

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 20 July 2011 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Public Question Time.
- 3 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of the Planning Committee are set out in the attachment.
- 4 21/11/0004 - Outline application for residential development with ancillary retail units together with landscaping and means of access at land west of Milverton Road, Wellington (Langford Budville Parish).
- 5 05/11/0019 - Change of use of land to site a mobile home and erection of storage building at Fideoak Mills, Upcott Road, Bishops Hull (amended scheme to 05/10/0038).
- 6 05/11/0026 - Variation of Condition 1 pertaining to the schedule of approved drawings to application 05/11/0016 for 7 house plots on Phase 1, minor changes to materials, at land west of Bishops Hull Road, Bishops Hull.
- 7 10/11/0010 - Temporary change of use of land to (B8) commercial usage to site 17 container storage units, Culmhead Business Park, Churchstanton.
- 8 43/11/0052 - Erection of dwelling at 50 Brendon Road, Wellington.
- 9 49/11/0028 - Variation of Condition No. 1 of planning permission 49/09/0014 to be re-worded to "The log cabin hereby permitted shall be removed and land restored to its former condition on or before 30 June 2014" for Footlands Farm, Langley Marsh, Wiveliscombe.
- 10 E/0183/46/11 - Display of advertisement on trailer for David Wilson Homes at field No 8800 ST 1719 off Five Cross Way adjacent to M5 Motorway near Junction 26, West Buckland.

The following items are likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

- 11 Schedule of Alleged Contraventions up to 30 June 2011. Report of the Development Management Lead (attached). Clause 2 - Information which would reveal the identity of an individual.

Tonya Meers  
Legal and Democratic Services Manager

22 November 2011

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

**For further information about the meeting, please contact Democratic Services on 01823 356382 or email [d.durham@tauntondeane.gov.uk](mailto:d.durham@tauntondeane.gov.uk)**

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**Planning Committee Members:-**

Councillor C Bishop (Chairman)  
Councillor S Coles (Vice-Chairman)  
Councillor J Allgrove  
Councillor R Bowrah, BEM  
Councillor B Denington  
Councillor A Govier  
Councillor C Hill  
Councillor M Hill  
Councillor L James  
Councillor N Messenger  
Councillor I Morrell  
Councillor J Reed  
Councillor F Smith  
Councillor P Tooze  
Councillor P Watson  
Councillor A Wedderkopp  
Councillor D Wedderkopp  
Councillor G Wren

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors Govier and D Wedderkopp
- Employees of Somerset County Council – Councillors Mrs Hill and Mrs Smith
- Employee of Viridor – Councillor Miss James
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren
- Alternate Director of Southwest One – Councillor Watson
- Daughter works as an administrator in Development Control – Councillor Mrs Reed

SOUTH WESTERN PROPERTY SERVICES

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ANCILLARY RETAIL UNITS TOGETHER WITH LANDSCAPING AND MEANS OF ACCESS AT LAND WEST OF MILVERTON ROAD, WELLINGTON (LANGFORD BUDVILLE PARISH).**

Grid Reference: 312322.121938

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The proposal fails to meet the requirements of PPS3 Paragraph 69 for the following reasons:
  - i. The site is in an unsustainable location, outside the settlement limits of Wellington, remote from the town centre and local services, primary school and community facilities, poorly served by public transport, has no traffic free pedestrian and cycle routes into the town and would increase reliance on the private motorcar and foster growth in the need to travel. This is also considered to be contrary to advice given in PPG13, RPG10 and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan and Policies S1 and S7 of the Taunton Deane Local Plan.
  - ii. It is contrary to the emerging Taunton Deane Core Strategy vision and key diagram which identify the River Tone as the natural boundary to the north of Wellington.
  - iii. The elevated position of the proposed development would adversely affect the character of the rural landscape and setting of the Tone Works grade II and II\* listed mill complex. The proposal is therefore contrary to Taunton Deane Local Plan Policies S1, S2, S7, EN12 and Planning Policy Statements 1 and 5.
  - iv. Milverton Road, Station Road, Waterloo Street and North Street by reason of their restricted width, poor alignment and the sub-standard junction of North Street with High Street and Fore Street are considered unsuitable to serve as a means of access to the proposed development from the wider highway network. The proposal is therefore also contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.
  
- 2 The survey and assessment data submitted with the application is insufficient and the survey work is out of date. The site is being used by a number of European Protected Species, protected under 'The Conservation of Habitats and Species Regulations 2010' and the 'Wildlife and Countryside Act 1981(as amended)'. The Local Planning Authority has a legal duty (under Section 40(1) of the National Environment & Rural Communities Act 2006, Regulation 3(4) of 'The Conservation of Habitats and Species Regulations 2010' and section 74 of the 'Countryside & Rights of Way Act 2000' to ensure that the potential impact of development on species and habitats of principal importance has been addressed. In this instance, based on the submitted information, the Authority, are not satisfied that the three

Habitats Directive derogation tests have been met. As such the Authority is unable to make an informed assessment in order to discharge its duty under Regulation 9 (5) of the Habitats Directive. The proposal would therefore conflict with criteria of paragraph 69 of PPS3 with regards to the environmental sustainability of the site and guidance contained within PPS9.

- 3 There is no mechanism in place (and details have not been fully agreed) to secure community and infrastructure benefits and contributions required that are directly related to the development in respect of:

Travel Plan / Public Transport Contributions;

Off-site highway works;

Education contributions to provide for 49 primary school places, 35 secondary school places and 7 pre-school places;

Public Art Provision;

Affordable Housing;

Village Hall;

Children's Play Space;

Off site-playing fields;

Allotments;

Drainage - SuDs – maintenance agreement.

The application is therefore contrary to Taunton Deane Local Plan Policy S1, C4, and H9, Policy STR6, 39, 42 & 44 of the Somerset & Exmoor National Park Joint Structure Plan and the Council's Taunton Deane Public Art Code, & Policy for 'The provision of Community Halls' document.

## **RECOMMENDED CONDITION(S) (if applicable)**

Notes for compliance

## **PROPOSAL**

Outline planning permission is sought for the erection of up to 244 dwellings (at an average density of 30 dwellings per hectare), ancillary retail units, landscaping and associated access and highway works. All matters are reserved with the exception of access and landscaping. The scheme has been put forward with provision for 100 affordable dwellings, equating to 41% of the total number.

The main vehicular access would be served from the B3187 – Milverton Road. In addition, a secondary vehicular access to the site, north of the main access, would provide emergency access. This would also serve as the access for public transport. Access would be restricted through the use of rising bollards which would be activated by an on-vehicle transponder in buses and emergency vehicles. The new access would require the loss of approximately 70m of hedgerow.

The proposal includes the provision of on-site and off-site highway works. Vehicular access onto the B3187 would be controlled by a new signalised junction. The transport assessment states that a new pedestrian crossing point would be provided

to connect with the proposed footway on the eastern side of Milverton Road in connection with the garden centre that has outline planning permission. In order to join up with the existing pedestrian network a 2 metre wide footway is proposed. Where the highway is too narrow to accommodate a footpath highway works are proposed in the form of a 90m long, signalised, one way shuttle operation (between the Tile Centre and Tone Hill), in order to accommodate the footway. Additional crossing points are proposed.

The indicative layout plan identifies a buffer zone to the north of the River Tone comprising grassed areas, open space, orchards, allotments and play areas.

The Design and Access Statement explains that the indicative layout has been designed around three distinct zones, with a 'loop' system road network.

The first area to the east would consist of high density development and incorporate the affordable housing element of the scheme, at a density of 40 to 50 dwellings per hectare. This would include elements of three storey development. Proposed materials are brick with timber cladding under slate tile type roofing.

The second area to the south west would consist of medium density housing of 35 to 40 dwellings per hectare. The Design & Access Statement refers to a more organic road layout which would follow the site contours and respond to the view out to the Blackdown Hills. The design layout would use a perimeter terrace style, with no cul-de-sacs, and includes elements of 3 storey dwellings/apartments. The plots would also be larger.

The third area to the north west would consist of low density housing of 30 dwellings per hectare. The design ethos would be predominantly brick/render rural style housing, creating a greater proportion of open space within areas.

The Design & Access Statement sets out the scale parameters. For two storey dwellings the ridge heights would be between 8.5m to 9.0m and between 10.5 to 12m for three storey dwellings, depending on whether the dwelling features a room in the roof or full 3 storeys.

The submission sets out the following measures to mitigate the impact of the development:

- Design of principal access points to reduce the removal of the existing hedgerow, provision of new planting to compensate for hedgerow loss;
- Enhancement of the pedestrian and cycle links to Wellington along the River Tone connecting with the West Deane Way;
- Location of higher density housing (up to 3 storeys) in the lower portions of the site;
- Location of lower density housing (not exceeding 2 storeys) on the relatively higher ground to complement the lower density of the hamlets;
- Retention of existing trees and hedgerows within appropriate green corridors to ensure longevity of the features;
- Provision of new tree planting within the development and on perimeter boundaries;
- River Tone would retain an undeveloped zone to protect the character and function of this feature and provide opportunities for enhancing PRow connections;

- Provision of on-site play areas including a Locally Equipped Area for Play (LEAP); and
- Undergrounding of the low voltage power lines.

