

Report to Regulation Committee – 21st February 2006

Proposed new industrial development and works to highway (Outline) (as amended)(GR345626/117743) Land OS 6375 & 5576 Ringwell Hill Martock Somerset TA12 6LG

OFFICER: Mick Roberts (01460) 260384

APPL.NO: 05/00887/OUT APPLICATION TYPE: Outline Application

PARISH: Martock WARD: MARTOCK

DESCRIPTION: Proposed new industrial development and works to highway (Outline) (as amended)(GR345626/117743)

LOCATION: Land OS 6375 & 5576 Ringwell Hill Martock Somerset TA12 6LG

APPLICANT: A H Canvin

AGENT: Boon Brown Architects 1st Floor Suite145 West Hendford Yeovil Somerset BA20 2AQ

DATE ACCEPTED: 12 April 2005

Background

This application follows the submission and withdrawal of two earlier planning applications for industrial development on this site.

Reason for referral to Regulation Committee

The proposal was considered at the North Area Committee on 27th July 2005 when it was resolved to refer the application to the Regulation Committee following negotiation with the applicant on the following points:

- A condition limiting noise levels from units, control over hours of operation and restrictions on uses on the site
- A request for and archaeological survey of the site to be carried out, prior to the commencement of development
- Amendment of the red line of the development area to exclude the buffer zone or imposition of suitable conditions to be investigated
- Highway conditions be imposed to ensure an acceptable gradient at the entrance of the site
- A condition that drainage from the site be addressed, possibly with the inclusion of a fire reservoir on site and a sustainable drainage system
- A condition to limit the roof heights of the proposed units

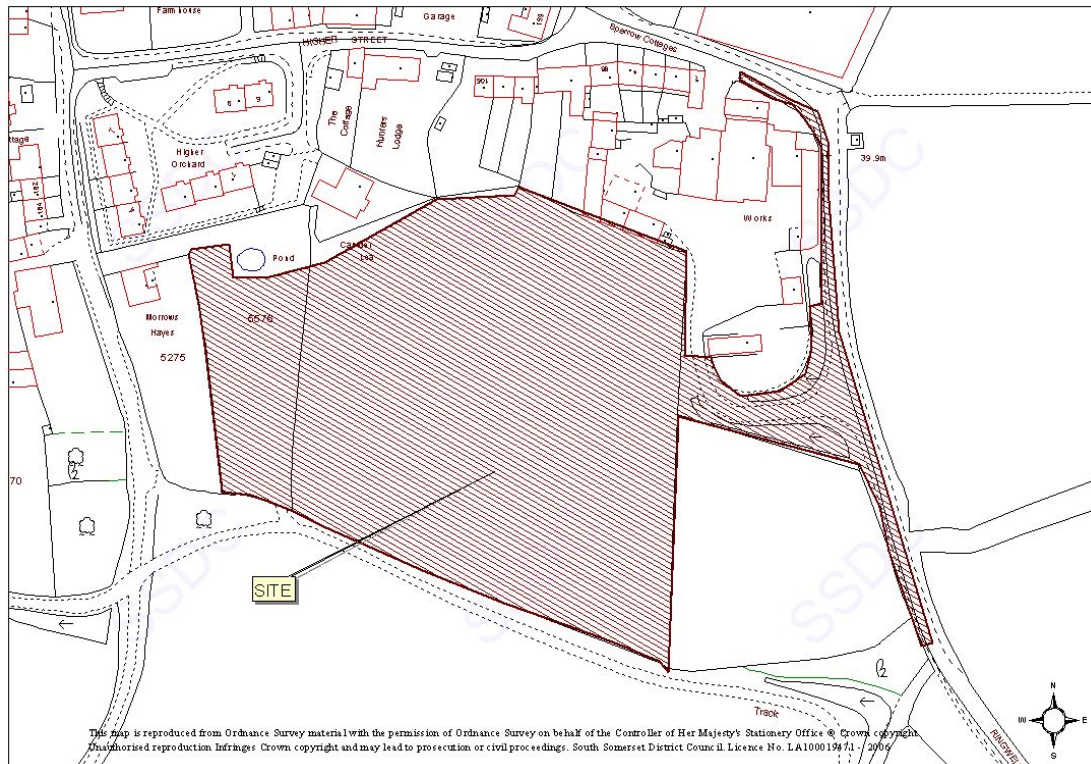
The chairman proposed that the application be referred for determination to the Regulation Committee as she considered that as the applicant and the landowner were members of the Committee, and the landowner was the Chairman of the Committee, that it would be better if the application was determined by another committee. It was noted that in accordance with the Code of Conduct other members of this Committee could properly consider, as they did, that they had no personal interest in this issue, and this Committee could therefore determine the matter. However, in view of the public interest in the application, and the possible public perception, it was considered better for the application to be referred for determination to another committee, which in accordance with the Council's Scheme of Referrals for Planning Applications, would be the Regulation Committee.

Members were in agreement with this approach.

RESOLVED: that planning permission be **DEFERRED** for further negotiation with the Applicant on the issues raised by Members, and, pending satisfactory responses then the application be **REFERRED** for determination to the Regulation Committee for the reasons set out above.

(Resolution passed unanimously)

Location



The Site

The site has an area of 1.52ha and comprises the majority of an agricultural field and an adjacent area located on the west side of Ringwell Hill. The site is adjoined on its south side by agricultural field, which rise up to a ridge to the side of the site. This ridge effectively screens views of the site from a southerly direction.

To the east and north boundary of the site are the gardens of residential properties that adjoin the common boundary. The western boundary is adjoined in part by an agricultural field to the southeast and to the northeast by industrial premises.

Access to the site is proposed via the existing access, which serves this adjacent industrial development.

The Proposal

This application seeks use of the site for B1, B2 and B8 purposes. A plan submitted shows how these might be arranged on the site to take account of adjacent land uses.

The application is in outline only and no details are given of the gross floor areas on the site. The applicants have indicated that they envisage the site coverage of 35-40%,

which would result in built development in the region of 5,320 square metres to 6080 square metres.

Following the deferment at the July meeting the issues raised at Committee and the resolution were discussed with the applicants in August with additional information being submitted at the end of the month. The following were submitted for consideration in an attempt to address concerns raised:-

- Report and survey from Hoare Lea (Acoustics) indicating existing background noise levels
- Drainage Statement from D. Alsop (Chartered Engineer) with permeability test results
- Revised Site Plan
- Revised Access details

Further revised access details were received on 7th December following discussions with County Highways. These now include internal site access visibility splays, regarding of Ringwell Hill embankment to provide 300mm maximum height in the site access junction visibility splays.

Relevant History

05/02856/OUT OUT Light industrial development of land (outline renewal of application no. 03/00211/OUT) Under consideration
05/00395/OUT Proposed new industrial development (previous application 04/03494/OUT10.2.05. Withdrawn 10.3.05.
04/03494/OUT Proposed new industrial development 3.12.04. Withdrawn 5.1.05.
03/00211/OUT Light industrial development of land (outline renewal of application no. 00/00747/OUT 20.1.03. Cond.Appr. 20.2.03.
00/00747/OUT Light industrial development of land (Outline) renewal application no. 99/00919OUT) 21.3.00. Cond.Appr. 12.5.00.
9802075FUL Demolish existing s/s brick buildings and make good elevations 28.8.98. Cond.Appr. 23.10.98.
9700919 Light industrial development of land (outline renewal app. 941451) 22.4.97. Cond.Appr. 29.5.97.
941451 Light industrial development of land (Outline) 24.6.94. Cond.Appr. 28.7.94.

Policy

RPG10	Regional Planning Guidance for the South West (2010)
PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas
PPG6	Town Centres and Retail Developments
PPG4	Industrial, commercial development and small firms
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG16	Archaeology and Planning

Somerset and Exmoor National Park Joint Structure Plan Review:-

Policy 5	Landscape Character
Policy 9	'The Built Historic Environment'
Policy 11	'Areas of high Archaeological potential'
Policy 12	Nationally Important Archaeological Remains
Policy 13	Locally Important Archaeological remains

Policy 14	Archaeological Strategies
Policy 16	Provision of Land for Industrial, Warehouse and Business Development
Policy 18	Location of Land for Industrial, Warehousing 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 Deposit Draft

Policy ST3	Development Areas
Policy ST5	The Quality of Development
Policy ST6	Landscape and Architectural Design
Policy ST8	Planning obligations
Policy EH5	Development proposals affecting the setting of Listed Buildings
Policy EH15	Areas of High Archaeological Potential
Policy EP2	
Policy TP5	Public Transport
Policy MC5	Local of non-shopping key Town Centre uses
Policy EC2	Landscape character

Consultations

Martock Parish Council:

“A number of residents have called to see the current plan. They complained of the difficulty in contacting Area North because the advertisement of this application in the Yeovil Express dated 28th April gave the Area North fax rather than telephone no. The plan submitted, drawing no. 2304/03 Rev A is inaccurate in that the Northern boundary includes land that has been sold off. A correct plan must be supplied.

