive of the relevant sections of the EIA and the masterplan. I also note that this application is scaled down from the earlier extent of site proposal (application 05/02539) and now lays within the land area allocated for employment by the local development plan. Clearly then there is no landscape issue with the principle of employment development in the areas covered by this application.

An EIA has been carried out of the site, inclusive of a landscape and visual impact assessment (section 9) that caveats the appraisal due to the lack of a detailed scheme upon which to report. Hence assumptions are made on building form and height, which may be varied by later detailed applications. Whilst I would concur with the greater part of the findings of the L&VIA, I have to express some reservation over this, knowing how reserved matters applications can result in development form that is a significant change from that anticipated at outline stage.

Broadly, I support the approach mooted by both the L&VIA and ecology report (section 7) to develop the River Isle corridor for landscape and biodiversity enhancement, whilst also accommodating some flood storage in this zone. With the River Isle county wildlife site in close proximity, and part of the river corridor, it is right that a conservation ethos should govern the design and landscape components of this zone. However, I note that the ecology report, in the section relating to mitigation, encourages replanting, and advises certain broadleaved species within the planting mix for trees; scrub and hedgerows (paras 7.7.3.2 , 7.7.3.3). Looking then to the landscape appraisal, the short life span of a number of these species is noted, along with the need for screening density, to play down the presence of the site. I would agree that wildlife species interests must be safeguarded in areas 2 and 4, adjacent the River Isle corridor, but landscape impacts also need to be countered, and to that end, I would suggest that the eventual detailed tree and shrub species mix reflects both ecology and landscape concerns. Clearly, the ecology and landscape works should not be subservient to any flood storage function within the corridor, and whilst I would agree the opportunity to open up the River Isle corridor for access, similarly the recreational potential should not over-ride the ecological and landscape interests.

To the south of the site, the openness of the land (which is currently agricultural) is noted by the EIA, and the raised degree of visual exposure is noted. Certainly the application site boundary is of greater sensitivity to the south than the north, and this will need to be reflected in the extent of landscape provision. On this matter, there is a significant difference between this and the previous application, in that the original submission included a landscape proposal for substantial landscape treatment to the southern boundary, and a substantiation of the northern boundary by means of additional plantation. The current assessment, whilst advocating additional tree planting, appears to imply that tree planting and hedgerow

retention (and suitable management) will be sufficient to counter landscape impacts. The masterplan certainly appears to establish this latter view. However, given the forward projection of this phase of the development beyond existing town limits; the intended larger scale of the buildings; the unavoidable massing that will occur; the clutter of back yard storage; the potential for 2.4 metre tall steel palisade fencing; and with potential building height issues; then it will clearly be necessary to establish substantial planting presence to both contain the site visually, and to ensure that there is no visual intrusion into the adjacent rural land. The extent currently indicated on the scheme masterplan is altogether insubstantial, and requires amendment to accommodate a strong planting buffer. 10 metres was recommended by the previous application, and I would view such provision as a minimum.

I note, and fully agree an intention to upgrade the road approach from the A303 roundabout, to and through the site. This should form part of a detailed landscape masterplan proposal.

On other matters;

- 1) The section on mitigation (9.8.3) of the L&VIA highlights potential cladding and roof treatments, and advises a tonal range best suited for the buildings - this point is particularly important from where the site is overviewed, light reflective tones should clearly be avoided.
- 2) A qualified proposal for mounding is mooted, which I view a little warily. Floodbanks aside, this would not be appropriate in most instances for mounds will often read as an incongruous feature and as such contrary to landscape character, as well as being inhospitable for plant material establishment. Whilst there may be some scope for low, gently-graded mounds, the general location and build up of mounded structures should be strictly controlled.

Looking at the design and access statement, the landscape treatment (paras 4.6 and 6.4) - states that building plots and car parks will have integral planting. I would agree this is necessary for the correct integration of the development into the wider landscape, yet experience shows that if this provision is left to reserved matters applications, then it is rarely provided to a satisfactory level. Consequently, we need to secure a planting masterplan, which clearly indicates areas that are to be secured for planting treatment.

The statement also states an intention to provide an environmental management plan. I would agree this is required, and should address both the management of the existing habitats (vegetation types) and any new habitats created, particularly scrub areas, tree planting and grassland.

