

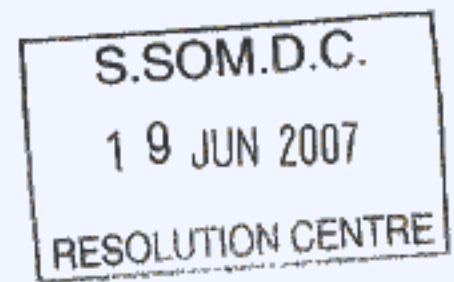


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Our ref: ST/SB/33305/2304
Date: 18th June 2007

Mr A Gunn
Deputy Team Leader Area North/West
Planning Development Control
South Somerset District Council
The Council Offices
Brympton Way
Yeovil
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BA20 2HT



Dear Mr Gunn

Re: PROPOSED BUSINESS PARK AT BOWER HINTON

Further to our recent meeting with Simon Gale, of 14th June 2007 and my letter to the Team Leader of Area North back on the 30th November 2006. I write detailing the reasoning for our contention that proposed planning condition 28 of the above planning application as currently drafted is unduly restrictive and unreasonable.

Furthermore I set out below our reasoning as to why condition 29 as currently drafted is similarly unreasonable and requires amendment at this time.

As you are aware draft condition 28 seeks to restrict working times between 8am and 7pm Mondays to Fridays and 8am and 1pm Saturdays. These hours are considered unreasonable as they will make it impossible for the operators to run their business properly.

You will recall from our meeting that at the time that the application was heard by the SSDC Regulation Committee the layout plan included a 10m buffer strip as detailed by condition 19, during the meeting this was subsequently extended to 30m at the request of Cllr Gubbins.

As we agreed the extended buffer of some 20m + original 10m will provide significant noise mitigation. In such circumstances alone it would be reasonable to reconsider the hours of operation condition to facilitate the future viability of the site.



Cont...

However we further agreed that other noise mitigation measures might be suitably required by additional conditions. In this respect;

- Paragraph 13 of PPG 24 advises that a number of measures can be introduced to control the source of, or limit exposure to, noise. Such measures should be proportionate and reasonable and may include one or more of the following:
 - Engineering – in this instance a condition requiring the insulation of proposed buildings may be considered appropriate. Such measures would be particularly appropriate given the provisions of condition 32 restricting outside processes. In this regard SSDC standard condition NN1 would seem appropriate.
 - A condition controlling noise levels at the northern boundary. In this respect SSDC standard condition NN5 would seem appropriate

Given that the hours proposed give rise to serious concerns over the future viability of the site operations and that other measures can be considered such as building sound insulation measures, in conjunction with the extensive buffer strip, then there is a clear case to amend the draft condition to allow working times to run from 7am to 11pm Monday – Saturday.

Condition 29 as drafted currently refers to all units including B8 units whose locations within the site are specifically restricted by condition 17, away from neighbouring properties. B8 storage and warehouse units are by their very nature reliant upon being able to operate at the widest possible hours to accommodate deliveries and despatch drivers whose working hours are usually independent of the unit operator. To restrict the hours of operation of the B8 units situated away from the residential properties and non-noise sensitive would fly in the face of their primary business function and effectively nullify the benefit of the permission. In light of the above it can only be considered that with regard to B8 units, draft condition 29 is unreasonable. The condition should be amended to refer only to B1 unit's subject of condition 17.

I trust you will find agreement with those matters set out above and understand you will prepare a report to the July 2007 planning committee recommending that the conditions be amended accordingly. I would note that as the draft permission currently stands it is imperative to the viability of the scheme as a whole that you consider this request as a matter of urgency. In light of the protracted process that this matter has been subject to since November 2006 my client would be particularly disturbed if the matter is not considered and resolved at the July 2007 committee, should there be any reason as to why you may not be able to honour your undertaking at our recent meeting then please inform me at the earliest opportunity

Yours sincerely



Shaun C Travers MRTPI

Enc

cc Tony Canvin - A H Canvin
Simon Gale - SSDC