The applicant has agreed to widen the B3165 pinch point on Ringwell Hill: any outline approval of this application should be conditional on a legally binding agreement with Highways to ensure delivery of this highway benefit before work starts on the site.

Highways have previously voiced concern over the gradient into the site and access rights to existing tenants. The proposal to widen the site access road to 7.3 meters to allow two HGV's to pass does nothing to the gradient, we do not accept and we believe Highways do not accept the Transport Consultants' letter stating that this is acceptable. The entrance to and exit from the site should be designed at such an angle so that HGV's are unable to exit left out of the site or turn right into the site and therefore feed HGV traffic only to and from A303, particularly as the consultants state that there could be an HGV movement every 4 minutes in the peak. If the site is to provide local employment there is a requirement for a pavement, with barriers to prevent trucks mounting it, from the site exit round to Higher St to enable people to walk protected to work from the bus and the Higher Barton new development. The corner north of the site is very dangerous.

The PC strongly recommends that outline approval is also conditional on a concurrent enforced weight limit on the B3165 from the site through Bower Hinton to the South Petherton junction. There would have to be a sign at the Stoke Road junction directing through Bower Hinton. The additional light traffic generated by the site will increase the accident rate. Most of the houses have no garages, the road is very narrow there is no

continuous pavement, and mothers with prams walking to Martock have to cross the road several times. HGV's are close to and are having a damaging effect on the houses; they also have great difficulty passing parked cars. Photographic evidence of this has been given to Highways. Furthermore Local Plan policy EH10 states, "The historic property and street pattern of Bower Hinton will be safeguarded".

To protect the houses backing on to the northern boundary, the land all along the north of the site should be limited to B1 use with a weekday working time limit 0800-1900 and Saturdays 0800-1300 with a noise limit to be decided by SSDC experts. The units along the northern edge should have no doors, windows, air conditioners or compressors on the northern side. There should be no service road along the northern boundary or feeder road ending on the northern boundary. B2 & B8 shown north of the entry road should be refused. B2 & B8 should be limited to south of the entry road. There should be no truck movements or air conditioners left running weekdays 1900/0700 and from 1300 Saturdays until 0700 Mondays. Bank holidays should be treated as Sundays. SSDC experts should determine the maximum permitted number and mix of units, as we are not qualified in this subject.

The ground rises from the northern boundary which itself is higher than the gardens backing on to the site. The PC would like to see the ground level of the whole site lowered inside the landscaping by at least 3 metres to protect the adjacent residents, this would also help to alleviate the gradient problem mentioned earlier.

The landscaping required in the local plan should be carried out in full prior to any building work. The specification for this should be laid down by SSDC experts and include type, size, depth of trees and their maintenance to provide maximum protection to adjacent housing. The proposed depth of landscaping along the northern boundary is 6 metres this should be increased to 8 metres.

All buildings should be single storey with ham stone facings and green sedum roofs (www.greenroof.co.uk). These roofs are environmentally friendly, have visual appeal, improve rainwater management and reduce carbon dioxide. They should have a height limit of 6 meters to meet the Inspector's requirement to avoid the skyline.

SSDC should specify pavement and other lighting throughout the site that minimises light pollution affecting local residents. They should also specify that the roads be tarmac covered to protect the landscape and whether they are to be made up to an adoptable standard.

With buildings estimated by consultants to be in excess of 6000 sq meters plus the area of the road network, there could be a major problem with water run off. With heavy rains there is already a flooding problem on the road corner just north of the site and further down in Bower Hinton. This requires specialist drainage investigation prior to outline approval to ensure that there is the capacity to carry the additional water that will be generated by the site and the steps to be taken to remove and dispose of contaminated fluids.

Further investigation is required by experts to determine the protection required for hawks and other wildlife including whether there is a badger set on site.

Outline approval should also be subject to the requirement of the Development Control Archaeologist for the attachment of a PPG 16 condition that the developer carry out an archaeological investigation as part of the development.

As described Outline approval should also be conditional that the Reserve Matters Application must cover the road and pavement lay out of the whole site in one application with a timescale for a phased development to minimise disruption for local residents rather than piecemeal additions as the demand arises.

Although the local community raised no objection to this proposed development during the consultation period of the local plan, this was because all the focus was on the key site. The PC ask Area North to note that it has encountered no support whatsoever for this development by the community of Martock. Neither has it heard a convincing case that further industrial development is required, given that there are a number of empty units on the industrial estate to the north of the village. Martock is identified in the 1997 Structure Plan as an Outstanding Heritage Settlement and is subject to Policy 11, which seeks to protect the special character of the area. It has been suggested that however much landscaping, the site will be a blot on the view from Ham Hill which offers one of the finest landscapes in South Somerset. This was one of the reasons why the original proposal for Cartgate was turned down. What applied then should apply equally now.

In such circumstances the PC is unanimous that it cannot support this application. However, if outline approval is given it strongly recommends the conditions above”.

Further comments (24/05/05)

Background to Planning Application 05/00887/OUT

“Looking through PC minutes between may 1993 and June 1998 the PC focussed on the Key site and at times discussed employment land. On May 26th 1993 the PC agreed that if Cartgate proved unacceptable the Bower Hinton site would be the fall back but this should not be made known to SSDC. Mr P. Palmer declared an interest. Mr D. Palmer expressed concern that Bower Hinton may not be suitable as an alternative industrial site and may encourage further traffic flow. In 1996 the span of the local plan was extended, this called for an additional 3000 houses and extra employment land.

At an extraordinary PC meeting on December 4th 1996 Mr P. Palmer declared an interest in Mart/6 proposal and left the room. The PC unanimously agreed that the proposal for employment land at Bower Hinton be not included in the Local Plan as there was no proven need and it would be environmentally intrusive due to the rising land and that it would increase traffic through Bower Hinton.

On 29th Jan 1997 the PC were informed in correspondence that the likely deposit period would be from Feb 14 to April 4th and it was important that all comments are made during this period to qualify for the right to have their comments considered at the examination in public.

The plan went out to public consultation, there was a village referendum on the local plan in May 1997, which had a 34% response, and 80% of respondents supported the PC view to object to the Key Site through a qualified advisor.

At an Open Meeting on 5th June 1997 Mr Hollingsworth SSDC Planning Policy Manager said that at present there was sufficient employment land but he was unsure about the future.

The site found it's way into the deposit Draft Local Plan dated 1998 where it was zoned for B1 (Light Industrial Use) B2, (General Industrial Use) and B8 (warehousing).

There was also a public inquiry. There were no public objections or modifications by the Inspector bar the conditions he imposed on the Ringwell Hill site. These included upgrading the access, landscaping and protection of the skyline. The Local Plan has progressed significantly towards adoption and now carries considerable weight. Although the plan will not be finally adopted for about a year due to a public enquiry in the Yeovil area, applications such as this where there were no objections have to be considered as though the plan was adopted".

Additional Comments (14/06/05)

"Will be considering matter on 29 June"

Comments (04/07/05)

"The Parish Council has no further comments to add to those already submitted. The Parish Council assumes that the Highway Authority is now satisfied with the amended plans. The Parish Council would recommend that the Highway works are completed before work commences on the site, and that LGV' can only turn right out of the site onto the highway".

Further Comments (15/09/05)

The Parish Council insist that the whole site be limited to B1 only, they do not accept B2 & B8 north of the spine road.

Previous outline approvals for the land to the south of the entry road (ppty code 00121-608) dated 20/02/2003, 12/05/2000, 29/05/1997 and 28/07/1994 have all been conditional on B1 use only with a working time limit of 0800/2000 Monday to Saturday with no process, deliveries or despatches outside these times nor at any time on Sundays, Bank or Public Holidays.

We quote from Outline Planning Permission dated 20/02/03

Para 04 "The development hereby permitted shall not be used other than for those activities which fall within the definition of Class B1 of the Schedule to the Town and Country Planning Act (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To safeguard the amenities and character of the area".

Para 09 "No machinery shall be operated, no process shall be carried out and no deliveries taken nor despatched from the site outside the following times 8.00 am to 8.00 pm Mondays to Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities and character of the area".

We consider that it is reasonable to ask that the site under application be similarly restricted because it has a far greater impact on the housing adjoining the northern boundary. The previous approvals detailed above repeat these conditions.

Included in the documentation submitted to Area North for consideration on 27/07/05 under Planning Policy page 40 para 7 states "Extensive landscape buffer zones are required through the local plan policy and these should be affected with a minimum of 10 metres depth where adjoining residential properties". The buffer zone shown on the

revised plans reduce this to 7 metres which we consider unacceptable. Para 20 requires implementation prior to first occupation whilst the Architects letter states all planting will be done after completion which again we consider unacceptable.

Also included in the documentation for Area North consideration on 27/07/05 page 33(d) County Highways indicated that it would be safer for the new development traffic to spur off from the existing access road to reduce traffic speeds. This was incorporated into the amended plans that were then under consideration. In the latest plan from the Peter Evans Partnership this has been changed to give the new development traffic priority.