In conclusion, no in-principle concerns. However, should this application be approved, then I would seek conditions that state;

before submission of the first reserved matters application, a landscape masterplan is submitted that clearly indicates structural planting, and areas of secondary planting. This should pick up those points made above, and incorporate not only planting proposals, but also include boundary treatments, and mounding proposals with level information, and;

the submission of an environmental management plan, as noted above.

Natural England:

Having read the information we can offer the following comments on the Nature Conservation issues raised by the proposal to develop the site:

The land is bordered by the River Isle an important local wildlife site and Natural England strongly supports measures to avoid impacts upon the river and its riparian habitat. The river is rich in diversity and supports species such as the kingfisher, a schedule One bird, and the otter a European Protected species. Other European protected species impacted upon by this

development are bats and the hazel dormouse. Badgers and slow-worms are also present: they are protected under the Wildlife and Countryside Act 1981 (as amended).

Natural England has a policy which supports multi-functional green infrastructure for all developments. There is an opportunity on this site to enhance Biodiversity and provide natural green space for the community to enjoy. A robust detailed mitigation strategy for the wildlife should inform the layout of the development. As there is impact upon European protected species, this information will be needed by Natural England's wildlife licensing unit before granting of a licence.

Environmental Health Officer:

As discussed, the only major concern at this stage is the proposed mixed use in the south of the site and the units closest to the residential properties on Station Road. Would suggest at this stage to try and restrict to class use B1.

CPRE:

No objection in principle but raised comments about dualling of the A303/A358 as a commercial driver to justify this development and that Ilminster requires employment for local people who do not need to travel to work. Over provision of employment would necessitate inwards commuting, thus negating efforts to reduce travel.

County Archaeology:

Original comments - 16th February 2009:

We agree with the judgement on this site's archaeological potential contained in the EIA (pages 110-112), but we would suggest that archaeological evaluation of the site should take place before the determination of the application. The results could therefore be used as supporting documentation in the application.

An evaluation was subsequently undertaken and revealed significant Bronze Age remains across wide parts of the site. Due to the fragile nature of these remains, the recommendation from the archaeologist is that the developer is required to excavate archaeologically those areas that are to be disturbed by the development. A model 55 condition is requested on any consent.

Economic Development:

There is an enormous amount of proposed development on either side of the main road (former A303). Does the developer have a preference as to which units will be developed first? At present there is a development of similar class uses for a site at Canal Way. It may be advantageous to the developer to bring forward some of the larger units first, as this size of unit is not available locally at present.

I note that the largest units are proposed deep into the site. Is the applicant comfortable that smaller units near the entrance to the site will not be disturbed by large vehicle movements? Is there sufficient car parking for the density of smaller units to the north of the proposal? Broadly, I am supportive of this application, which will be good for Ilminster and South Somerset. The observations I raise are simply to ensure that a commercial site of this size is able to cope with the variety of businesses, staff and vehicle movements.

Conservation Manager:

Verbally stated no objections to the impact of the development on the listed Toll House building along Station Road.

Climate Change Officer:

Applicant will need to provide information regarding implementation of renewable energy sources within the development.

REPRESENTATIONS

The application was advertised, site notices displayed and neighbours notified. 7 letters have been received raising the following comments/concerns:

- single storey buildings should be located on the north side to reduce impact on existing dwellings
- suggests joining the road on the south side of Station Road and Canal Way - help reduce traffic movements along the section of Station Road where considerable residential development has taken place.
- No objection in principle but raise concern about flooding issues, in particular proposed flood bank on east bank of River Isle thus pushing water to west side towards Rose Mills Estate.
- Increased water runoff with more hardstanding
- Previous flooding despite construction of a flood wall along west bank of River Isle
- Flood plain and culvert capacity issues
- Flooding/drainage
- Impact on wildlife
- Noise and rubbish
- Will a new footpath be provided?
- Noise levels adjacent to entrance
- No link road proposed to Canal Way.