## **SITE DESCRIPTION AND HISTORY**

The site lies to the north and outside of the defined settlement boundary of Wellington, as detailed on Inset Map 3 of the Local Plan. The gross area of the site has been calculated as 14.56 hectares, of which the applicant has stated that 7.89 hectares is developable. The site falls within the administrative boundary of Langford Budville Parish. To the north west is the small hamlet of Runnington, which comprises a range of farm buildings and dwellings, and a C17th church. To the west and east are agricultural fields. The site is approximately 2.2km (1.37miles) from Wellington Town Centre. There are no footways in situ between the application site and Tone Hill.

The existing use of this site is high quality agricultural land. There are no statutory landscape designations for this site. However, the site is located adjacent to a County Wildlife Site at Winsbeer and the River Tone to the south. The river Tone currently provides a natural barrier containing the urban form of Wellington; whereas, to the north the character is predominantly rural. Further south is the historic mill complex known as Tone Works which are grade II and II\* listed buildings. This heritage asset is of national importance.

The site is located on elevated land, rising steeply at the southern end of the site before continuing to rise gently towards Runnington. There are changes in topography within the site with the fields undulating.

Access to the site is proposed off the B3187 which connects Wellington to Milverton. This stretch of road is subject to the national speed limit – 60mph. There is an existing mature belt of hedgerow/trees along the roadside boundary with Milverton Road. There are also hedgerows and trees along the other site boundaries and within the site as identified within the submission.

Outline consent has been granted for a garden centre to the east of Milverton Road, reference 21/09/0019.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*LANGFORD BUDVILLE PARISH COUNCIL* – OBJECTS strongly to the development for the following reasons: -

- There is a lack of accessibility to the site, the congestion and queuing of traffic into Wellington at the already over-capacity traffic light junctions would make Wellington even more inaccessible. There would be a severe impact on the minor roads leading to and through Milverton, Holywell Lake, Nynehead, Runnington and Langford Budville, many of which have little or no passing space and are already used as ‘rat runs’ with people trying to avoid Wellington town centre.

- The site is unsuitable for development; there is a natural boundary to the northern edge of Tonedale which should not be breached. The sloping countryside of this site contrasts with the more urban area and should not be developed. Parts of the site lie within flood zone 3.
- There are other potential housing sites available in Wellington, and there is no policy requirement for housing development on this site, this site is unsuitable for housing development due to conflict with countryside and other policies.
- This development was not supported by the Wellington Community Engagement Workshops, as demonstrated with the garden centre application by the same applicants (east of Milverton Road) there is strong opposition to any development north of the River Tone. The site lies closer to Runnington than to Tonedale and would not be integrated into Tonedale at all.
- This is a Greenfield site and is against TDBC policy with regard to the Local Plan and emerging Core Strategy.
- There is an abundance of wildlife living on this site including 6 species of bats which could be lost due to loss of habitat.

*MILVERTON PARISH COUNCIL* – notes the following: -

- Taunton Deane has the required 5 year supply of housing land;
- The site is not designated for development in either the existing Local Development Strategy or the emerging Core Strategy;
- The site is separated from Wellington by the river corridor and flood plain;
- The proposal represents 'ribbon' development along the Milverton Road which if passed would allow Wellington to sprawl northwards and incorporate the hamlet of Runnington;
- TDBC has a statutory duty to protect biodiversity. The site is internationally important for wildlife and will need to be dealt with in strict accordance with the Habitat Regulations.
- The application incorrectly describes the land as Fox's Meadow. The correct name is Runnington Big Field.
- The site is prime agricultural land designated Grade 2.
- No traffic impact assessment has been carried out on the road network to the north including Milverton and Langford Budville.

The Parish Council therefore OBJECTS on the following grounds:

The application does not meet the general requirements of Policy S1 of the Local Plan. In particular, paragraph (A) states that development should not lead to 'overloading of access roads; or 'environmental degradation by fumes, noise, vibrations and visual impact'. According to the retained consultants this development will lead to a significant increase in traffic in Wellington and, by implication, Milverton and surrounding villages.

Paragraph B requires developments to be accessible and reduce car use. The site is 2.2km from the centre of Wellington meaning that it is highly unlikely that residents will cycle or walk into town and back. There is no bus service serving the site and it

is unlikely that an unsubsidised one would be viable. Any subsidy would need to come from public funds. The applicant admits that there will be increased traffic congestion in Wellington leading to displacement northwards onto local lanes as motorists seek less congested routes.

Paragraph C requires no damage to protected wildlife or habitats. The proposal would inevitably lead to loss of foraging area for bats and habitat for dormice. Direct loss and damage cannot be mitigated and will have a significant impact on these species. This will breach the Habitats Regulations and as this proposal is not of national importance the only appropriate response is refusal.

Paragraph D requires no harm to the landscape. This site lies on a prominent south facing slope north of the River Tone in the Low Vale Landscape Area. Development in this area will 'suburbanise' a peaceful rural location and destroy the local character and setting of Runnington.

2) The application conflicts with Policy S8 which states that development outside the limits of a settlement which involves the permanent loss of the best and most versatile agricultural land (grades 1, 2 and 3a) will only be permitted if the development is 'unavoidable' in the absence of other suitable previously developed sites or sites within settlements and the sustainability benefits of developing such land outweigh the benefits of developing lesser quality land. The site is Grade 2 land and there is no evidence in the application that alternative sites have been considered nor is there any discussion about the sustainability of this site relative to others. At present Taunton Deane has a 5 year supply of housing land available and there is therefore no need for this site to be developed.

3) The land is not designated in current or proposed planning policies as a site for residential development. The settlement limit for Wellington is defined in the 2004 Local Development Framework in Policy W1, supported by Map 3 (Wellington Area). This site lies outside that settlement limit. The emerging Core Strategy makes no change to the settlement limit. Current planning policies for Wellington have identified housing sites at Cades Farm and Longforth Farm. Both these are on the east side of Wellington with direct access to the M5 and A38.

#### 4) Background evidence

As evidence to support the objections above, the Transport Assessment has been studied in some detail. It includes a methodology for calculating the number of trips that this development would generate. The whole assessment is seriously flawed and tacitly admits that the proposal breaches existing policies:

- The data is based on the 2001 Census and is therefore 10 years out of date;
- The assessment has studied traffic flows southwards through Wellington but ignored traffic loads northwards on the B3187 through Milverton or the rat runs through Langford Budville and Nynehead. Local surveys indicate that the B3187 carries 3000 weekday vehicle movements and the majority pass through Wellington. Increased congestion in Wellington will lead to displacement of traffic onto minor roads. Therefore the omission of Milverton from the studies is critical and demonstrates a reliance on a partial and skewed assessment of the traffic impacts;
- The report is inconsistent and concentrates on presenting a relentlessly

positive view of the impact of the development. For example, it refers to existing low vehicles speeds in relation to the effect of the new junction on present traffic (Para 2.3.3) but later claims that the same new junction would improve safety by reducing vehicle speeds (Para 4.3.10);

- Structure Plan Policies are quoted and then forgotten. Para 3.2.9 reads '*Policy 40 states that Town Strategies should be developed to reduce the reliance on the private car in order to improve the living and working environment*'

Despite this, a large proportion of the Assessment is given over to amendments to the existing road system simply to make this development work for car drivers which runs counter to this policy.

Para 3.2.17 reads '*Policy 49 covers the Transports Requirements of New Development. This policy sets out that proposals should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed. In particular development should:*

*-provide access for pedestrians, people with disabilities, cyclists and public transport;*

*- provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception, not derive access directly from a National Primary or County Route...*

This site directly accesses a County Route and nothing in the assessment suggests that the proposal delivers any 'special need'. So the assessment ignores this policy requirement and proposes significant changes to a County Route;

- The assessment notes that the development will take the 2 town centre junctions 'over capacity' but disingenuously implies that this should not be a block on future development in Wellington as it would run counter to the Taunton Deane Core Strategy! Actually the Core Strategy has identified no major sites for residential development in North Wellington so this point is irrelevant. Consequently this development off Milverton Road is entirely speculative and counter to Policy.

Overall the Traffic Assessment is a shallow self serving document. The changes proposed to transport infrastructure in North Wellington will only be necessary if the development is built and will only benefit the residents who live there. Existing residents and road users will see a significant reduction in the efficiency of the road network.

## Summary

Milverton Parish Council objects to the development of this site. The applicant's case is full of inappropriate assumptions and contains no Milverton specific data. Until this is rectified their assessment cannot be regarded as accurate or reliable. On the other hand the Parish Council bases its objection on the data in the applicant's assessment, actual local figures and local knowledge which therefore should be

accorded greater weight.

Accordingly the Parish Council has demonstrated that the proposal will not meet the requirement of Taunton Deane or Structure Plan policies because: -

- The site is outside the settlement of Wellington in open country;
- It will generate excess traffic that will overload local roads causing congestion, noise, fumes and general disruption;
- Significant road adjustments, which would disrupt traffic flows, are necessary simply to make the development work.
- It will lead to the permanent loss of grade 2 agricultural land.

Given the forgoing it is clear that development on this site would not be in accordance with policy and should therefore be refused.

*WELLINGTON TOWN COUNCIL* – OBJECTS for the following reasons: -

- The site is not identified for development in TDBC Core Strategy or Local Development Strategy;
- The proposal is situated outside the settlement of Wellington and as such is inappropriately located;
- It is an unacceptable intrusion into open countryside and would adversely affect the approach into and out of town;
- It would have an adverse effect on the ecology, natural environment and wildlife in the area. The Town Council support the views of Natural England and the Environment Agency;
- The proposal would generate additional vehicular movements to an extent that would have a detrimental impact on the town and surrounding settlements. It would add to existing congestion and traffic problems in an area where the existing infrastructure and traffic is already inadequate;
- The development would create problems for drainage and have a detrimental impact on the River Tone;
- The development would undermine any plans for a northern distributor road.