We assume that our previous comments included in the Area North documentation for 27/07/05 will be carried forward to the Regulation Committee.

Further comments (25/01/06)

Martock Parish Council wish to formally object to the above application for planning permission for the reason that the proposal represents a major development and a significant departure from the adopted 1990 Local Plan.

Your own Environmental Protection Unit confirmed in writing on June 30th 2005 that the suitability of the site was considered low for industrial use. There is already outline permission on land ppty code 00121-608 for 20 B1 only units, these are more than enough to meet local needs. This land adjoins the site under application and shares the entrance off Ringwell Hill.

There is wide resentment throughout most of Martock, and almost all of Bower Hinton, as to how this site was slipped into the unadopted 1998 Local Plan whilst attention was focussed elsewhere on the Key Site. Nobody has shown us either Parish Council or Area North minutes agreeing to this site for employment use. Parishoners are most unhappy at the lack of consultation and feel let down by the system, so much so that 250 have signed a petition opposing the development. This has been delivered to the Council.

In these circumstances we believe that the 1998 Local Plan should not be adopted with ME/Mart/2 included for employment use and therefore the above application should not be allowed to go forward for the reasons previously stated.

Highways Agency (03/06/05)

"We do not have any objections in principle to this application. We are concerned however that the increase in traffic at the B3165 junction with the A356 may lead to the increased likelihood of accidents since some drivers approaching the junction may believe they are on the slip road to the A303 and therefore may find the presence of the junction unexpected.

We would therefore wish to have the following condition attached to any consent that is granted to minimise the possibility of any harmful effects on the trunk road.

1. A sign must be provided on the eastbound approach to the B3165 junction warning of the presence of side road ahead. The sign must be to Diagram 506.1 of the Traffic Signs Regulations and General directions and must be designed and sited to the approval of the local planning authority.

Reason: In the interests of highway safety

If the local planning authority is minded to grant this application all works affecting the trunk road must be carried out by, or on behalf of, the Secretary of State's trunk road agents for this area. Therefore, before carrying out the works, the applicant must first contact our agent at the following address:

Mr David Hogan (01454 617617)
Atkins Highways and Transportation, 260 Aztec West, Park Avenue,
Almondsbury, Bristol, BS32 4SY

Atkins will need to approve the sign design and its location and, should the applicant elect to use his own contractor for the works, Atkins will also need to approve this. These procedures are laid down to ensure that works affecting the trunk road are carried out to the Highways Agency's standards and also to ensure that any adverse effects of the proposed works on the free and safe flow of trunk road traffic are kept to a minimum.

Please find the TR110 form attached confirming this.

Referring to the notification of a planning application, your reference 05/00887/OUT in connection with the A303 trunk road, notice is hereby given under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 that the Secretary of State for Transport:-

Directs that any planning permission which the planning authority may grant shall include the condition shown overleaf, for the reasons given.

A sign must be provided on the eastbound approach to the B3165 junction warning of the presence of a side road ahead. The sign must be to Diagram 506.1 of the Traffic Signs Regulations and General Directions and must be designed and sited to the approval of the local planning authority.

County Highways Authority (24/06/05)

"I refer to the above-mentioned planning application received on 23 April 2005. The Planning Officer will be aware of the ongoing discussions and negotiations that have taken place between the Highway Authority and the developer in respect of the highway works associated with the development of this site.

Thank you for your letter dated 27 May 2005 enclosing plans showing amended site boundaries and access arrangements. I have subsequently received further amended plans (1846.05A and 1846.07) from the applicant's transport consultant accompanied by a letter from the Peter Evans Partnership dated 31 May 2005. I am now in a position to give the Highway Authority's formal advice on the highway and transportation aspects of this proposal.

On the basis that this site is allocated for industrial/employment purposes in the emerging SSSC Local Plan, I have no objection in principle to the proposed development. In detail, the following issues are relevant:

1. Off-site highway works
 - (a) Signing from the A303. I understand the Highways Agency has recommended the developer erect a sign on the eastbound approach to the B3165 junction, warning road users of the presence of a side road ahead. The sign must be to Diagram 506.1 of the Traffic Signs Regulations and General Directions, and must be designed and sited to

the approval of the Local Planning Authority. Somerset County Council, as Highway Authority, would endorse this recommendation.

- (b) Road widening along Ringwell Hill. The Highway Authority finds the principle of the proposed widening of Ringwell Hill to be acceptable. The design will require refining but this can be achieved through the detailed design stage.
- (c) Footway provision. The proposed footway provision running from the site northwards along the western edge of Ringwell Hill and then westwards into Bower Hinton is acceptable in principle. Again the precise details of this element of works can be secured at detailed design stage.
- (d) Weight restriction. The Planning Officer will be aware of the exchange of emails that have taken place between the Highway Authority and the Highways Agency with regard to a possible weight restriction being imposed north of the site, restricting commercial vehicles from travelling northwards through the villages of Bower Hinton and Martock. The Highways Agency has raised concerns with this proposal in that such a Traffic Regulation Order would need to be signposted from the junction of where the B3165 meets the A303. This will lead to commercial vehicles travelling further eastwards to the Stoke Road junction with the A303, which is not of such a good standard as the B3165 junction. Instead, the Highways Agency would recommend a condition requiring a Routeing Agreement from the developer so that HGVs originating from the site will enter and exit via the A303.

It is the view of the Highways Agency that such a condition would be self-enforcing in that local residents are likely to monitor the situation.

Given the views of the Highways Agency, the only other option to restrict a left turn out of the site would be to impose a Traffic Regulation Order (TRO) for a banned left turn but this could only be applied if the bellmouth area and first section of access road leading into the site is publicly maintained highway. This is not the case at the moment. For the Highway Authority to adopt this section, it would have to be demonstrated that it is suitable for adoption in every respect, in meeting the required standards.

- (e) Speed limit I would recommend (subject to consultation) that the existing speed limit (30 mph signs) located to the north of the site be repositioned southwards of the entrance, so that the site access falls within the village speed limit. An alteration to the existing TRO will be required for this purpose.

The design, construction and funding for all the aforementioned works and TROs would need to be secured through a Section 278/Section 106 Legal Agreement.

2. On-site highway works

- (a) Visibility splays. The transport consultants have stated that visibility splays of 4.5m x 90m to the north and 4.5m x 120m to the south would be achievable. There should be no obstruction greater than 300mm above adjoining road level within such splays. On the basis that the applicant controls the land necessary to provide these splays, and given the extent

of the existing highway boundary limits, I assume that this requirement can be achieved. It is essential to provide the aforementioned splays in the interests of highway safety.

- (b) Carriageway width. The access road from the main public highway continuing into the site shall be no narrower than 6.75m. The amended plans indicate that the carriageway width may widen to 7.3m within the site, which would be acceptable.
- (c) Gradient. I understand the existing gradient of the site access road is 1-in-22 for the first 10m before steepening to 1-in-8 for the next 25-30m. It is a major concern that such a gradient is steeper than the normal maximum 1-in-14 that the Highway Authority would normally require. However, in this instance, given the constraints of the site boundary, there does not appear to be the opportunity to provide a gentler gradient.

Therefore, reluctantly, I would have to accept the proposed gradient, although I would welcome the offer to install an anti-skid surface on the access road on the approach to the junction.

- (d) Road priority. Due to the issues relating to the gradient mentioned above, it would be safer to retain the existing priority and for the new development traffic to spur off from the existing access road. This should also reduce traffic speeds in the area of the priority junction. This requirement has now been incorporated on the amended plans. Any small alterations can be made at detailed design stage.
- (e) Turning Head. A properly dimensioned turning head capable of accommodating the movements of an articulated vehicle must be provided within the site, as must adequate parking and turning facilities for each of the individual plots.
- (f) New industrial estate road. The new road system must be constructed to an adoptable standard in accordance with details set out in the Estate Roads in Somerset booklet. I understand it is the applicant's wish for the road to remain private. Ideally, the road would be lit but I am aware of concerns raised by local residents in respect of this issue.

In my opinion the aforementioned on-site detail can be secured by condition.

3. Other matters

- (a) Travel Plan. A generic Travel Plan for the site should be established detailing a number of measures and initiatives that promote the use of more sustainable modes of transport. This particular issue could be made the subject of a suitably-worded condition. The applicant's transport consultants have agreed to provide this element.

Accordingly, no highway objection is raised to the proposed development, subject to the following conditions being imposed in the event that permission is granted. These conditions are in addition to the one recommended by the Highways Agency.

1. The development hereby approved shall not commence until a road widening scheme on Ringwell approximately 250m to the south east of the site entrance (as generally indicated on drawing no. 1846.06) has been carried out in

accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority, unless otherwise agreed in writing by the Local Planning Authority.