CONSIDERATIONS

Principle of development:

The application site (excluding the former ex Horlicks factory site) is allocated in the South Somerset Local Plan for employment purposes (ME/ILMI/4). Therefore, the principle of employment use on these sites has been accepted. The part of the site that includes the ex Horlicks site, located on the southern side of Station Road, whilst not allocated is included within the development area, is a former employment site and is sandwiched between the current application site and an additional employment site (ME/ILMI/3). Thus, the principle of employment use on this site is acceptable. No policy or other objections have been received in relation to the inclusion of the ex Horlicks site within this current application.

This current application is therefore very different from the previous proposal refused in 2006. The previous application included residential development along with retail units. It also included land outside of the allocated sites for employment. The previous applicant made a case that residential development was required to fund infrastructure works required prior to occupation of any industrial. However, this position was not accepted by the Local Planning Authority and refused. Due to the fact that this current application only involves land allocated and existing previously developed land, a significant amount of the previously required infrastructure works are now not required. In addition, the significant level of residential development previously sought is also now not required.

Highways:

The Highways Agency originally issued a direction of non approval on the application preventing the issuing of any decision on the application for a period of 6 months. The Highways Agency sought further information on the impact that the development would have on the A303/A358 roundabout and revisions to the strategic travel plan. Following a period where this additional work was undertaken, the Highways Agency withdrew their holding direction.

The Highways Agency were satisfied that the mitigation proposals and the analysis to confirm that this has been reviewed and at present demonstrates a nil detrimental effect to the Strategic Route Network. A TR10 certificate has now been issued by the Highways Agency with a direction to attach certain conditions to any planning permission. These conditions relate to 1 submission of a revised strategic travel plan; 2 submission of a construction management plan; 3 Maximum Land use permissions; and 4 Mitigation works to Southfields Roundabout. The latter condition will require the applicant to enter into a legal agreement with the Highways Agency.

Flooding and drainage issues:

The applicant undertook significant consultation with the Environment Agency prior to the submission of the application. This was due to the fact that since the submission and refusal of the previous application, the EA had revised the flood zones: the sites are now located in Flood Zone 3a. As a result, a Sequential Test and FRA have been submitted.

The Sequential Test concludes that the application site is the most appropriate site in the Ilminster area for employment uses. The FRA has demonstrated that the proposed flood defences and alleviation works would protect the site in a flood event (1 in 100 year peak flood flow). In addition, the scheme would reduce the overall risk of flooding for the wider area due to the higher level of flood storage volume through the scheme. The Environment Agency has raised no objection to the proposal subject to a number of conditions and informatives. In addition, the council's engineer advised that he would leave the flooding/drainage advice on this proposal to the EA in this case due to their significant involvement with the application. He did raise the issue of the flooding event that did take place in December 2008. The EA are aware of this flooding event and have not raised any objection, subject to conditions.

Ecology

The site contains a number of key species and habitats including bats, reptiles, dormice and birds. A mitigation strategy has been developed to avoid or reduce the potential impact of the development. The scheme includes habitat creation and enhancement along the river, creation of a large new wetland area and a substantial planting scheme. These will be included in an Environmental Management Plan.

The Council's ecologist is satisfied with the Environmental Statement and the recommendation that an Environmental Action Plan is prepared. Furthermore, is satisfied with the mitigation proposals given in the Environmental Statement. The ecologist did raise some issues in relation to the impact of flood alleviation works, recreation provision, bridge works and renewable energy installations. The agent has responded to these points and those issues can be included and addressed within the Environmental action plan.

Archaeology

The County Archaeologist sought an archaeological evaluation of the site before the determination of the application. The archaeological evaluation that was undertaken on the site revealed that significant bronze age remains are located across wide parts of the site. There are 'burnt mounds' which the archaeologist states as "enigmatic prehistoric features previously unknown in Somerset". A model 55 condition is requested to be attached to any consent to ensure that where any areas are to be disturbed by the development, excavations of the site are undertaken archaeologically.

Residential amenity:

It is not considered that the scheme would cause harm to residential amenity. An indicative plan has been submitted that shows the layout and type of units throughout the site. It is important to ensure that B2 uses in particular are not located too close to residential properties. The northern part of the site is proposed as B1 only which would not cause unacceptable harm to the residential amenity of those properties to the east. The EHO did

raise some concern about the location of some of the B2 units on the southern part of the site closest to residential properties. However, whilst no approval is being given to the layout at this stage, a condition would be imposed seeking B1 use only for the block located in the north east corner of the southern part of the application site.