*STRATEGY LEAD*– The proposal is contrary to the adopted Taunton Deane Local Plan, in particular Policy S7, as it is development in the open countryside beyond the settlement limits of Wellington.

In addition, the site does not form part of any area being proposed for development in the emerging Core Strategy for Taunton Deane. Significant weight should be placed to this document, on which consultation under Regulation 25 took place in 2009-2010. The Published Plan Core Strategy was considered by Community Scrutiny Committee on 7 June and approved for publication by Executive and Council on 15 June 2011. The Taunton Deane Core Strategy 2011-2028 public consultation runs from 8 July to 19 August 2011.

The vision for Wellington in the Core Strategy has been developed in consultation with the Town Council and local community, and proposes that future development around the edge of the town is concentrated at Longforth Farm and Cades/Jurston. It also recognises the River Tone as the northern boundary of Wellington.

The site at Milverton Road is around 2km from Wellington town centre, and the lack of facilities at this location – roughly twice as far from the town centre as Longforth or Cades/Jurston – is emphasised by the applicant’s proposal to include retail units and an extension of the existing bus route. In reality there are no existing facilities within convenient walking distance of the site, and it must be doubtful whether development of the scale proposed could support additional provision.

Planning Policy Statement 3 (PPS3) ‘Housing’, Paragraph 69, states that local planning authorities should ensure that development is in line with planning for housing objectives, reflects the need and demand for housing in, and the spatial vision for, the area, and does not undermine wider policy objectives. Development at this location would clearly be in conflict with the emerging spatial vision for the area, and is not necessary to meet the need or demand for housing in Wellington.

Circular 05/2005 ‘Planning Obligations’ (Paragraph B6, Annex B) makes clear that unacceptable development should never be permitted because of benefits or inducements offered by a developer. The ‘offer’ by the developer to provide a higher level of affordable housing than required by policy, a contribution to a Northern Relief Road, and a financial contribution to the regeneration of Tone Mill, are clearly inducements, and are not related to the acceptability of the development in planning terms.

Whilst the site layout is a reserved matter, the scheme as submitted does not reflect contemporary good practice in urban design, and indeed, has some basic mistakes – for example, any retail units would need to be on the main road frontage to attract passing trade, rather than being contained within the site.

Although the Inspector at the recent Maidenbrook appeal concluded that (within Taunton Deane): ‘The balance of probability is that the Council cannot at present demonstrate that there is a five year supply of housing land’, he went on to say that ‘Whilst there is a marginal shortfall in housing land provision at present, the harm to the character and appearance of the area would be so severe that the proposal should not proceed...’ The same argument is applicable in the case of Milverton Road. The current position regarding housing land supply is not sufficient reason to grant planning permission for a development which is otherwise unacceptable in planning policy terms. Should this application be refused and go to appeal, the Council would submit further information in support of the land supply position at that time.

*LANDSCAPE LEAD* – My main concerns are:

- The proposed housing is not well related to the existing development;
- The impact on the listed mill buildings;
- The impact on the landscape character of the area;
- The visual impacts of the proposals particularly as seen from Milverton Road at the entrance and to the south, the land from Rockwell Green and local footpaths.

*CAMPAIGN TO PROTECT RURAL ENGLAND* – This significant application should be resisted. If allowed, it would be a disaster for the settings of Wellington, Milverton and Langford Budville, further eroding the attractive yet fragile agricultural character

of Somerset and do little to maintain UK food security at a time of population growth and world food shortages. The proposal is contrary to policies, DM1, DM1 and CP8 of the Core Strategy, also national policies PPS1 and PPS3.

This is on land which has not been identified as appropriate development in the draft LDF. CPRE Somerset supports the need for the expansion of Wellington; however, we consider that there are other more appropriate sites in the direction of the M5 Motorway and A38 areas.

The site is on some of the best agricultural land found in the District, the County of Somerset and the Country as a whole. Land of this quality should remain in agriculture, ensuring the Nation has an adequate food supply. This is more important now than ever, with predicted UK population growth, high world food prices and shortages. Policy is to avoid development of best and most versatile land, except where necessary. We are of the opinion that there are many other appropriate sites for the development around Wellington and that development of this site is therefore not necessary.

The River Tone is a good natural boundary to Wellington urban centre, keeping a good distance between Wellington and the neighbouring settlements of Langford Budville and Milverton. The farmed landscape that surrounds and separates Milverton and Langford Budville is important to the settings of these historic settlements.

Land bordering developed areas is under pressure to move in to none farming activities, such as equestrian and other recreational use. Taunton Deane's best agricultural land surrounds Taunton and Wellington and is therefore vulnerable to change. It is important for food security and maintenance of landscape character that this land does not move away from agriculture and efforts should be made to ensure the desire for farmers to live within and farm this land, is maintained. CPRE Somerset is of the opinion that the subdivision and erosion at the edges, of the few remaining large agricultural blocks of land within the Vale, should be avoided.

*ENGLISH HERITAGE* – This application is for a potentially large residential development in open countryside on a prominent hillside site immediately to the north of Wellington and adjacent to the former Cloth Finishing Works at Tone Mills which contains grade II and grade II\* listed buildings which are seriously at risk. English Heritage and your Authority have expended significant resources in recent years trying to find a viable future for those buildings and the close proximity of a large housing estate, which could have a serious impact on the setting of the listed buildings, is hardly likely to be beneficial to attempts to secure their future, particularly if that future is going to involve a degree of public access.

Historic textile mills often had a close relationship with the countryside in both practical and historical terms and to sever that link, as this application would effectively do, could be highly detrimental to the setting of the listed buildings, Without more information on site layout etc. it is difficult for us to comment in more detail on the heritage impact but our knowledge of the site makes us highly concerned at the effects of this development because of its location and scale. We assume that an overriding need would have to be demonstrated to make such a development outside settlement limits acceptable and haven't see anything in the supporting information which suggests that such a justification may exist in the light

of the many adverse environmental factors that appear to militate against it.

We therefore request that your Authority considers the potential adverse impact on the setting of nationally important listed buildings alongside other material considerations when determining this application.

*CONSERVATION OFFICER* – I note that the site is outside of the defined settlement limits. Immediately to the south, is the nationally important, Grade II\* Listed complex, known as Tone Works. The established historic setting to the north is farmland, which the proposal would, in my opinion, severely detrimentally affect and this should be a material consideration, in the determination of the application.

## *COUNTY HIGHWAY AUTHORITY*

### Sustainability

The site can be considered unsustainable in that it is remote from the centre of Wellington, is poorly served by public transport and has no traffic free pedestrian and cycle routes into town. The development details include the provision of some retail services on site to provide some of future occupants' daily needs but this represents a small part of their typical needs and will not do a great deal to reduce reliance on the motorcar.

### Travel Plan

This site also represents a departure from policy in that development has not been anticipated in this area and, in such circumstances, a robust Travel Plan would be required to overcome a basic policy objection. The success of such a travel plan would depend on the provision of hard and soft measures to promote alternative modes of travel. The submitted Travel Plan sets some very ambitious targets and states that only 22 percent of trips from the site will be in single occupancy vehicles. If the site was well served by public transport and there were direct, traffic free, pedestrian and cycle routes to the main draws in town, shops, schools, employment etc, this might be achievable but none of these things are present. It is hard to imagine how future occupants will make very many journeys without using their cars.

The submitted Travel Plan could be considered suitable for a sustainable site where good pedestrian and cycle links exist or can be created. The form of the Travel Plan is acceptable and some negotiation would ensure that its provisions could be secured by legal agreement. In this instance, however, it is unlikely to achieve sufficient sustainable travel choices to make the development acceptable.

### Shuttle Section of Milverton Road

One way that the applicants have chosen to achieve better pedestrian and cycle links is to create a section of footway on Milverton Road to the south of the site by narrowing the carriageway, either with having a priority section or by signalling a section of the road. This would have the effect of creating continuous footway from the site to the centre of Wellington. The proposed section of footway would be of good width but this will not help to upgrade the other sections which are narrow and exist on only one side of the road. There are places within the proposed shuttle

section where crossings would have to be introduced and these would not benefit from the necessary visibility for pedestrians to cross safely.

This will not create the attractive traffic route for pedestrians that are likely to have an impact on the choice of travel mode. For most of the distance into town, cyclists will be forced to cycle on the road where there have been a series of accidents involving vulnerable road users (cyclists, motorcyclists and pedestrians). Once again this is not the attractive traffic free route that would have a major impact on the travel choices of future occupants.

### Other Potential Cycle Routes

There have been other potential cycle routes investigated but these meet leisure and other needs rather than every day needs. There is a loop to the west towards Rockwell Green which is currently a public right of way which could be upgraded to make it suitable for cyclists and would connect the site with the secondary school at Rockwell Green, which could meet some daily needs but not sufficient to make a significant difference to travel choices. Other routes to the east of Wellington, once again public rights of way that could be upgraded, would almost exclusively be for leisure use and are not a sufficiently direct route to any service or amenity.

### Transport Assessment

After several iterations of the Transport Assessment, the modelling discrepancies are largely dealt with and the conclusions are clear. The development will have a major impact on the signal controlled junctions in the centre of Wellington to the extent that queuing will increase by up to 58 percent in peak times. These junctions cannot be improved due to the physical constraints and are already experiencing capacity problems. There will also be an impact on the Chelston Road roundabout but this is less severe and could be tolerated.