2. The development hereby approved shall not commence until a footway (as generally indicated on drawing no. 1846.07) has been carried out in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority, unless otherwise agreed in writing by the Local Planning Authority.
3. The existing access shall be modified to incorporate anti-skid surfacing on the access road for a distance to be agreed in writing by the Local Planning Authority as measured from the carriageway edge prior to the development being first brought into use.
4. The existing access shall be modified to incorporate visibility splays based on minimum coordinates of 4.5m x 120m in the southerly direction and 4.5m x 90m in the northerly direction. There shall be no obstruction greater than 300mm above adjoining road level within such splays which shall be provided before works commence on the development hereby approved and thereafter shall be maintained at all times.
5. The development hereby approved shall not commence until access arrangements (including gradients, carriageway widths, road priorities) generally in accordance with details shown on drawing no. 1846.05a have been carried out to the satisfaction of the Local Planning Authority.
6. The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
7. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority. Such drainage shall be provided prior to the development first being brought into use.
8. No building shall be occupied or otherwise used for any purpose until a properly consolidated and surfaced turning space for vehicles has been constructed within the site in accordance with details which shall have been submitted to and approved by the Local Planning Authority and such turning space shall be kept clear of obstruction at all times.
9. No building shall be occupied or otherwise used for any purpose until provision has been made within the site for the loading and unloading of goods vehicles for which details shall have been submitted to and approved by the Local Planning Authority.
10. The development hereby approved shall not be brought into use until a travel plan has been submitted to and approved in writing by the Local Planning Authority, such travel plan to include initiatives and measures to encourage the

use of sustainable forms of transport to and from the site together with a timetable for the implementation of each element.”

Highway Further Comments (email 06.12.05)

“I have been liaising with the applicant’s Transport consultants on a number of issues of detail, hence the delay. I am now in a position to respond formally to your letter.

Many of the comments made in my letter dated 24th June 2005 are still relevant, but in addition to those comments it has now been agreed to lower all obstructions to visibility to 300mm above adjoining road level within the 4.5m x 120m visibility splay to the south of the site entrance. This can be achieved by regarding the verge and embankment, thus steepening it to 1:2. This will involve the loss of some trees/vegetation but it is the Highway Authority’s contention that such works are necessary in the interests of highway safety and to ensure ease of maintenance of the visibility splays.

The proposed industrial estate road, close to its junction with Ringwell Hill, has a gentler gradient at 1:10 which represents an improvement over previous submissions. The new road itself has been shown as having a straight alignment which could encourage high traffic speeds within the site. Speed reducing bends should be introduced but this can be achieved at full or reserved matters application stage.

The revised plans for the footway provision from the site entrance to the edge of Bower Hinton indicates a widening of the carriageway on the north and eastern side of the highway. On the basis that such works would appear to be within highway limits, no objection would be raised to this minor amendment.

Accordingly, no highway objection is raised to the amended proposed development. As mentioned previously, the Highways Agency has recommended a condition be imposed if permission is granted. This is still relevant. The recommended conditions and notes are set out in my letter dated 24th June 2005 are still applicable and should similarly be imposed if permission is granted. The drawing number referred to in recommended condition No.5 should be changed to 1846.05C.

I must bring your attention to the need for the applicant to enter into a Section 278/Section 106 legal agreement with the Highway Authority to secure the design, construction, and funding for all the off-site highway works in relation to this development proposal.”

Planning Policy

“I write in response to your consultation letter of 15th February 2005 and enclosures.

The adopted Local Plan covering the applications site is the Yeovil Area Local Plan, 1990 (YALP). The emerging South Somerset Local Plan as amended by Proposed Modifications (Feb 2004) and Further Proposed Modifications (Dec 2004) (SSLP), which is at an advanced state of preparation, should be taken into account as a significant material consideration.

As explained in my earlier consultation response of 21st December 2004 in respect of the previous application (04/03494/OUT), the applications site lies beyond the Development Limits for Martock as shown in the YALP where, in accordance with policy P3, development will not normally be permitted. However, this proposal concerns land proposed to be allocated for B1, B2 and B8 employment use in the SSLP (Proposal ME/MART/2). As with all other SSLP Proposals and Policies, this Proposal has been the

subject of wide consultation and publicity, and the Planning Inspector considered the objections to it during the Local Plan Inquiry between April 2002 and February 2003.

As a consequence, the Inspector supported the allocation as per the Deposit Draft Proposal on the basis it would “spread, geographically, the choice of employment locations”. He did however, point out that it would be “for the development control process to ensure that no harm is caused to the amenities of the area and of local residents.” The proposed requirement for the provision of landscaped buffer zones and consolidation of existing hedgerow field boundaries should go some way to mitigating the resultant development’s impacts. Although this issue would appropriately be addressed at “Reserved Matters” application stage through consideration against SSLP policies ST5 (MOD/02/024) and EP2 (MODO5/006), given the importance, I consider it is helpful to flag this issue up at this early stage.”

I note that this new application reflects the full extent of the Local Plan proposal (ME/MART/2). The Local Plan Proposal remains unchanged from the Deposit Draft in light of Members’ consideration of the Inspector’s Report in December 2003/January 2004. Therefore, in terms of weight attributable to the Proposal, it is tantamount to being adopted, and thus this planning application accords with the emerging SSLP.”

“Notwithstanding the above, I would raise the following issue:”

“Archaeological Potential

It is proposed to replace policy EH15 (Areas of High Archaeological Potential) with a new non-site specific policy (Proposed Modification MOD/04/018). The requirements of this new policy should be heeded, particularly given the fact that part of the application site lies within an area until recently identified as an Area of High Archaeological Potential in the Deposit Draft version of the SSLP. I would also strongly recommend that the County Archaeologist be consulted on the application.”

“On the above basis, I raise NO OBJECTION to this planning application.”

“Further to Planning Policy’s response of 17th February (reproduced below),(Planning application 05/0395/OUT), this proposal accords with South Somerset LOCAL plan Deposit Draft 1998 allocation ME/MART/2 and I have no further comments to add. I would however recommend that the Conservation Unit be consulted regarding the potential impact of the new footway.”

Environment Agency (01.12.05):

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

The site overlies a Minor Aquifer, as defined by the Environment Agency’s ‘Policy and Practice for the Protection of Groundwater’. We note that part of the site has been used for second hand car sales, and as such the following is relevant:

CONDITION:

Activities carried out at this site may have caused contamination of soil, subsoil and groundwater present beneath the site and may present a threat to nearby surface waters, especially as a result of the proposed development.

No development approved by this permission shall be commenced until:-

- a) A desk study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information.

If the potential for significant ground contamination is confirmed then using this information

- b) A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors should be produced.

- c) A site investigation should be designed for the site using this information and any diagrammatical representations (Conceptual Model). Designs should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

- d) The site investigation should be undertaken in accordance with details approved by the Local Planning Authority and a risk assessment should be undertaken.

- d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation should be submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

REASON:

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

This practice is considered important so that the site operator/owner, the regulatory authorities and other parties, such as the general public, potential purchasers or investors, can have confidence in the outcome, and any subsequent decisions made about the need for action to deal with any contamination at the site.

CONDITION:

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage.

All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON:

To prevent pollution of the water environment.

NOTE:

Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001").

CONDITION:

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicles shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

REASON:

To prevent pollution of the water environment.

In order for the Agency to monitor its effectiveness in influencing the determination of planning applications, a copy of the decision notice for this application would be appreciated.

Somerset Drainage Board Consortium (02/03/5)

"The application for a proposed industrial development at Ringwell Hill, Martock was noted in a recent list of planning applications received.

The grid reference for the site suggests it may fall within the catchment of the Hurst Brook/Hinton Meads Brook. There is a significant risk of property flooding due to high flows in the Hurst Brook. It is suggested that the permitted storm water discharge from the proposed development should be no greater than for the underdeveloped or Greenfield site – whichever is the smaller in this case.

Due to the flood risk from the Hurst Brook it has been classified as a Critical Ordinary Watercourse as required by DEFRA, responsibility for the brook will therefore be transferred from the Langport Drainage Board to the Environment Agency with effect from 31.3.05.

If clarification or further information is needed please contact me".

SSDC Area Engineer (19/04/05)

"Soak ways acceptable subject to percolation tests."

Conservation Unit: (02/07/05)

"Description

The application site comprises two fields currently in arable cultivation bounded and divided by overgrown mixed hedgerows and native trees.

At present the boundaries comprise a mix of native tree species, including ash, hawthorn, field maple, downy birch and with blackthorn, elder and bramble scrub and some elm present. The hedges appear to have been unmanaged for some time so there is a mixture of tall trees, shrubs and scrub, with some gaps.

The north-western boundary of the site (indicated for landscaping on the amended plan) has been planted with beech, ash and sycamore, and there is evidence of planting of cherry dogwood, **Viburnum** and other species along the northern boundary of the application site.