Listed Building

The Toll House building is located along the northern side of Station Road within the application site. It is not considered that this development would cause any harm to the listed building itself or its setting through the proposed comprehensive landscape buffer around the curtilage of the building. The Design and Access statement outlines that the building and its curtilage will be surrounded by a landscape buffer. The two nearest buildings proposed next to the Toll House will need to be carefully designed, particularly in scale to ensure that there is no harmful impact on the setting of the listed building. A pedestrian access is proposed to the east of the Toll House.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

A section 106 planning obligation will need to be completed before any decision granting planning permission is issued.

RECOMMENDATION

That 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 granting planning permission is issued), the said planning obligation to cover the following items:
 - 1) A sum of £400 to be paid by the developer for bus travel vouchers for every five employees employed on the application site.
- B) The imposition of planning conditions as set out below on the grant of planning permission.

JUSTIFICATION

Notwithstanding the concerns that have been raised, the proposal will provide a significant level and range of employment opportunities, will provide a safe means of access for and be accessible by a range of different modes of transport, will provide satisfactory flood defences and alleviation works, will create new wildlife habitats and mitigation for existing habitats and will provide a comprehensive landscape scheme. The scheme would not be harmful to residential amenity nor to the setting of the listed building nor to the character and appearance of the area. The scheme will accord with Policy ME/ILMI/4, ST3, ST5, ST6, ST10, EC3, EC8, EH5, EH12, EP1, EP2, EP3, EP5, EU5, EU6, EU7, TP1, TP2, TP3, TP5, TP6, ME1 and ME2 of the South Somerset Local Plan, Policy 5, 9, 16, 18, 39, 48, 49, 60 of the Somerset and Exmoor National Park Joint Structure Plan Review, PPS1, PPS4, PPS5, PPS7, PPS9, PPS13, PPS25, and Goal 5, 8, 11 of the South Somerset Sustainable Community Strategy.

SUBJECT TO THE FOLLOWING:

1. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of three years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: As required by Section 92(2) of the Town and Country Planning Act.

2. For each phase, or part thereof, all reserved matters which shall include details of the layout, scale, appearance, materials, boundary treatment, access arrangements and landscaping (hard and soft) shall be submitted in the form of one application to show a comprehensive and coherent scheme.

Reason: As required by Section 92(2) of the Town and Country Planning Act.

3. No development shall take place on any phase or part thereof, unless the applicant or their agent or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of preserving the archaeological interests of the County in accordance with Policies 11 and 13 of the Somerset and Exmoor National Park Joint Structure Plan Review and EH12 of the South Somerset Local Plan adopted April 2006.

4. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Secretary of State for Transport and South Somerset District Council). This plan shall include: consideration of construction vehicle movements; construction operation hours; construction vehicular routes to and from site; construction delivery hours; restrictions of hours of construction movements; expected number of construction vehicles per day; car parking provision for contractors; specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice; and a scheme to encourage the use of Public Transport amongst contractors. The development shall be carried out in accordance with the requirements of the approved CEMP. Once agreed, the development shall be carried out strictly in accordance with the approved construction plan.

Reason: To protect the amenities of the area in accordance with Policy ST6 of the South Somerset Local Plan and to ensure that the operation of the Strategic Highway Network is protected and that the sustainable travel objectives for the site are met and maintained.

5. No works shall be undertaken unless details of the proposed foul drainage have been submitted to and approved in writing by the Local Planning Authority. Such details will need to demonstrate that the system is adequately sized to accommodate and accept the flows that will be generated by this proposal. (Ref: Wessex Water letter dated 25th February 2009).

Reason: To prevent pollution in accordance with the aims and objectives of Policy EU4 of the South Somerset Local Plan adopted April 2006.