The developer makes the point that any development in Wellington is likely to have some impact on these junctions but it is also true that this development would cause more trips right across town than would otherwise be the case for development sites on the south and east sides of Wellington.

It is not often possible to make a recommendation of refusal on road capacity grounds but in this instance the location is crucial forcing the majority of trips into the centre of town with no sustainable, alternative means of travel available.

### Site Entrance

The developer has explored several options for the site entrance including a roundabout, a signal controlled junction and a simple priority junction. There are concerns mentioned in the Transport Assessment about traffic speeds past the site which the Highway Authority shares. This means that a simple priority junction would not help contain traffic speeds to make traffic conditions safe for emerging vehicles. A roundabout would involve a large physical area and would involve a lot of engineering to achieve the desired result. The best option, therefore, is a signal controlled junction. A traffic calming feature and a method of making an easier transition for vehicles emerging from the site make this an attractive option.

### Recommendation

Refusal of this application is recommended for the following reasons:-

1. The site is located outside the confines of any major settlement in an area that has very limited public transport services. The development, if approved, will increase the reliance on the private motorcar and foster a growth in the need to travel, contrary to advice given in PPG.13 RPG10 and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan (adopted Apr 00).
2. Milverton Road, Station Road, Waterloo Street and North Street by reason of their restricted width, poor alignment and the sub-standard junction of North Street with High Street and Fore Street are considered unsuitable to serve as a means of access to the proposed development from the wider highway network. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00).

*NATURAL ENGLAND* - Natural England notes that survey data (much of which is out of date) provided by the applicant clearly shows that the site and adjacent land is being used by a number of European (protected under the Habitats Regulations 2010) and UK (protected under the Wildlife and Countryside Act, 1981) protected species.

Natural England's main concerns are that the proposal suggests:

1. A significant loss of hedgerow (70m) and potential severance of a hedgerow/habitat network for dormice (a European protected species), which are known to be present on site. Exact population size, location and distribution is unknown due to a lack of appropriately detailed and up-to-date survey information;
2. A potential significant impact, either alone or in combination, on the large and significant population of Barbastelle bats which roost in a tree on 'Longforth Farm', less than 2km from the proposed development site. This is a large maternity roost thought to be linked to the Barbastelle bat feature of the 'Exmoor and Quantocks' Special Area of Conservation (SAC), which is a European protected site.

Previous surveys (2009) suggest that the development site is being used by Barbastelles, however current use is unknown due to a lack of appropriately detailed and up-to-date survey information. In addition:

Natural England's understanding is that the proposed development site has not been identified as a strategic housing development site in any of Taunton Deane Borough Council's existing or emerging forward planning documents (LDF/Local Plan). The site has therefore not yet been included in a Strategic Environmental Appraisal (SEA) and Habitats Regulations Assessment (HRA) of proposed development sites in and around Wellington. An in-combination/cumulative impacts assessment of this site and other large-scale development sites within/around Wellington on the 'Longforth Farm' Barbastelle bat roost and the Exmoor and Quantocks SAC, needs to be undertaken prior to this application being determined.

Based on the above concerns surrounding insufficient data and assessment, this proposal is clearly not Habitats Regulations compliant and therefore Natural England

objects to this proposal.

Natural England would remind Taunton Deane Borough Council of its duty on biodiversity issues under Section 40(1) of the *Natural Environment & Rural Communities Act 2006*, Regulation 3(4) of *The Conservation (Natural Habitats &c.) Regulations 1994* and Section 74 of the *Countryside & Rights of Way Act 2000* - to ensure that the potential impact of development on species and habitats of principal importance is addressed.

Please note that if planning permission is granted, the applicant should be informed that this does not absolve him/her from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required.

*COUNTY ECOLOGIST* - An assessment of the likely significant effect on a European site, under the Conservation of Habitats and Species Regulations 2010, has been undertaken. The assessment concludes that as barbastelle bats exhibit high site fidelity and the large distances from the SAC roosts on the Quantocks and Exmoor and the Longforth Farm roost site; and the lack of landscape connectivity it is highly unlikely that a significant effect would occur from the development to the conservation objectives of the Exmoor and Quantocks Oak Woodlands SAC.

It is therefore considered that the effect on the 'Favourable Conservation Status', as defined in Article 1 of the Habitats Directive, 1992, from the development proposal on the barbastelle population at Longforth Farm needs to be assessed separately by the Borough Council. Natural England agrees with this conclusion.

*NATURE CONSERVATION & RESERVES OFFICER* – The application is an outline application for residential development on land in the open countryside to the west of Milverton Road, Wellington (B3187). To obtain access to the site from Milverton Road, 70m of hedgerow will be lost. The site comprises of two arable fields and a pasture field with well vegetated hedges that connect into a larger network of hedges, two narrow strips of woodland a small stream, patches of bramble scrub, and an area of marshy ground. The site lies adjacent to the River Tone, and Winsbeer pond, both local Wildlife Sites. In addition laurel Covert is located to the east of the site and is linked via the river Tone.

Cornwall Environmental Consultants Ltd was commissioned to update previous surveys and carry out an ecological assessment of the site in December 2010. The surveyor found the following with regard to species.

*Bats* - Bat activity surveys across the site took place in June, August and September 2009. These surveys showed that the site is being used for foraging and commuting of common pipistrelle, soprano pipistrelle, daubentons, long eared, serotine, noctule, greater horseshoe, lesser horseshow, barbestelle and natters bats especially along Milverton road cutting and along the stream corridor.

A number of trees were identified as offering high potential to support roosting bats. Although positive evidence of roosting within the site was not found, the number and timing of calls from common pipistrelle, soprano pipistrelle and daubentons bats suggest that nursery roosts are located nearby. The development is likely to impact

on bats so I support the surveyor's assessment that further survey information is required, especially in the vicinity of the road bridge over the Tone.

Should permission be granted on this site in open countryside, I agree that a sensitive lighting scheme would be required to minimise the impact of the development on bats.

*Birds* - As would be expected, several birds were observed during survey including starling, chaffinch, wren blackbird and green woodpecker. The river with vegetated banks and the hedges on site are the most important habitat for birds.

*Dormice* - A detailed dormouse survey was undertaken between June to November 2009. Evidence of dormice was found probably because there is good connectivity of hedges to the surrounding landscape.

The surveyor considers that the proposed buffer strips alongside retained hedges, river and stream corridors and the planting of a new hedge along a SUDs scheme will provide new habitat for dormice as well as for badgers, otters, nesting birds and invertebrates.

In order to carry out this development, an offence under the Habitats Regs is likely to be committed and so the applicant needs to apply to Natural England for an EPS license and the LPA needs to be satisfied that the three derogation tests are met.

*Otters* - Signs for otters on site were looked for throughout all visits to the site in 2008 and November 2009. No evidence was recorded although the surveyor conceded that the river was relatively high and so any signs could have been washed away.

Numerous records for otters existing along the River Tone. The river and stream corridor provide good habitat for otters to forage and there may be suitable sites for holts along the roots of some of the larger riverside trees. The development offers a 20m buffer of planting buffered by areas of wet and dry grassland along the river. This is essential to prevent disturbance to otters.

*Watervole* - No evidence of water voles was found on site.

*Reptiles* - The site is mainly unsuitable for reptiles so no surveys were carried out. The marshy area however is considered suitable habitat for grass snakes.

*Amphibians* - No amphibians were found on any of the surveys. However, with suitable habitat close by it is likely that amphibians are present. The marshy area should form part of the riverside buffer.

*Badgers* - Evidence of badgers was found on site in the form of setts and latrines. As badgers are highly mobile I support the proposal to carryout further badger surveys.

To summarise, the surveyor concluded that, without mitigation the development would have the potential to impact on badgers, bats, dormice, otters and nesting birds. He states that the report is only valid for 12 months and so I agree that further surveys are required prior to any development.

If this site were to be developed, in accordance with PPS9, I would like to see wildlife

protected and accommodated. Conditions recommended for a strategy to protect badgers, bats, dormice, otters and nesting birds; lighting; and landscape and ecological enhancement management plan; and, a monitoring condition. Notes recommended re license dormice; badgers; method statement in respect of condition; requirement to comply with UK and EU legislation in addition to planning requirements.

Revised Comments – 28/06/11 - In light of no further survey work being submitted recommend refusal on lack of information.

#### *SOMERSET WILDLIFE TRUST –*

Ecological survey – The survey is out of date. Given that this survey report identified the presence of statutorily protected species in land adjacent to the proposed development site, it is important that up-to-date survey work is undertaken and submitted for scrutiny. TDBC has a legal responsibility and policy imperative toward the protection and enhancement of biodiversity under Section 40 of the Natural Environment & Rural Communities Act 2006, and PPS9 Biodiversity & Geological Conservation respectively. Therefore, appropriately scoped and up to date ecological survey information needs to be given due consideration through the planning process, and therefore needs to be submitted prior to the determination of this application.

Loss of habitat connectivity – The application includes the removal of a substantial section of hedgerow on site, which functions as a habitat corridor for wildlife in the local area. The importance of this hedgerow to local populations of bats – in particular barbastelle and lesser horseshow bat – and dormouse, along the other wildlife species of conservation interest, has not been adequately assessed by the applicant to enable TDBC to confidently determine the impacts of the loss of this linear feature.