Comment and Recommendations

It is unlikely that the fields support species of conservation importance but it would be desirable for the hedgerows to be retained as far as possible within the development, and strengthened where necessary by planting up with native species in the gaps. Ancient and species-rich hedgerows are a priority habitat for conservation in the South Somerset Local Biodiversity Action Plan and we recommend their retention, conservation and appropriate management wherever possible. In this instance retention of this landscape feature would have landscape and wildlife benefits.

Reason:

To conserve traditional landscape features of major importance to wildlife (Policy EC6 of the Local Plan Deposit Draft as amended).

It is also **recommended** that the applicants engage a suitably qualified person to undertake a survey for the presence of **badgers** on the site. The presence of a legally protected species would be a material consideration in determining the application. The results of the survey should be sent to the Council's Ecologist and to English Nature and their comments awaited.

In the event that evidence of a badger sett within the site is found a suitable mitigation plan would need to be prepared and approved by English Nature before the application could be approved.

Reason: To ensure that wildlife species which are legally protected are not harmed by the development in accordance with Policy EC7 of the Local Plan Deposit Draft as amended.”

County Archaeologist (23/02/05)

“This site lies within the Area of High Archaeological Potential and lies partly within the area identified as likely to have surviving medieval evidence. Normally I would advise that an archaeological evaluation take place prior to determination of this application. In this case it may be more reasonable to place a condition on planning permission.

For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made. This should be secured by the use of model condition 55 attached to any permission granted:

No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it”.

Economic Development Unit

No issue with this site being brought forward as it is allocated within the local plan. I understand that the original application raised questions with recommended buffer Zones- I would suggest checking with planning policy team if any doubts remain'

I am now puzzled that the application may be modified to B1 only as I understand that the inspector was happy with B1, B2 and B8.

I had not been party to further negotiations or indeed the correspondence/ objections that have taken place since.

Therefore your draft report received this morning begins to indicate how we've arrived at this position.

From an ED perspective I wonder why we should be losing the B2/B8 allocation. Its a prime site, well located and as such has already been allocated. I can understand a local desire to determine which particular use may go in certain locations and this clearly is a DC function but I am not sure of the reasoning behind B1 only. Surely this was an issue addressed by the inspector?

I note your comments on page 21 relating to demand for B2 and B8. Demand is not likely to have changed significantly since the inspector approved the site. Indications from inquires to ED would indicate a healthy demand for all uses.

I cannot think of an economic case to restrict this to B1 only.

Somerset Badger Trust (19/06/05)

This application is essentially the same as 05/00395/OUT, and my comments in my letter of 3rd March (reproduced below) would still stand".

Letter 03/03/05 reads

"I have now been able to look at the site from the adjacent footpath.

There appears to be evidence of badger access to the site in the SE corner with tracks in several directions. It is possible that there is a sett in the hedge bank.

This is a material consideration, and I would suggest that the planning brief contains a requirement for a badger consultant to advise on suitable mitigation measures which should then be acted upon".

This comment has been repeated in observation of 17/11/2005.

Somerset Wildlife (04/07/05)

1. Thank you for your consultation on the above
2. We have studied the response of the Somerset Environmental records Centre.
3. The Somerset Wildlife Trust has received reports of legally protected species, such as badgers, being present within the application site. The presence of a protected species represents a material consideration in the planning process.
4. We therefore recommend that the application site be surveyed for the presence of any protected species prior to the granting of any planning permission.
5. We would wish to see the results of these surveys before submitting any further

District Council's Ecologist

Stated that it would be prudent to impose a condition to re-survey the site for evidence of badgers.

Landscape Architect

Recommended that any wood material lost by road works should be re-used on the site, possibly incorporated into the landscaping buffer zone.

Environmental Protection Unit (30/06/05)

Concerned about possible noise disturbance and odours from some uses. It was suggested that there should be conditions in place to keep disturbance to a minimum.

(20/12/05)

As per my previous memo of 30 June, there is a high potential for such development to cause noise disturbance to nearby dwellings. If council are minded to permit this development, tight controls will be needed to reduce this potential to a minimum and ensure a satisfactory co-existence.

Generally with light industrial units, noise emission tends not to be constant, but is rather more intermittent due to banging, vehicle movements and so on. This type of general disturbance would make measuring noise from a single unit very difficult and therefore I would not consider setting either individual or whole site noise limits to be satisfactory.

Given the close proximity I would also question whether B8 use with 24h access would be appropriate.

I would strongly recommend the following general conditions for the B1 and B2 units:

1. Working times shall be restricted to 08:00 – 19:00 Mondays to Fridays and 08:00 – 13:00 Saturdays with no working Sundays or bank holidays.
2. No deliveries to arrive or be dispatched from these units outside of the above hours.
3. No external equipment to be located at the outside northern facade of any of the units.
4. No air extraction system to be provided to any of the units without prior approval of the local planning authority.

If approved, I would recommend that only B1 units are located at the northern edge of the site closest to local housing. B2 and B8 can then be located towards the southern edge so that the B1 units will provide a degree of protection against noise. However, if the B8 units do not have a time restriction, there remains potential for noise problems from general operations and from movements of vehicles with safety beepers etc. According to the acoustic report carried out on behalf of the developer this area is extremely quiet, particularly at night, and any noise is likely to be quite noticeable.

Neighbours:

Some ten letters of representation have been received objecting to the proposal. Principal points raised in those letters, in no particular order, are as follows:-

1. There is no justification for increased industrial development in Martock. Existing estates have vacant units. Need should be reassessed. Feasibility study is needed.

2. The residential boundaries are not correctly shown (corrected on latest plans).
3. The access is unacceptably narrow for additional development.
4. The proposal will result in increased traffic detrimental to highway safety.
5. Highway improvements are necessary.
6. Landscaping is required between residential properties and the existing development.
7. Concern about noise generated during the operation of industrial premises. Restriction should be placed on working hours.
8. Concern about noise pollution.
9. Concern about the loss of agricultural land.
10. The loss of plants, wildlife and badger's setts.
11. The development will affect archaeological issues underlining the site.
12. Link between the industrial estate and the village needed.
13. Road widening should be required to make the access acceptable.
14. Surface water run off is a problem and needs to be addressed.
15. The Local Plan designation is inappropriate, the inspector queried this and it has not been addressed properly.
16. There is a conflict of interests as the landowner and purchaser are both councillor and on the Area North Planning Committee.
17. The proposal will have impact on the conservation area.
18. The proposal will impact on house values.
19. Impact of development on a dew pond in neighbouring garden
20. Loss of hedgerows
21. Buffer zones should not be part of site as they are not allocated and could be developed for industrial purposes
22. Skyline of Bower Hinton would be ruined by scheme
23. Traffic will still go through village despite traffic restrictions
24. Buffer zone planting and industrial units would cause loss of light to neighbouring residential properties
25. Units on north side of site should be B1 only
26. LPA have not handled the application correctly under the EIA Regulations

One letter has been received which supports the proposal providing there is no hotel accommodation as it is considered that there is a need for additional businesses within the area to support local housing and the vast economy.

Considerations

1. Planning Policy
The site is one that is specifically identified in the local plan as a site for employment use surrounded by land to former buffer zones to the north, west and south and subject to the vehicular access being upgraded.

The site is also shown, in part to be within an area of "High Archaeological Potential" and adjoining a site of "Local Archaeological Importance".

The northern boundary of the site is contiguous with the Conservation Area boundary.

Notwithstanding this allocation the proposal still needs to be considered and tested under a range of policies set out earlier in both the structure and local plan.

2. Need
Local residents have raised questions regarding the need for this development.

Through the local planning enquiry, objections were raised on the basis that this site had not been fully justified and fully examined and that the proposal should be more specific about the type of employment for which provision is made. The Inspector has examined the proposed allocation. He considered that the plan provided for extensive landscape buffer zones and the retention of existing hedgerows that care would need to be exercised to ensure that the surrounding area is not harmed. He concluded that the site is not particularly prominent and was satisfied that with careful attention to the disposition of use and buildings and extensive landscaping that the development could be acceptably assimilating to landscape.

3. Highways

The applicant's agent have been in discussion with the Highway Authority with regard to the suitability of the access and of the highway works necessary to make this scheme acceptable. The original and amendments followed discussions and revised application plans were submitted for consideration. The scheme then submitted made the following highway improvements;-

1. Widening of Ringwell Hill near the existing pinch point to 6.75m.
2. Widening of the existing access to 7.3m and the existing site access gradients have been agreed subject to treatment of anti skid surfacing.
3. A travel plan for the development to be provided.
4. Provision of a footway linking the application site in a northern direction towards Sparrow Cottages.

The applicants have indicated that this footpath would start off at 1.8m and would be reduced in width to 1m or 1.2m near the bend on Ringwell Hill with a minimum width 0.9m. It is clear from examination of this option on site that in order to achieve this sort of width provided even the minimum that a reduction in the carriageway width would be necessary.

The acceptability of this carriageway width reduction has been raised with the applicants and highway authority.

The applicants have also confirmed that the visibility splays necessary to meet highway requirements can be accommodated within land owned by the applicant and within highway land.