6. Before submission of the first reserved matters application, and before any works take place on site (other than site clearance), a landscape masterplan shall be submitted to and approved in writing by the Local Planning Authority. The landscape masterplan shall indicate structural planting, areas of secondary planting and include planting proposals, boundary treatments, mounding proposals with level information, management and protection of the retained areas and features, method statement for managing/protecting and creating new habitats and features, indicative planting mixes, methodology for ground preparation, amelioration, planting and establishment techniques, extent and locations of proposed landscaping works/mitigation areas and timing of works. The landscape masterplan shall be implemented as approved unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity to accord with ST6 of the South Somerset Local Plan.

7. The detailed drawings to be submitted for approval under reserved matters shall include a topographical survey of existing ground levels contoured at 0.25 metre intervals, together with details of all proposed finished ground and building floor levels.

Reason: To enable the Local Planning Authority to assess the effects of the proposed development on flood defence/land drainage.

8. 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 to accord with PPS25.

9. No development approved by this permission shall be commenced until details of the method of construction and future maintenance of the various flood mitigation works and the highway bridge have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To safeguard the water environment in accordance with PPS25.

10. No development approved by this permission shall be commenced until a scheme for maintaining the existing flood defences during construction of this proposal has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To maintain flood defences whilst works are carried out which affect the permanent defences.

11. A strip of land at least 8.0 metres wide adjacent to the top of the banks of all watercourses fronting or crossing the site must be kept clear of all new buildings and structures (including gates, walls and fences). Ground levels must not be raised within such a strip of land.

Reason: To preserve access to the watercourse for maintenance and improvement to accord with PPS25.

12. There shall be no storage of any materials, including soil, within that part of the site liable to flood, as shown in drawing 102/A (dated November 2007) as the 1:100 year outline within Appendix 1 of the Howick Flood Risk Assessment dated 3 September 2008.

Reason: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

13. Flood warning notices in areas of open space adjacent to the river shall be erected in numbers, positions and with wording all to be agreed with the Local Planning Authority. The notices shall be kept legible and clear of obstruction.

Reason: To ensure that owners and occupiers of premises are aware that the land is at risk of flooding.

14. No works shall commence until a current (within the last 12 months) ecological survey has been undertaken to consider impact on protected and UK BAP habitats and species.

Reason: To ensure that any necessary works that could affect these interests are planned or existing plans amended based on up to date information.

15. No development shall commence until a scheme has been agreed to facilitate safe passage for otters under Hort Bridge and past the upstream weir.

Reason: To improve the habitat for otters by reducing the risk to otters posed by busy roads to accord with PPS9.

16. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure the proposed development will not cause pollution of Controlled Waters.

17. The development hereby approved shall comprise of a maximum and not exceed:

- 12,684sqm (ground floor area) B1a Office Floor Space
- 8,930sqm (ground floor area) B1C light industrial
- 6, 420sqm (ground floor area) B2 industrial
- 10, 357sqm (ground floor area) B8 warehousing.

Reason: In order to ensure that traffic generation from the development remains within levels that have been assessed and found to be acceptable and to ensure that the free flow of the A303 Trunk Road is maintained in accordance with guidance given in Planning Policy Guidance Note 13 Transport and Circular 02/07 `Planning and the Strategic Road Network.

18. No development shall take place until a detailed scheme of highway works to increase the entry width of the A303 eastern approach arm of the Southfields roundabout to at least 8 metres has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Agency. The scheme approved by the LPA shall be implemented and completed in full prior to the first occupation of development hereby permitted.

Reason: In the interests of highway safety and the efficient operation of the trunk road network.

19. No works shall be carried out, including any ground clearance, unless an Environmental Management Plan (EMP), through which the recommendations of the Environmental Statement and during further detailed design, can be taken through to the pre-construction, construction and post construction stages is submitted to and approved in writing by the Local Planning Authority. It shall address in detail how negative impacts of the development will be avoided or mitigated during construction and subsequently (eg protection for badger setts, timing of vegetation clearance, protection of trees and hedges), management of the existing habitats and any new habitats created, particularly scrub areas, tree planting and grassland; and an ecology management plan to address how the open space areas and areas and features of particular wildlife value will be maintained and managed, for people and wildlife, in future, have been submitted to and approved in writing by the local planning authority. Any mitigation shall be fully implemented for each phase or part thereof in accordance with timings, which shall be first agreed in writing by the local planning authority.