Impacts to European Protected Species (EPS) – Insufficient survey work has been undertaken to enable TDBC to confidently assess the impacts to local populations of EPS. Dormouse and a number of bat species have been identified on site and within the immediate area; however, the size of local populations remains unknown, and the importance of this site to the maintenance of these local populations at a 'favourable conservation status' (FCS) has not been determined. Further survey work to establish this for all EPS is needed. The Trust is particularly concerned about cumulative impacts from other development underway and proposed around Wellington (phases of Cades Farm, Longforth Farm, Jurston Farm) upon dormouse, barbastelle bats, and lesser horseshoe bats, whose habitat areas and corridors are seemingly becoming increasingly fragmented and isolated, making the survivability of local populations of these species questionable. Under the Habitats Regulations 2010 TDBC has a statutory duty to maintain the FCS of dormouse and bats, and the Trust urges that the along and in-combination cumulative effects of development upon this vulnerable priority species are given due consideration. Particular care needs to be taken regarding barbastelle and lesser horseshoe bats; there is a known barbastelle maternity roost at Longforth farm, and a lesser horseshoe roost at Nynehead. The habitat favoured by these bats is in scarce supply in the locale, and the connectivity to suitable habitat areas is patchy, fragmented physically and made inaccessible by barriers to movement such as lighting. Areas utilised by these bats to forage and commute must be considered in the context of the local landscape,

considering accessibility and connectivity to/with other habitat areas, resource availability, and the impacts of affecting these key variables upon the local population's FCS.

Biodiversity gain – The Trust is not convinced that this development will generate a net gain for biodiversity, as required by PPS9.

#### *ENVIRONMENT AGENCY –*

*Flood Risk* - We OBJECT to this application because the Flood Risk Assessment (FRA) has not demonstrated a viable drainage strategy.

We must be certain that this development will not adversely impact the flood levels on the River Tone. We fully support the drainage scheme proposed which attenuates flows and uses SuDs for storage volume. However, insufficient information has been provided to ensure that flooding problems on the River Tone next to the site will not be made worse and where possible will be improved by this development.

The proposed methods of surface water disposal are the best solution for dealing with run-off from the site, but we must be sure that the system will function as intended. The following information must be submitted for our review:

- Detailed infiltration test results including test locations and rates. The infiltration basin calculations use the best case infiltration rate with no justification. We would always advise the worst case scenario is used taking a precautionary approach, particularly when surface water attenuation relies on soakaways. The simulations should be re-run on this basis.
- A plan to show how the required volume of soakaways can be provided on site and give an indication of where they might be located. The plans at present are indicative and give no indication of the area or volume of the private housing attenuation or highways attenuation. Written confirmation from the relevant authority who will adopt this infrastructure should also be submitted.
- The actual WinDes quick storage estimate outputs and a plan showing the total area available for soakaways. The FRA should include a typical calculation for a private soakaway for a 1 in 100 year plus climate change storm. There are considerable maintenance issues with using private housing soakaways because it is unlikely that private house owners will maintain these systems. It may be prudent to allow for more storage in the public realm areas and this should be investigated.
- Please confirm that there will be no outfalls to the River Tone.

Once the above information has been agreed this should allow us to remove our objection and move to recommend planning conditions should TDBC be minded to grant approval.

Any works within the channel of an ordinary watercourse (including access to the proposed allotment) will require Flood Defence Consent (FDC) from us which is separate from the grant of planning permission.

Any works within 8m of the River Tone will also require FDC.

*Biodiversity* - We support the comments provided by your Nature Conservation & Reserves Officer on 22 February 2011. It is essential that the 20m buffer zone to the River Tone and a buffer zone to the small stream running south through the site is retained (appreciating there may be some culvert upgrading to access the allotments).

We will need to see details of the planting and design of the buffer zone, both to ensure biodiversity is protected and enhanced, and also to ensure that the SuDs system is appropriately sized and designed. We would like to be formally consulted on any information to discharge a planning condition of this nature.

Any Ecological Management Plan should also include for fish, as well as badgers, bats dormice, otters and nesting birds.

We note and concur with the recommendations with PBA report ref 21985-008 Rev 0 May 2009 'Phase 1 Ground Condition Assessment'. We recommend that as part of site investigation work attempts are made to identify any private non-licensed abstractions.

In order to secure the appropriate investigation we recommend the imposition of a condition in respect of dealing with contamination.

#### Revised Comments – 24/06/11

The agent has provided a FRA Addendum to address the objection previously set out. On this basis we can now WITHDRAW our previous OBJECTION subject to the imposition of condition requiring a surface water drainage scheme to be submitted. If TDBC are to maintain the SuDS features on site, as stated, then financial contributions will need to be sought in a legal agreement attached to the outline consent.

It is important that recommended conditions in respect of biodiversity and contaminated land are imposed.

*DRAINAGE OFFICER* – I require the following information / assurances before giving any approval. I note that in the FRA it is stated that surface water run off will be dealt with by various regimes, namely soakaways, rainwater harvesting and infiltration basins etc. I note that soakaway tests have been carried out but no plan is included showing the locations of these test holes. Details are to be provided.

With regards to the infiltration basins proposed all outflow is to be limited to that from a 1 in 1 year storm on a Greenfield site and attenuated up to and including the 1 in 100 year storm profile. Confirmation will be required that SCC Highways are happy that flows from proposed adoptable highway can be dealt by infiltration basins etc.

No development shall commence until a full operation and maintenance drainage strategy has been submitted to and approved by the LPA. This strategy shall identify all future use, identify ownership together with operational and maintenance arrangements for these works over the lifetime of the scheme. Maintenance of these

features will be carried out by this Local Authority and adopted subject to the necessary commuted sums and this should be included in any S106 agreement produced.

Adoption will also be dependant on the diversion of the overhead power lines as requested by WPD through areas of POS where the infiltration basins are to be located. This location shall be agreed by the LPA within areas of POS.

With regard to the existing ditch crossing between the main development area and the proposed allotment area it is noted that the existing crossing comprises a 450mm diameter pipe. Any new crossing utilising culverting will have to be at least 600mm in diameter and full details will be required for approval.

I note proposals are made to deal with exceedence routes and raised threshold levels. Details shall be forwarded and agreed prior to the commencement of works and made a condition of any approval.

Further comments (29/06/11) – to the updated Flood Risk Addendum. I am satisfied with the suitability of soakaways to deal with surface water run off and recommend a condition requiring construction in accordance with Building Research Digest 365 (Sep 91). I also noted that on page 2 of the addendum reference is made by way of four bullet points relating to the use of soakaways these should also be made part of any condition for approval.

In relation to previous comments, in respect of setting of threshold levels, road levels, maintenance strategy I am satisfied to deal with these at reserved matters stage but suitably worded condition should be imposed.

I also note that that Somerset County are happy to discharge all highway run off to the basins proposed. As there is the possibility that SCC may become the SUDS adopting authority then agreement should be sought as whether they are happy to adopt the complete drainage system.

A condition should be imposed that any piping of the ditch etc shall be by means of 600mm diameter pipes, in agreement with TDBC and the EA.

*WESSEX WATER* – The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection on to the system – this can be agreed at the detailed design stage.

*Foul* - We advised previously that capacity of the small pumping station was very restricted. Residential development of the scale applied for will not be catered for by this station or the downstream receiving gravity sewer, which flows are then pumped on again to the trunk sewer into the STW.

The existing pumping station has been partially upgraded with proposed local development in mind, but will need new pumps and internal pipe work plus new rising main to a discharge position on the trunk foul sewer rather than simply into the 150mm pipe on the far side of the river. Length of new main would be around 300m if taken along Milverton Road.

Foul flows from the new estate to be directed to the upgraded pumping station.

The developer has proposed to dispose of surface water to sustainable drainage. With respect to water supply, there are water mains within the vicinity. Again connection can be agreed at the design stage. Water supply will need to be modelled but off site works are likely. The developer should agree with Wessex Water a connection onto Wessex Water infrastructure.

*ENVIRONMENTAL HEALTH OFFICER* - With regard to the Noise Assessment, January 2011 by Peter Brett Associates LLP, monitoring has been carried out in accordance with PPG24 and the report concludes that noise not be considered as a determining factor in granting planning permission. Based on the information provided by the applicant, I have no further comment.

With regard to the ground assessment 'Phase I Ground Condition Assessment' May 2009, a desktop study assessing the historical use of the site has been carried out and identified the potential for contamination from the dye works, grease refinery and Fox Brothers Landfill. The report recommends further work is undertaken. It is recommended that a condition be imposed in regards to contaminated land.

*POLICE* – Design & Access Statement does not demonstrate how crime prevention measures have been considered in the design of the proposal.

#### Layout of Roads & Footpaths

- The proposed layout appears fairly open, direct and well overlooked. Where it is advisable to limit access/use to residents and legitimate visitors, physical or psychological design features such as rumble strips, change of road surface colour or texture, pillars, brick piers or similar may be used to define defensible space, so giving the impression that the area beyond is private.
- There are advantages in road layout patterns which frustrate the search and escape desire of the potential criminal. In this connection, cul-de-sacs which are short in length and not linked by footpaths can be safe environments in which residents benefit from lower crime. I note that a number of such cul-de-sacs are proposed in this scheme.
- Routes for pedestrians, cyclists and vehicles should not be segregated from one another. This appears to be the case in respect of the two main loop roads. The networks of separate footpaths to unsupervised areas to the east and south of this development can facilitate crime and anti-social behaviour and should be avoided. If this is unavoidable e.g. PROW such footpaths should be wide, straight as possible and devoid of potential hiding places.