The latest revised access details were received on 7th December following discussions with County Highways. These now include internal site access visibility splays, regrading of Ringwell Hill embankment to provide 300mm maximum height in the site access junction visibility splays.

These are now all to satisfaction of the highway authority, subject to conditions.

The application has now under consideration to renew the outline permission for Light industrial development on land along the Ringwell Hill frontage (05/02856/OUT) comprises not only the parking area associated with the Works on the inside of the bend in the road but also the access road proposed for this development. All matters are reserved for future consideration in that proposal and consequently there is the potential for that development to share the same access arrangements as this application site.

4. Impact on Setting of Conservation Area
Representations have raised concerns with regarding the impact of the development on the Conservation Area that adjoins part of the northern boundary of the site. The application has been advertised in this respect.

It is considered that with suitable landscaping to this boundary as envisaged in the local plan that the impact on the conservation area will not be such as to warrant a refusal of this planning application. Furthermore, control can be exercised at a detail stage to ensure that the location of buildings are such as to minimise the impact they would have on the adjacent conservation area.

5. Archaeological considerations
The County Archaeologist has indicated that there is potential for archaeological artefacts to be present on this site. Consequently, as suggested by the County a programme of archaeological works will need to be resolved prior to commencement of development. This can be controlled by way of planning conditions.

6. Drainage issues
Concern was expressed by the Somerset's Drainage Board Consortium in relation to the previous proposal and the possible risk of run off and potential flood risk to down stream properties close to Hurst Brook.

The applicants have examined the existing drainage situation. As a result a piped system attenuated via an on-site attenuation underground balancing tank is proposed with surface water piped to nearby open watercourses. Part of this would be laid in the highway and extra gullies installed to address any highway flooding problems.

The Environment Agency has no objection in principle subject to the imposition of conditions.

7. Impact on neighbouring residential properties from noise, fumes and visual impact.
The applicant's have indicated on their layout plan that the site immediately adjacent and nearest to residential properties would be allocated for B1 use. Such a use is defined as one capable of taking place within residential areas without detriment to those properties. Subject to conditions limiting those plots nearest to residential properties to that use the proposal could be seen acceptable from this point of view.

Extensive landscape buffer zones are required through the local plan policy and these should be provided with a minimum of 10m depth where adjoining residential properties. Lesser depth would be acceptable to other boundaries to achieve satisfactory screening from wider views. The application now provides for 7m wide landscaping strips to the north and south boundaries and the whole of the field at the western end of the site to be landscaped.

As the provision of such landscape buffer zones is indicated in the Local Plan it is considered that these areas need to be part of the application site to enable them to be secured via an appropriate Legal Agreement. The use of these areas can be adequately controlled by conditions.

Residents have expressed concern about noise generation and hours of opening for business here. In view of the intended allocation of the a portion of the site

closest to dwellings for B1 use and the depth of buffer zones suggested members may consider no additional controls are necessary. The applicants have stated that they are willing to accept opening hour restrictions on B1 & B2 units closest to dwellings but would not wish to see such controls exercised over B8 (Warehouse) units backing onto open countryside.

Any conditions proposed regarding noise levels at the boundaries of the site would need additional information from the applicants to identify existing background noise levels to enable reasonable and achievable noise levels to be specified. These have now been received and indicate a moderately low noise climate with diurnal noise variation typical of road traffic noise with occasional noisier periods during daytime from adjacent industrial activities. It is stated that no opening will be provided in the rear of any unit backing onto residential dwellings.

The Environmental Protection Unit have expressed the view that only B1 units should be located at the northern edge of the site closest to local housing with B2 and B8 uses located towards the southern edge so that the B1 units will provide a degree of protection against noise. There is concern that if the B8 units do not have a time restriction and as the area is extremely quiet, particularly at night, there remains potential for noise problems from general operations and from movements of vehicles with safety beepers etc.

Concern has been expressed about "light pollution" arising from the proposal. In view of the location of the site on the fringe of the countryside it is considered that careful control should be exercised over external lighting to prevent excessive light pollution and a condition is recommended accordingly.

The importance of the need to consider the impact of the development on the skyline is mentioned in the Local Plan and representations. The applicants have stated that the buildings on site will be limited to 6m eaves height and constructed of material to blend in with the surroundings. In view of the sloping nature of the site it is more appropriate to consider precise building heights at the detailed application stage rather than impose conditions at this stage.

8. Impact on wildlife

Reports submitted with earlier applications indicate that whilst there were presence of badgers on the site the setts available are no longer active. The sett was located in the hedgerow surrounding the site and the development as envisaged would keep development clear from these periphery hedges.

The Conservation unit have suggested the need for a resurvey for badger. A condition requiring a resurvey and introduction of any measures need to protect the badger population on this site is recommended.

9. Environmental Impact Assessment Regulations

Under the requirements of the Environmental Impact Regulations where a development falls within the criteria identified in Schedule 2 to the Regulations the local planning authority must make its own formal determination of whether or not an EIA is required (referred to in the Regulations and this Circular as a 'screening opinion'). In making this determination the local planning authority must take into account the relevant 'selection criteria' in Schedule 3 to the Regulations. The opinion must be made within 3 weeks of submission of the application or such longer period as agreed with the applicant. Once made this opinion must also be made available for public inspection.

Schedule 2 gives a threshold of 0.5ha for consideration of the need for an EIA. The area of this application site at 1.52ha is above this threshold. The “selection criteria” for this type of development suggests that one is more likely to be required if the site area of the new development is more than 20 hectares. It adds that in determining whether significant effects are likely, particular consideration should be given to the potential increase in traffic, emissions and noise.

No formal “screening opinion” was made or provided for public inspection within the appropriate period. It is your officers view that because of the relatively small scale of development (in comparison to the 20ha figure above) and as the site is not located in a 'sensitive area' as defined in the regulations no formal EIA was or is required.

Whilst the initial failure to comply with the requirements of the regulations is regrettable a “screening opinion” has now been issued and the objector who raised this point advised accordingly.

10. Advertisement as a Departure to Development Plan

Following advice received recently on the need to advertise Key Site applications as a Departure from the Development Plan, as the emerging Local Plan does not have full force, this proposal has been the subject of the appropriate procedure by advertisement on 18th January.

Conclusions

The site is allocated for industrial development with landscaped buffer zones in the Local Plan, with issues identified of improved access and boundary screening needing to be resolved as part of bringing forward that allocation. The application submitted, whilst only an outline, provides the opportunity to address those matters. Drainage issues have been resolved subject to conditions as recommended by Environment Agency.

The Environmental Protection Unit have suggested the imposition of noise conditions to exercised control over operating hours for B1 & B2 uses on site. They have also made a case for restrictions, certainly on deliveries, to any B8 uses.

As the site is allocated for Industrial Development of a general nature, not limited to B1 use, and in these circumstances no justification is seen to introduce a blank restriction over the whole site to B1 use. Your Economic Development Officer has indicated that he cannot think of an economic case to restrict this to B1 only.

The inclusion of the landscaped zones within the site is a necessity in order to ensure their provision can be achieved. Controls can be exercised to ensure it is only used for landscape buffer purposes.

The access as now proposed is now of suitable technical design, including gradients to meet the County Highway Authorities requirements subject to conditions.

As a result of the departure advertisement the objection reproduced earlier in the report from the Parish Council has been received. As the site is allocated in the emerging plan and it is believed the noise concerns have been adequately addressed by conditions proposed this is not seen as an impediment to granting permission

On the above basis it is considered that the revised scheme can be recommended for approval subject to the applicants entering into a legal agreement as set out below and subject to appropriate conditions.

RECOMMENDATION

Grant permission for the following reasons:

The proposed development represents an appropriate form of development on an allocated employment site in accordance with the aims and objectives of policy 18 of the Somerset and Exmoor National Park Joint Structure Plan Review and policies ME/MART/2 and ME2 of the South Somerset Local Plan Deposit Draft 1998

Subject to

- (i) The application be notified to the Secretary of State under the provisions of Art 17 of the General Development Procedure Order 1995
- (ii) Upon receipt of the Secretary of State views and the applicants first concluding a Section 106 Agreement whereby the applicant agrees to either:
 1. The carrying out of highway improvements to widen the carriageway at the Ringwell Hill and the provision of a footway north from the site access as required by the County Council or:
 2. The contribution to the cost of highway improvements to widen the carriageway at the Ringwell Hill and the provision of a footway north from the site access as required by the County Council.
 3. The contribution of a sum to cover the costs of making necessary traffic orders relating to weight restrictions as referred to by SCC or:
 4. The entering into a Routeing Agreement from the developer so that HGVs originating from the site will enter and exit via the A303.
 5. The contribution of a sum to cover the costs of making necessary traffic orders relating to speed limits amendments as required by SCC.
 6. The contribution of a sum to cover the costs of providing a sign warning of the presence of the side road ahead as required by the Highway agency.
 7. The production and updating of a generic Travel Plan for the site established and detailing a number of measures and initiatives that promote the use of more sustainable modes of transport.
 8. Arrangements for the maintenance of the landscape buffer zones.