Reason: To ensure that protected species and other wildlife interests are properly provided for through the development in accordance with Policies EC7 and EC8 of the South Somerset Local Plan adopted April 2006. To ensure that the proposed ecological work, protection, mitigation and enhanced is carried out in accordance with the EIA and any conditions.

20. Full details of proposed street lighting shall be submitted to and approved in writing by the local planning authority prior to installation. Any such lighting shall be fitted with maximum cut-off and downlighting. There shall be minimum necessary light intrusion in watercourse and other green corridors. There shall be no variation of the street lighting once approved unless variation is agreed in writing by the local planning authority.

Reason: To protect wildlife habitat and to prevent unnecessary light pollution in accordance with Policy EP3 of the South Somerset Local Plan adopted April 2006.

21. No development on any phase or part thereof hereby permitted in outline shall be commenced unless details of all existing and proposed finished ground and floor levels have been submitted to and approved by the local planning authority. The scheme shall be completed in accordance with the approved plans.

Reason: To ensure that the development is subject to minimum risk of flooding in accordance with the requirements of PPS25 and Policy EU5 of the South Somerset Local Plan adopted April 2006.

22. No works of any phase or part thereof, hereby permitted in outline, shall be commenced unless details of the proposed estate roads, footways, footpaths, cycle ways, verges, junctions, street lighting, floodlighting, sewers, on-site waste pumping station(s), on-site waste booster station, electricity sub-stations, drains, retaining walls, service routes, surface water drainage, ponds, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture, bus stops and shelters have been submitted to and approved in writing by the Local Planning Authority. Such works shall be constructed and laid out in accordance with the details approved as agreed. For this purpose plans and sections, indicating as appropriate the design, layout, gradients, materials and method of construction shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy ST5 of the adopted South Somerset Local Plan 2006.

23. No raw materials, products of any description, scrap or waste materials whatsoever shall be stored in the open and no work shall be carried out on any part of the subject land without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities and character of the area in accordance with Policy ST5 and ST6 of the South Somerset Local Plan 2006.

24. When the application is made to the Local planning Authority for the approval of reserved matters that application shall show details of the arrangements for the parking/turning/manoeuvring/loading/unloading of vehicles within the site. These arrangements shall be provided before the first use of the development hereby permitted and shall be kept permanently free for such use at all times thereafter.

Reason: In the interests of highway safety and to accord with Policy ST5 of the adopted South Somerset Local Plan 2006.

25. No works shall be undertaken unless a scheme for the network of cycleway and footpath connections within the development site have been submitted to and agreed in writing by the Local Planning Authority. No part of the development hereby permitted shall be brought into use until the agreed scheme has been constructed.

Reason: In the interests of sustainable development to accord with Policies 42 and 44 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991 - 2011

26. No works shall be undertaken unless details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

Reason: In the interests of highway safety and to accord with Policy ST5 of the adopted South Somerset Local Plan 2006

27. No works shall be undertaken unless a scheme shall be submitted indicating cycle parking to a design and in positions, which shall be approved in writing by the Local Planning Authority, such parking to be completed before any unit is occupied.

Reason: In the interests of highway safety and to accord with Policy TP3 of the adopted South Somerset Local Plan 2006.

28. No means of external lighting shall be installed within the application site unless details have been submitted to and agreed in writing by the Local Planning Authority. Once installed, there shall be alterations to the external lighting unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the area in accordance with Policy ST6 of the SSLP.

29. No work shall take place unless a design code is submitted to and approved in writing by the Local Planning Authority. This shall include details of building form, scale, access arrangements, materials types and tones, landscape details for each plot, means of enclosure for each plot and frontage treatment.

Reason: To provide a design philosophy for the whole development to accord with PPS 1 and ST5 and ST6 of the South Somerset Local Plan.

30. Plots F2 and F4 as shown on the illustrative masterplan, or any other similarly located buildings subsequently approved under either a reserved matters or full planning application, shall only be used for B1 use, unless otherwise agreed by the Local Planning Authority.

Reason: To protect adjacent residential occupiers from potential unacceptable levels of noise, to accord with Policy EP2 and ST6 of the South Somerset Local Plan.