#### Communal Areas

- Areas of public open space such as the Formal Play Area, Orchard and Allotments have the potential to generate crime, fear of crime and anti-social behaviour. They should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. Boundaries between public and private space must be clearly defined and features to prevent unauthorised vehicular access incorporated. The Formal Play Area appears to be well overlooked by dwellings to the north and east but less so to the south,

where dwellings appear to back on it, and not at all from the west. The Orchard and Allotments do not appear to be overlooked at all, surveillance from dwellings at the southern end of the development being obstructed by trees and hedging. There are potential personal safety issues for persons using these areas as well as scope for ASB.

### Layout & Orientation of Dwellings

- Dwellings should be positioned to face each other so allowing neighbours to watch over each other and create conditions which will make the potential criminal feel vulnerable to detection. Ideally, rear gardens should also back onto one another so restricting unauthorised access to the rear of premises. A number of the dwellings on the two loop roads appear to do this. Rear access paths should be avoided as the majority of burglaries occur at this side or rear of dwellings.

### Dwelling/Retail Boundaries

- The indicative site layout plan does not provide any detail but all boundaries between public and private areas must be clearly indicated. Boundaries should be kept low at the front of premises to assist natural surveillance and higher (minimum height 1.8m) at the more vulnerable side and rear.

### Car Parking

- Cars should either be parked in locked garages or on a hard standing within the dwelling boundary. Where communal parking is essential, this should be in small groups, close and adjacent to homes and must be within view from routinely occupied rooms in owner's premises. Parking within internal courtyards is actively discouraged due to the introduction of access to the rear of dwellings.

### Planting & Landscaping

- Should not impede opportunities for natural surveillance and must avoid the creation of potential hiding places. Where good visibility is needed e.g. Play Areas, shrubs should have a mature growth height of no higher than 1m and trees should have no foliage below 2m from ground level, so allowing a 1m field of vision.

### Street Lighting

- All street lighting for adopted highways and footpaths, private estate roads and footpaths and car parks must comply with BS5489.

### Development Layout & Physical Security

- The applicant is advised to formulate the layout of the development and all physical security specifications for the dwellings and retail premises i.e. doorsets, windows, security lighting, intruder alarm etc, in accordance with the police approved 'Secured by Design' award scheme.

*FIRE SERVICE* – Means of escape and access and facilities for the Fire & Rescue Service should comply Building Regulations.

*WESTERN POWER* - Western Power Distribution have a 33000 Volt and 2 x 11000 Volt overhead lines crossing the site which will require deviation before the site can be developed.

*HOUSING ENABLING LEAD* – The housing enabling lead supports this application based on need and does not reflect the suitability of the site in terms of planning. The affordable housing requirement for this scheme would be 35% of the total number of units. The tenure split would be 50% social rent, 25% affordable rent and 25% shared ownership. The requirement would be for houses rather than flats and would be predominantly 2 and 3 bed houses with some 4 bed houses.

*COUNTY EDUCATION OFFICER* – The attached spreadsheet shows the estimated accumulative numbers of school pupils based on the Deane's housing trajectory for Wellington. You will note that by the year 2014, it is likely that housing growth and associated increased numbers of primary pupils will mean that there are no spare places at the four schools in the town by about 2014. In the longer term, there will also be a shortfall in secondary school places.

The County Council is of the view that all future developments should contribute to the likely shortfall in school places and that earlier developers should not be able to rely on any spare capacity in the short term, in accordance with the advice in Circular 05/2005.

The proposed development of some 244 dwellings would be expected to generate the need for an additional 49 primary school places and 35 secondary school places. Financial contributions per place, based on the DfE Basic Need Cost Multiplier, would be £600,593 and £646,415 respectively.

Contributions would also be required to mitigate the additional impact on pre-school provision in the town. The seven places needed to be funded would mean a contribution of £85,799.

Having explained the County Council's preferred requirements, however, there have been on-going exchanges of correspondence and meetings with the applicant's agents since the beginning of 2009. Whilst not well-located in relation to the development site and poorly accessible by foot or bicycle, the primary school at Langford Budville could be viewed as being able to be taken into account in the school capacity of Wellington. Ideally, I would not feel that parents should be encouraged to travel out of the main urban area to access primary school places, but over successive exchanges with the applicant's agents, I had agreed that, as a compromise, the forecast spare places at the school could be used in the calculations of additional need; this is because a number of pupils within Wellington already travel to the school. I had also agreed that any spare capacity at either the primary or secondary tiers could be shared across the anticipated developments on a pro-rata basis; and at a meeting at the beginning of April, I thought that agreement on educational considerations seemed to have been reached as a result of these negotiations.

I have subsequently received an email from the applicant's education consultant, from which it appears the applicant's position has changed again. In the absence of an agreed way forward the County Council wish to revert to its original requirements set out above.

In the event that a resolution to grant permission is made, obligations should be placed on the developer to contribute £85,799 for pre-school places; £600,593 for primary school places; and £646,415 towards secondary provision.

*COMMUNITY DEVELOPMENT TEAM* - In accordance with Local Plan Policy C4, provision for play and active recreation should be made for the residents of these dwellings.

The local plan required 20sqm of play space per family dwelling. A site of this size if all 2 bed + dwellings are constructed should therefore provide 4,880sqm of play space. The Council's Parks Department should also be asked to comment on the layout of the play space. A contribution of £1,100 for each dwelling should also be made towards the provision of facilities for active outdoor recreation. The contribution should be index linked.

A contribution per dwelling in accordance with the Policy for the Provision of Community Halls in Taunton Deane is also required currently £885 per dwelling, again indexed link, for the benefit of the new residents.

Current policy for allotment provision from a development of this size is an off site contribution of £154 per dwelling. I note the outline plan shows provision of an allotment site. The minimum size of an allotment should be no less than 20 plots or 5,800 sqm. As a development of this size would only require a contribution of 3,674 sqm or 13 plots so that advice of the Council's Parks Department should be sought regarding viability.

A public art contribution is also required in accordance with the Taunton Deane Public Art Code either through commissioning and integrating public art into the design of buildings and the public realm or by a commuted sum to the value of one percent of development costs.

## **Representations**

*WARD MEMBER* – Cllrs Andrew and Jackie Govier and Cllr David Mitton, as elected members for the neighbouring ward (Wellington North), object to the proposed development on the following grounds: -

- The site is open countryside, separate from the existing urban development and beyond the River Tone which is a natural boundary for the town of Wellington;
- The site has not been included in the public consultation undertaken by TDBC as part of its development Core Strategy or in the Local Development Framework. The sites included within these are far more suitable and sustainable developments for the town;
- The land that the development would use is Grade 2 agricultural land and

- should only be used if unavoidable;
- The impact of the additional traffic generated by the development would be very detrimental to both the surrounding rural areas and the towns of Wellington. There would be a considerable impact on the residential roads in the north of Wellington that are already heavily used by factory traffic;
- The proposed chicane system that would be required to be installed in Tonedale would remove vital parking provision and could lead to displaced cars parking in other, already heavily used, residential roads;
- The development would have an adverse impact on the natural environment, wildlife and ecology of the area;
- The site would add to the flood risk in the area and we support the Environment Agency objection;
- The development is close to a site of national importance in terms of heritage value, Tone Mill, and would have a negative impact on the historic value of the area;
- The development would undermine the town's aspiration for a Northern Relief Road by removing housing allocations from the Longforth Farm site;
- TDBC has enough housing sites allocated to meet its requirement to provide a five year supply of development land.

167 letters of OBJECTION have been received. Summary of objections: -

#### Principle of Development

- In the Core Strategy Small Sites Consultation carried out by the Council, the site was rejected for the following reasons:
 

'This area is north of the River Tone which the Wellington Community Engagement workshops concluded should be a long term boundary to the development of the town. Whilst the site is technically adjacent to the settlement it would be difficult to achieve any containment since it is only attached on one flank and because it is across the river from the built area. It is on rising land and has the feel of being open countryside. Part of the site lies within flood zone 3.
- The published Plan Core Strategy 2011-2027 will provide for at least 16,000 new dwellings with Taunton acting as the primary focus.
- The site is located, not as stated in Wellington or Tonedale but in open fields of the small Parish of Runnington, outside of the defined settlement boundary (grade 1 agricultural land);
- Site is unsustainable - distance to services, schools, facilities, employment – dependency on the car;
- At 2.4km from the town centre the site far exceeds the recommended distance to a walkable neighbourhood (800m in MfS) and likely journeys on foot (2km in PPG13). Residents are unlikely to walk to Wellington Town centre;
- It is not considered that provision of two shops in appropriate and are unlikely to be viable given the distance from the next nearest large number of dwellings in Tonedale (600m); Retail element of scheme unlikely to materialise;
- Where are the new schools; amenities; northern relief road?
- Isolated position could lead to anti-social behaviour and lack of community;
- There are more suitable locations for development e.g. Cades and Longforth Farm would have better access to the M5 and the A38 without causing

- disruption to the town;
- Breaches natural barrier and would set precedent for further development on the north side of the river Tone;
- It is distressing that Somerset/Taunton County Council's 'vision' involves destroying small communities and their local surrounding areas;
- Overwhelm existing infrastructure;
- Alternative Brownfield land exists;
- Ribbon Development;
- Contrary to TDBC's own vision for the Borough, which refers to its collection of locally distinctive market towns, villages and hamlets, nestled in a variety of diverse and ecologically rich landscapes'.
- No community support;
- Site lies closer to Runnington than to Tonedale and would remove the important buffer between the northern edge of Tonedale and the ancient settlement of Runnington. The countryside setting of Runnington and its church, in its elevated position above the valley, would be lost.