Subject to the conditions listed below:

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 two 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 1990.

2. Approval of siting, design, external appearance, roadways, parking external lighting and hard and soft landscaping (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

4. The development hereby permitted shall not be commenced until a programme showing the phasing of the development has been submitted to and approved by the Local Planning Authority. Following such approval and commencement of the development hereby permitted the works comprised in the development shall not be carried out otherwise than in complete accordance with such approved programme or such other phasing programme as the Local Planning Authority may in writing subsequently approve.

Reason: To ensure that adequate opportunity is afforded for investigation of archaeological or other items of interest.

5. The development hereby approved shall not commence until a road widening scheme on Ringwell approximately 250m to the south east of the site entrance (as generally indicated on drawing no. 1846.06) has been carried out in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway and pedestrian safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000.

6. The development hereby approved shall not commence until a footway (as generally indicated on drawing no. 1846.07A) has been carried out in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway and pedestrian safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000.

7. The existing access shall be modified to incorporate anti-skid surfacing on the access road for a distance to be agreed in writing by the Local Planning Authority as measured from the carriageway edge prior to the development being first brought into use.

Reason: In the interest of highway and pedestrian safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000.

8. The existing access shall be modified to incorporate visibility splays based on minimum coordinates of 4.5m x 120m in the southerly direction and 4.5m x 90m in the northerly direction. There shall be no obstruction greater than 300mm above adjoining road level within such splays which shall be provided before works commence on the development hereby approved and thereafter shall be maintained at all times.

Reason: In the interest of highway and pedestrian safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000.

9. The development hereby approved shall not commence until access arrangements (including gradients, carriageway widths, road priorities) generally in accordance with details shown on drawing no. 1846.05C have been carried out to the satisfaction of the Local Planning Authority.

Reason: In the interest of highway and pedestrian safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000.

10. The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interest of highway and pedestrian safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000.

11. No phase of the development hereby permitted shall be occupied until the estate road and footways, as approved pursuant to condition (11) above, have been provided and has been properly drained, consolidated and surfaced in a material to be agreed in writing by the Local Planning Authority.

Reason: In the interest of highway and pedestrian safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000.

12. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority. Such drainage shall be provided prior to the development first being brought into use.

Reason: In the interest of highway and pedestrian safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000.

13. No phase of the development hereby permitted shall be occupied until car parking facilities, as approved pursuant to condition (2) above, have been provided and its area has been properly drained, consolidated and surfaced in a material to be agreed in writing by the Local Planning Authority.

Reason: In the interest of highway and pedestrian safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000.

14. The car parking areas once provided shall be kept free of obstruction and shall not be used otherwise than for access or for the parking of vehicles in connection with the development hereby approved.

Reason: In the interest of highway and pedestrian safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000.

15. No building shall be occupied or otherwise used for any purpose until a properly consolidated and surfaced turning space for vehicles has been constructed within

the site in accordance with details which shall have been submitted to and approved by the Local Planning Authority and such turning space shall be kept clear of obstruction at all times.

Reason: In the interest of highway and pedestrian safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000.

16. No building shall be occupied or otherwise used for any purpose until provision has been made within the site for the loading and unloading of goods vehicles for which details shall have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of highway and pedestrian safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000.

17. The north west portion of the development site, as identified on the attached site plan in blue, hereby permitted shall not be used other than for those activities which fall within the definition of Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To safeguard local residents from noise and disturbance.

18. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site to the satisfaction of the Local Planning Authority in accordance with the recommendations in British Standard 5837 1991. Any part(s) of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practicable completion of the approved development shall be replaced as soon as is reasonably practicable and, in any event, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity.

19. Before any works commence on site, details of advance screen planting shall be submitted to and approved by the Local Planning Authority. Such scheme shall provide for a landscape buffer zone to the west and northern boundaries of the site having a minimum depth of 10m, where adjoining gardens of properties in residential use.

Implementation of the approved scheme shall be carried out:

- a) Prior to the first occupation of the part or phase of the development to which the screen relates; or
- b) In accordance with an implementation timetable agreed in writing with the Local Planning Authority.

This planting shall be maintained to encourage its establishment for a minimum period of five years following contractual practical completion of the development. Any trees or significant areas of planting which are removed, die or become, in

the opinion of the Local Planning Authority, seriously damaged, diseased or defective within this period shall be replaced as soon as is reasonably practicable.

Reason: To safeguard the character and appearance of the area in accordance with Policy ST5 of the South Somerset Local Plan Deposit Draft 1998. and to minimise the impact of the development on the character and appearance of the Conservation Area.

20. Details of the position and type of all external lighting, including fittings attached to buildings, to be used within the site shall be submitted to and agreed in writing by the Local Planning Authority prior to installation.

Reason: To enable the LPA to exercise control over the degree of light emission from this site on the edge of the countryside.

21. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure adequate drainage arrangements are in place to accord with policy ST5 of the South Somerset Local Plan Deposit Draft 1998.

22. No development shall take place until the applicant, or their agents or successors in title, has 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: To enable the protection and recording of any archaeological remains found on this site of high archaeological potential.

23. No development approved by this permission shall be commenced until:-
1. A desk study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information.

If the potential for significant ground contamination is confirmed then using this information

2. A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors should be produced.
3. A site investigation should be designed for the site using this information and any diagrammatical representations (Conceptual Model). Designs should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
 - refinement of the Conceptual Model, and

- the development of a Method Statement detailing the remediation requirements.
4. The site investigation should be undertaken in accordance with details approved by the Local Planning Authority and a risk assessment should be undertaken.
 5. Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation should be submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site

Reason: To ensure the proposed development will not cause pollution of Controlled Waters. This practice is considered important so that the site operator/owner, the regulatory authorities and other parties, such as the general public, potential purchasers or investors, can have confidence in the outcome, and any subsequent decisions made about the need for action to deal with any contamination at the site

24. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, which ever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

25. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicles shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment.

26. Before any works commence on site, an ecological survey of the site, for the presence of badgers shall be carried out and details including an assessment of the impact of the proposed development and any appropriate measures to mitigation this shall be submitted to and approved in writing by the Local Planning Authority concurrently with the submission of site layout drawings. Any mitigation measures approved shall be implemented before the first occupation of any unit on the site.

27. The landscaped buffer zone areas as require to be provided under the requirements of condition 19 shall not be used for any other purpose.

Reason: To ensure those areas are only used for approved purposes.

28. Working times for the B1 & B2 units shall be restricted to 08:00 – 19:00 Mondays to Fridays and 08:00 – 13:00 Saturdays with no working Sundays or bank holidays.
Reason: To safeguard local residents from noise and disturbance.
29. No deliveries to arrive or be dispatched from any units on site outside of the above hours as specified in Condition 28.

Reason: To safeguard local residents from noise and disturbance.
30. No external equipment shall be located at the outside northern facade of any of the units

Reason: To safeguard local residents from noise and disturbance.
31. No air extraction system shall be provided to any of the units without prior approval of the local planning authority

Reason: To safeguard local residents from noise and disturbance.
32. No manufacturing, fabrication or other industrial process shall take place outside the confines of any buildings approved on the site.

Reason: To safeguard local residents from noise and disturbance.
33. No raw materials, products of any description, scrap or waste materials whatsoever shall be stored in the open on any part of the subject land without the prior written consent of the Local Planning Authority.

Reason: To safeguard local residents from noise and disturbance.

Extract from Regulation Committee minutes – 21st February 2006

05/00887/OUT Proposed new industrial development and works to highway (Outline) (as amended) (GR345626/117743) Land OS 6375 & 5576, Ringwell Hill, Martock, Somerset - A H Canvin. (Agenda Item 4)

The Area Planning Team Leader informed the Committee that the 1.5 hectare site adjoined the conservation area of Bower Hinton. He presented slides outlining the plan of the site and confirmed that the proposed development and use of B1, B2 and B8 met the allocation in the emerging Local Plan. The recommendation was to grant permission but to defer to allow time to notify the Secretary of State. Following this, a Section 106 agreement would be drawn up with the conditions as set out in the report.

He drew attention to an adjacent site on which there was extant planning permission for industrial use. The site had not been developed and planning approval had been renewed several times.

With the aid of photographs, the Planning Team Leader illustrated the site and its entrance and the position of the proposed footpath to Bower Hinton.

The Chairman confirmed the views of the Group Manager that the South Somerset Local Plan was tantamount to being adopted and should be regarded as such.