31. Prior to occupation of the development hereby permitted, a revised Strategic Travel Plan will be submitted and agreed in writing with the Local Planning Authority, (in consultation with the Secretary of State for Transport). The amended strategic plan will need to be prepared in line with prevailing policy and best practice and shall include as a minimum:

- the identification of targets for trip reduction and modal shift;
- the methods to be employed to meet the targets;
- mechanisms for monitoring and review;
- penalties to be applied in the event that targets are not met;
- the mechanisms for mitigation;
- implementation of the Travel Plan to an agreed timescale or timetable and its operations thereafter.

A review of the targets shall be undertaken within 3 months of the occupation of the development hereby permitted and on an annual basis thereafter.

Reason: In order that the development promotes public transport, walking and cycling and limits the reliance on the private car.

Informatives:

1. The Environment Agency wish to be fully involved in the setting of all design levels across the site to ensure that the development can be occupied and accessed safely during flood conditions.
2. Sustainable Drainage Systems (SuDs) should be incorporated into the surface water drainage strategy, where possible, as required under PPS25 and considered in section 8.2 of the FRA. These SuDs techniques involve controlling the sources of increased surface water, and include:
 - a) Interception and reuse
 - b) Porous paving/surfaces
 - c) Infiltration techniques
 - d) Detention/attenuation
 - e) Wetlands.
3. To meet the above requirements, details must include an indication of how the applicant intends to provide for the future maintenance of the various flood banks, berms, wetland area, and in-channel structures.
4. Suitable access and egress must be provided to the 8.0 metres corridor from the site to enable maintenance operations.
5. 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 River Isle, designated a 'main river'. Also under the above legislation, the prior written consent of the Environment Agency is required for any proposed works or structures either affecting or within 4 metres of any flood defence maintained by the Environment Agency. Any work to the defences themselves without prior consent will result in enforcement action.

6. Under the Water Resources Act 1991 and The Land Drainage Act 1991 both the Agency and Local Authority have permissive powers to maintain watercourses. Their jurisdiction depends on the watercourse designation as 'Main River' or 'Ordinary Watercourse'. However, responsibility for general maintenance of the watercourses and their banks rest with riparian owners.
 7. There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.
 8. From a biodiversity position we have some concerns over the proposed in-channel works. This work may be undone by annual flood events e.g. re-deposition of chert on the midstream island. The concern is therefore the on-going maintenance that may be required and the continual habitat disturbance. We understood that some of the proposed in-channel works were to diversify and improve the river habitat and were not essential to reduce flood risk. If this is the case a requirement to wind the clock back annually would not arise. If on the other hand the in-channel works are essential to reduce flood risk then this element of the flood alleviation works is simply not sustainable by today's standards. This issue may be addressed by Colin Taylor's proposed condition or through the Flood Defence Consent process.
 9. Thank you for submitting Environmental Statement, Land at Hort Bridge, September 2008. We note that a desk study has been undertaken and results are discussed in the document. We note that the potential for contamination has been identified in the desk study and investigation has been recommended.
 10. **Pollution Prevention During Construction**

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend referring to our Pollution Prevention Guidelines, found at http://www.environment-agency.gov.uk/business/444251/444731/ppg/?version=1&lang=_e
 11. **Water Efficiency**

Water efficiency measures should be incorporated into this scheme. These could include, for example, water butts, rainwater recycling and the use of water-efficient internal appliances and systems. It would assist in conserving natural water resources and offer some contingency during times of water shortage. A copy of our publication 'Conserving Water in Buildings' is available upon request.
 12. With regard to condition 18, the highways proposals for the A303 associated with the consent involve works within the public highway, which is land over which you have no control. The Highways Agency therefore require you to enter into a suitable legal agreement to cover the detailed design and construction of the works. Please contact Meghann Downing on 0117 3728836 at an early stage to discuss the details of the highways agreement. The applicant is advised to approach the Highways Agency at an early stage to agree the detailed arrangements for financing the design and construction of the scheme. Commencement of works will also need to be timed to fit in with other road works on the motorway network to ensure there are no unacceptable impacts on congestion and road safety.
 13. The applicant's attention is drawn to the advice and requirements outlined in a letter received from Wessex Water dated 25th February 2009, a copy of which has been forwarded to the agent.
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