### Land Supply

- The planning statement seeks to set aside the presumption against the development of the site by arguing that committed and allocated housing development sites in Wellington are not deliverable and there is a shortfall in The Deane's housing land supply, but provides no empirical evidence;
- It is widely reported that TD consider there to be a 5.03 year supply of housing. On this basis there is no justification for the release of this site for development that would undermine the deliverability of those sites that have been robustly assessed as part of the LDF process;
- Should there be a shortfall in housing land in addition to those sites proposed to be allocated in the Draft Core Strategy, such a shortfall should be met with the release of sites that have been robustly assessed to be sustainable and otherwise acceptable on their planning merits;
- The planning statement states that Cades Farm is not deliverable, however houses are built build and a sign states only 2 Charles Church units remaining;
- Phase 2 of Cades Farm has a resolution to grant permission for a further 300 dwellings in Wellington. From a recent public consultation event it is also evident that Longforth Farm will be coming forward shortly;
- The site is clearly not sustainable;
- Overdevelopment of housing sites – are we going to be left with abandoned sites like in US and Ireland;

### Character and appearance

- The sloping exposed countryside to the north of the river contrasts strongly with the more urban area to the south;
- Residents use the surrounding footpaths to enjoy views of the countryside; the proposed development would destroy the beauty of the area forever;
- Spoil the setting of the ancient hamlet of Runnington;
- Erosion of the established historic farmlands setting of the adjacent grade II\* listed buildings;
- CPRE and Landscape Officer object to the proposal;
- Urban sprawl;
- Currently the grade II\* mill buildings and the River Tone delineate the edge of

the settlement and further residential development will erode the rural transition leaving Wellington;

- Loss of significant amount of hedgerow (70m) to be removed;
- Light spillage;
- Green field;
- Coalescence of the ancient settlement of Runnington and Wellington;
- Once built future generations will lose the ability to appreciate this beautiful countryside;
- Loss of grade 1 agricultural land;
- Elevated and steeply sloping green field site;
- Blight the views over this area;
- Destroy peace and tranquillity of the area
- Impact on Runnington Church;

### Wildlife

- Natural England consider the ecological survey is out of date, and because of insufficient data the proposal is clearly not Habitats Regulations compliant;
- Further assessment relates to bats (in particular Barbastelle) must also be undertaken prior to the application being determined;
- Local resident has undertaken bat survey work and identified the following bat species: Noctule; Barbastelle; Pipistrelle; Dauberton; Brown long-eared; Soprano Pipistrelle;
- No decision to approve the application should be made until both a Strategic Environmental Appraisal (SEA) and a Habitats Regulations Assessment (HRA) have been carried out and, because data is required on maternity and roosting sites together with mating territories, these cannot be completed until the autumn;
- The Habitats Regulations derogation tests require that alternative sites with less ecological implication are sequentially preferable. Had the site come through the Core Strategy allocation process it would have been subject to a Strategic Environmental Appraisal (SEA) and Habitats Regulations Assessment (HRA) of proposed development sites in and around Wellington;
- Impact on the Tone & Winsbeer wildlife sites;
- Otters;
- County Wildlife Site adjacent to the proposed development links the SSSI reserve of Langford Heathfield to the river Tone;
- Disturbance to wildlife along the River Tone corridor;
- The site is of county importance for otters and of district importance for bats and dormice and of local importance for badgers – no detailed survey of birds, most mammals and invertebrates;
- We live adjacent to the site and have in the last twelve months recorded the presence of approximately 70 bird species, including kingfisher, little egret, teal, sandpiper and snipe near the pools; raven, buzzard, tawny owl, woodcock and woodpeckers in and around the quarry; 25 different butterfly species – including marbles white and silver washed fritillaries. Schedules of birds and butterflies recorded on our land are attached. Recorded reptiles include adders, grass snakes, frogs, toads and newts. Recorded insects include two long-term colonies of wild honey bees, resident in a tree and a building within a few hundred meters of the site. Hornets, numerous wasp nests and plenty of rats are among the less welcome residents (List of species provided);
- At present this land is undisturbed there are no public rights of way across it;

- Lesser Horseshoe bats have been detected at four locations all within 2 to 20 metres of the north east end of Tone Works and the trees.

## Highways

- There is no footway on a significant part of Milverton Road;
- A new footway would require Milverton Road to be crossed several times;
- Implementation of the footway would entail imposing a 90m long section of signal controlled single way working. This will create platoons of traffic which will affect the efficient working of signal controlled junction in the town centre;
- At the southern crossing point there is only 30m visibility between pedestrians and oncoming traffic. This is grossly substandard and hazardous;
- Residents of Garden Terrace currently park cars on the road. When the road is narrowed by the footway parked cars will interrupt the flow of traffic and further limit visibility at a proposed southern pedestrian crossing point;
- Time taken for a cyclist to pass through the one way shuttle has not been taken into account (21 seconds at 10mph);
- 1000 movements a day will cause major disruption;
- Narrow highway;
- The proposed signalised junction to the site access is hazardous given its rural edge location, high traffic speeds. No road safety audit has been carried out.
- The main town centre junctions will experience insufficient capacity in 2016 which would be the opening year of constructing the development. The proposed development would exacerbate this peak hour capacity problem resulting in even longer queues. No remediation measures are proposed.
- The highway network from the north is already at capacity for the status of the road;
- Increased congestion will give rise to pollution;
- The junction by the police station is already congested;
- Exacerbate existing traffic situation - encourage use of smaller lanes as rat runs;
- Encourage more traffic to travel to Taunton via Milverton where there are also severe traffic constraints;
- The provision of a one way section on the B3187 at Tonedale to facilitate the footpath will worsen the existing situation – where are all the displaced cars that have to park going to go?
- One way section will impact on the access of existing residents and for deliveries to properties; traffic lights outside window of property;
- Highway Safety issue from residents joining the one way shuttle stretch without any indication of a green light;
- The TA acknowledges that the addition of this development pushes the high street signalised junctions over capacity at peak hours and it is 'inevitable that any traffic increases will worsen the situation in terms of junction capacity'. This will give rise to general gridlock;
- Reference was made in the garden centre TA that identified accidents have 'occurred at the two signalised junctions on the High Street in Wellington town centre almost every year for the last five'. This statement has been omitted from the current TA, as the level of saturation will inevitably increase accidents contrary to PPG13 & Structure Plan;

- From the south of the proposed site access; due to the western river bridge parapet height being above the forward visibility height of 1.05m, the forward stopping distance to the stop line for to the proposed pedestrian/cycle crossing – reducing visibility to 103m from 120m. This is well below accepted standard on this classified distributor road;
- The emergency access (for public transport and emergency vehicles) is positioned very close to the main site access and public transport movements from the north stopping and making right turn movements will interfere with the approach and safe working of the traffic signals;
- Buses turning left from the south into the emergency access will signal their intention as they approach the main access leading to confusion for following vehicles;
- No indication of bus stop – the only position for a bus stop is on the entrance road by junctions or the main access itself, which will lead to overtaking manoeuvres at or nearby;
- Existing bus routes/timetables may be reduced as a result of Government budget cuts;
- Impact of development on Milverton;
- County Highways did not object to the garden centre on the basis that most traffic generated by garden centre would be off peak;
- No scheme has been put forward to overcome the worsening of the situation at the town centre signalised junctions.
- Increase in traffic will impact on highway safety in terms of residents getting out of Tone Hill due to poor visibility;
- Footway – There has clearly been no stage one road safety audit because the scheme involves pedestrians crossing and re-crossing the B3187, and at the southern crossing point visibility to a crossing pedestrian for north bound vehicles is very limited indeed;
- Access – The access is subject to the national speed limit. Challenge the TA information at this point that asserts that southbound eight fifth percentile speeds of 49.7 and 47mph – local residents are of the view that the speed is higher;
- TA does not take account of Cades Farm at '6.3 committed developments'
- The provision of traffic light signalling will increase the risks of traffic jumping the lights;
- No stage one safety audit appears to have been undertaken;
- The TA indicates that approximately 40% of journeys will be by car sharing; this is at odds with office of statistics and 'liftshare' who identify a national take up of 6.25% not 40%.
- There is no retail analysis on the sustainability in the short, medium or long term of these two units; without them daily vehicle trips from and to the site will increase;
- No comment on traffic bound north from the proposed site;
- Under estimates number of people working in Wellington, many will work either in Taunton, Bridgwater or Bristol to the east or Exeter to the west and will be directed along narrow country lanes by sat navs;
- No further development should be allowed to the north of the town unless a northern relief road has been constructed;
- Has anyone assessed the impact on Rockwell Green?
- Additional traffic movements from the garden centre and Tone Mill Buildings will see a significant increase in traffic movements;
- There is no filter on the traffic lights in town meaning that only one or two vehicles can turn right towards Tonedale; This backs up to Longforth Road