The Planning Team Leader responded to members questions as follows:

- The number of units could not be confirmed. The application was for outline permission only but the report had indicated that 35-40% of the site would be built development.
- The Local Plan Inquiry Inspector had agreed that there was a need in rural locations such as this for additional employment land. He raised no objections to this allocation.
- It had been agreed with the applicant that B1 uses only would be provided next to housing. A buffer zone of 7 metres would be provided between the site and residential properties. (Later in the meeting the Planning Team Leader confirmed that the required buffer zone should be 10m not 7m)
- The case officer and Highways had considered the access and slip road and a condition would be imposed to agree a vehicle routing scheme.
- Noise on the site should be controlled to a certain extent by the layout of the buildings and access roads as part of the reserved matters.
- With regard to light pollution, the applicant had intimated that he would retain the private road within the site and it would be up to him whether to provide street lighting.
- The proposal was to restrict eaves height to 6 metres. Ridge height could be dealt with in reserved matters and could be controlled by conditions.

Mr Roger Powell, Chairman of Martock Parish Council, advised the Committee that the site was on a hill and would be visible from surrounding countryside and Ham Hill in particular. The Parish Council was unanimously opposed to the development and there appeared to be no support for it from the local community. He explained that at the time of consideration by the Local Plan Inspector, the Parish Council was aware of the proposal for employment use for the site but had been distracted by a bigger development in Martock and had failed to register objections to the impact of this development. Mr Powell asserted that the Inspector had concluded there was no specific justification from the Council for employment land and since then employment

need had declined even further with several empty units on the already established site in the village. The proposal had the potential to generate movement of one HGV every four minutes at peak times and some of them would use the B3165 through Bower Hinton. The impact on the community and its historic buildings must be safeguarded. A proposal to re-route the B3165 via Stoke Road had been postponed as Highways were unable to provide funding. He said that because of this, a weight restriction on the road could not be achieved. A voluntary routing agreement would not be enforceable in law. Planning permission for the adjacent site was for B1 use only making the B8 use for the current proposal incongruous within the site as a whole. If permission was to be granted for the current proposal, an area of 3 hectares would be developed.

Mr Powell concluded by suggesting that if approval was given to the proposal, an additional four conditions should be imposed as follows:

- There should be no B8 use on the site or if to be retained, working times should be restricted to the same as those for B1 and B2 uses.
- If a routing agreement was to be adopted, the entrance and first section of the access road to be adopted by Highways and a traffic regulation order imposed banning left turns out of and right turns into the site.
- All building heights to be restricted and green roofs imposed.
- A buffer zone of 10 metres to be placed around the whole site.

The Planning Team Leader confirmed that the Inspector had agreed a general need for employment land in the area. The Planning Inquiry had considered only two objections to the site. He addressed the Parish Council's suggested conditions:

- B8 use was allocated in the Local Plan and the applicant would not wish to remove the B8 use from the proposal or to have restricted hours imposed.
- A routing agreement would be enforceable and legal action could be taken if frequent general non-compliance occurred.
- It would be unacceptable to impose blanket height restrictions and much better to control with reserved matters.
- The extent of the buffer zone as proposed had been found appropriate and acceptable, in particular by the Council's Landscape Architect.

Mr Christopher Price spoke on behalf of the people of Bower Hinton who almost all objected to the development. He drew attention to a petition signed by 250 residents all of whom questioned the need for a second industrial site when Martock already had an under-utilised site. Increased traffic would be a problem even if monitored and parishioners were not convinced that the proposed routing agreement would stop vehicles travelling through Bower Hinton. He said the 1997 Deposit Plan defined Martock as an outstanding heritage settlement yet the destruction of another green field site was being considered. In his opinion the development was speculation based on greed not need. Unemployment in the area was low and he doubted whether local residents would be employed at the site. In building terms, residents felt that Bower Hinton and Martock had reached saturation point and was being destroyed by over-development and traffic. Mr Price felt the proposal was at variance with the Council's logo "Making a difference where it counts" and he urged the Committee to reject the application.

Mr Andrew Wilkinson, representing neighbours of the site, spoke of the potentially damaging effect of the development on the amenity of their property and a historic dew pond in the garden. He said the greenfield site was not suitable for the development and the fact that it needed 33 conditions to regulate it meant that it was not appropriately

located. B8 use would mean noise disturbance would be caused and the conditions would not prevent late use of the premises. He urged that the development should be for B1 use only. He felt the issue of water from site drainage entering the dew pond had not been satisfactorily addressed. There were endangered species in the pond and he advised that the site and adjoining land should be surveyed prior to the development. Mr Wilkinson said he had not received a response to a request for an environmental impact assessment and he thought that failure to adopt a screening opinion would render any approval unlawful.

The Planning Team Leader responded by saying that the case officer had produced a screening opinion which concluded that an environmental impact assessment was not necessary and Mr Wilkinson had been informed verbally of this conclusion.

Mr David Hewitson from a nearby property informed the Committee that the window height of his house was 2 metres below the level of the site and he was very concerned about the potential lack of light. He was prepared to tolerate the development under the right conditions but his garden was south facing and he asked if there could be restrictions on the height and density of screening.

The Planning Team Leader replied that reserved matters would consider species planting and would take account of the recommendations of the Council's Landscape Architect.

Mr Richard Walsh supported the proposal although he shared some of the concerns already expressed. There were employment issues in Martock caused through loss of businesses and local people sought employment outside the village. In his view the 250 signatures on the petition were of people in Bower Hinton and not from Martock as a whole. He was not aware that any alternative to the development had been suggested by the objectors. He thought their objections were based on the condition of the other trading estate in Martock and he was sure the proposal would not be like that one. He agreed there were concerns about the site but these could be dealt with by conditions and he felt it was reasonable to develop the site.

Mr Shaun Travers spoke on behalf of the applicant and reminded the Committee that the application before them sought outline planning permission for industrial development and highway works on a site allocated within the emerging Local Plan for just such a use. He said the application sought to address many of the detailed concerns raised during the application process and the current proposal:

- Illustrated a basic layout which put neighbour friendly office type uses nearest the residential boundaries, thus protecting domestic neighbours from any noise.
- Provided a landscaped buffer strip set to protect visual amenity.
- Had an access which had been designed to work with the gradients on site.
- Provided a new pavement into the village and an improved approach road with widening proposals.

Mr Travers felt the proposal was sound and an appropriate use of an allocated site with good basic design. On the basis of planning facts he said the proposal ought to be approved. He then addressed some of the points raised by objectors. With regard to the proposal for a traffic regulation order, he felt that the Council were better able to deal with the traffic problem than to have this enforced by the police. He was sure that agreement could be reached to maintain a landscaping agreement with the applicant and occupiers of residential properties.

The Chairman reminded the Committee of the recommendation to defer the application to allow time to notify the Secretary of State and following approval the applicant would be asked to complete a Section 106 agreement. During further discussion, members made the following points:

- The adjacent site already allocated as employment land had not been developed.
- Access was poor whether turning left or right into or out of the site.
- The Inspector's report did not specify employment land in the Martock area.
- The applicant owned an industrial estate in another part of the district which was well run and tidy. The development would be an asset to Bower Hinton if managed in a similar way.
- The visual impact was wrong for the area, the site was too high and the development would stand out very much.
- The proposed landscape buffer zone was not sufficient at 10m and should be increased to 20 or even 30m, noting that this would be contrary to the advice of the Planning Team Leader.
- There were no substantial planning grounds to refuse the application.

Cllr Peter Gubbins proposed an amendment to Condition 19 that the buffer zone be increased from 10 metres to 30 metres at adjoining residential properties. The amendment was seconded and put to the vote and carried by 2 votes in favour and none against with 2 abstentions. With this amendment the recommendation was put to the vote and carried by 4 votes to 1.

RESOLVED that permission be granted on the expiry of 21 days from the date the Secretary of State is notified of the application under the provisions of Article 17 of the General Development Procedure Order 1995 and the direction issued thereunder **provided that** the Secretary of State has not already called the application in for his own determination or issued a holding direction under Article 14 of the General Development Procedure Order, and be subject to:

1. The satisfactory completion of a Section 106 Agreement whereby the applicant agrees to either:
 1. The carrying out of highway improvements to widen the carriageway at the Ringwell Hill and the provision of a footway north from the site access as required by the County Council or:
 2. The contribution to the cost of highway improvements to widen the carriageway at the Ringwell Hill and the provision of a footway north from the site access as required by the County Council.
 3. The contribution of a sum to cover the costs of making necessary traffic orders relating to weight restrictions as referred to by SCC or:
 4. The entering into a Routeing Agreement from the developer so that HGVs originating from the site will enter and exit via the A303.
 5. The contribution of a sum to cover the costs of making necessary traffic orders relating to speed limits amendments as required by SCC.
 6. The contribution of a sum to cover the costs of providing a sign warning of the presence of the side road ahead as required by the Highway agency.
 7. The production and updating of a generic Travel Plan for the site established and detailing a number of measures and initiatives that promote the use of more sustainable modes of transport.
 8. Arrangements for the maintenance of the landscape buffer zones.

2. Conditions 1 to 33 as listed in the report with the amendment that reference to 10m in Condition 19 should read **30m**.

(Voting: 4 in favour, 1 against)