- and so the town centre comes to a stand still;
- The narrowness of North Street means lorries and buses have to mount pavements to pass;
- The area where North Street and Waterloo Road is only wide enough for single lane traffic and you have a pedestrian crossing which the majority of primary school pupils and secondary school pupils use to get home;
- The bend in Waterloo Road at the junction with Bovet Street which is dangerous as parked cars force heavy/long vehicles onto the wrong side of the road and then a further 10m down the road due to parked cars it is single lane again just before the Dolphin Inn;
- The bend where Waterloo Road meets Station Road at the junction with Corams Lane again long vehicles find it very difficult to negotiate the bend due to the bollards in the road;
- Entrance to Swallowfield which is often congested with lorries and cars parked at the side of the road or manoeuvring trying to find out where to go or driving into or reversing from the site;
- The railway bridge. This is the biggest black spot on the road; it is a narrow bridge on a bend not wide enough for two large vehicles to pass on. Fifty percent of traffic crossing this bridge end up on the wrong side of the road and it has seen numerous accidents, although I believe the police have no record;
- The Wardleworth Way junction with Milverton Road, not a problem at the present, but this being one of the proposed exits from The Longforth Farm development I do not see how a lorry will exit Wardleworth Way without being on the wrong side of the road and within a few metres having to negotiate the railway bridge. The junction is also used a lot by lorries who need to turn around causing traffic congestion while they reverse into Wardleworth Way before pulling out again on the wrong side of the road;
- The Tonedale area with several junctions, Crosslands, Tone Hill and Birches Hill all meeting on a double bend where the road narrows. This is where traffic lights are envisaged, one on each road?
- Milverton Traffic Action Group object to the application – the Somerset County Road map identifies the B3187 as ‘unsuitable for Heavy Goods Vehicles’, and is so notified to drivers off the M5 at Wellington;
- B3187 is dangerously narrow in parts; Milverton itself suffers from static congestion, with not enough parking space, so that vehicles are required to park on through roads, including the B3187, resulting in traffic constrictions and delays;
- Traffic through Milverton has resulted in damage to cars; damage to utilities beneath the road surfaces; Increased damage to Listed Buildings.

### Other matters

- The site is ‘Runnington Big Field’ not ‘Fox’s Meadow’;
- Wellington has grown significantly and residents are finding it difficult if not impossible to sell their properties;
- Negative impact on house prices;
- Application is a waste of resources and tax payers money;
- Development will increase risk of flooding due to rainwater run off into the Tone.
- Noted that the EA object on the basis of inadequate information submitted to demonstrate that surface water from the site can be properly attenuated without increasing the level of flooding of the adjacent River Tone;

- Loss of privacy / amenity / light from drivers/vehicles parked at traffic lights;
- Archaeology – implications needed to be accessed prior to determination (as required as part of the validation checklist). The site would traverse and excavate an C18 turnpike road.
- No community support for the scheme;
- Location of housing under or adjacent to high voltage pylons;
- Application purely for profit.
- Garden centre application pushed through (evident it would never be built – only used as a lever for future development) – will this happen again?
- The S106 requirement for a contribution towards the northern relief road – it is highly unlikely that the road will cross the railway and there a junction at or near Longforth Farm would be more likely. This means that increased traffic will still have to route via Tonedale;
- Where will children go to school? – existing local schools near capacity;
- The ‘sweeteners’ offered by SWHL are nothing but inducements to approve a money-making scheme;
- In the event that permission is granted fencing will need to be provided to safeguard our land and the disused quarry which has a 35 foot sandstone cliff within a meter of the present wire cattle fence on the boundary of the development site; and other areas of water meadow;

One further letter has been received from Terrence O’Rourke Planning Consultants, acting on behalf of Bloor Homes who have an option to develop Longforth Farm. The letter is in direct response to the applicants assertions regarding the deliverability and status of strategic sites around Wellington, detailed below.

The application suggests that the Longforth Farm site is not deliverable and as a consequence, TDBC is unable to demonstrate an up-to-date five year housing land supply. Whilst it is acknowledged that Bloor Homes’ option forms only a part of the Core Strategy allocation, since holding a public exhibition on plans for the site in late November 2010, we have held a series of meetings with Borough and County Council officers and other organisations concerning amendments to these plans. We have recently frozen the master plan and we are currently undertaking an Environmental Impact Assessment of it. Once this process has been completed, we are intending to submit a planning application to the Borough Council for permission to develop around 470 houses and associated community infrastructure, and we are planning to do this later this summer.

The planning statement accompanying the application argues at paragraph 2.2.5 that Longforth Farm is ‘not suitable for development’ and at paragraph 3.3.3 that Longforth Farm is ‘too complex for development’. Whilst it is well known that there are a number of constraints affecting the site’s development, the discussions that we have had since November 2010 have concentrated on devising solutions to these constraints. We believe the current master plan (which will form the basis of the planning application) is compliant with national planning policies and adopted Local Plan policies, and will be acceptable to the Borough Council and statutory and non-statutory consultees alike. We therefore strongly disagree with the assertion that the site is neither developable nor too difficult to develop.

Finally, the documentation submitted with the planning application indicates a willingness on behalf of the applicant to make a contribution towards the development of the Wellington relief road. However, given that the development of

Longforth Farm is essential to the provision of the relief road, this offer sits uneasily alongside the applicant's own statements that the Longforth Farm site is not suitable and too complex for development.

In conclusion, land at Longforth Farm (including the existing Swallowfield and Relyon premises) has been allocated as a strategic site within the emerging draft Core Strategy as suitable for residential development of up to 900 dwellings. The sustainable location of this site is able to offer an organic urban extension of the town, and provide essential infrastructure such as the northern relief road and a new primary school site, which are paramount importance to Wellington. In contrast, the Milverton Road site occupies a much less sustainable location, it delivers little in the way of community infrastructure and is much less able to achieve integration with the existing town.

One letter of SUPPORT has been received. Summary of support: -

- This side of Wellington is a bit of a mess if not hideous. The area could do with some development and regeneration so I am in favour of the development in the area.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS 1 SUPP - Planning and Climate Change,  
PPS3 - Housing,  
PPS 5 - PPS5 Planning for the Historic Environment,  
PPS7 - Sustainable Development in Rural Areas,  
PPS9 - Biodiversity and Geological Conservation,  
PPG 12 - Highways,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
C1 - TDBCLP - Education Provision for New Housing,  
C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
M4 - TDBCLP - Residential Parking Provision,  
M5 - TDBCLP - Cycling,  
EN3 - TDBCLP - Local Wildlife and Geological Interests,  
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,  
EN12 - TDBCLP - Landscape Character Areas,  
EN28 - TDBCLP - Development and Flood Risk,  
S&ENPP1 - S&ENP - Nature Conservation,  
S&ENPP9 - S&ENP - The Built Historic Environment,  
S&ENPP5 - S&ENP - Landscape Character,  
S&ENPP42 - S&ENP - Walking,  
S&ENPP44 - S&ENP - Cycling,  
S&ENPP48 - S&ENP - Access and Parking,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S&ENPP35 - S&ENP - Affordable Housing,  
STR1 - Sustainable Development,  
STR6 - Development Outside Towns, Rural Centres and Villages,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations in the determination of this application are considered to relate to:

- (a) The principle of development on agricultural land outside of the defined settlement boundary of Wellington;
- (b) Land Supply position;
- (b) Impact of the development on the character and appearance of the locality, and its impact on the setting of the listed Mill complex;
- (a) The impact on the highway network and sustainable transport proposals;
- (b) The effect of the proposal on habitat protection, protected species and biodiversity;
- (c) Drainage;
- (d) Community Benefits;

### Principle of Development

The site lies outside the settlement limit for Wellington, in open countryside, as defined by the Taunton Deane Local Plan. As such, the proposal would be contrary to adopted planning policy, in particular Taunton Deane Local Plan Policy S7 and Policy STR6 of the Somerset & Exmoor National Park Joint Structure Plan.

The site does not form part of any area being proposed for development in the emerging Core Strategy for Taunton Deane. Significant weight should be placed to this document, on which consultation under Regulation 25 took place in 2009-2010. The submission Core Strategy document was considered by the Council's Community Scrutiny Committee and the Executive in June 2011, and approved by Full Council in July 2011.

One of the fundamental concerns to this development is that the site is unsustainable, located over 2km from the town centre of Wellington. The existing lack of footways and cycle provision is not conducive to encouraging an alternative to the private car. This would be contrary to advice in PPG13, PPS1 and PPS3 which seeks to locate development in a way that helps to promote more sustainable transport choices, promote accessibility to jobs, shopping, leisure facilities, and services by public transport, walking and cycling.

### Land Supply

The applicant has submitted further information to support the view that the Council can not demonstrate a 5 year supply of housing. In addition, the submission asserts that there is a greater deficiency in land supply than expressed by the Inspector at the Maidenbrook appeal. The assertion being that greater weight should be placed on the need for further residential development. The agent concludes that there are concerns to the 'phasing' element of deriving land supply, and questions the deliverability of a number of sites, in his opinion, there is less than 3.5 years supply.

Notwithstanding this, Members will aware that the Planning Inspector at the recent

Maidenbrook appeal concluded that (within Taunton Deane): *‘The balance of probability is that the Council cannot at present demonstrate that there is a five year supply of housing land’*, he went on to say that *‘Whilst there is a marginal shortfall in housing land provision at present, the harm to the character and appearance of the area would be so severe that the proposal should not proceed...’*

The main thrust of the applicant’s case is that the Council cannot demonstrate a five year supply of housing and therefore the development should be considered favourably. PPS3 – Housing sets out the policy tests for assessing such applications.

Paragraph 71 states:

*Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69.*

Paragraph 69 sets out the following criteria that Local Planning Authorities should have regard to:

- *Achieving high quality housing.*
- *Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.*
- *The suitability of a site for housing, including its environmental sustainability.*
- *Using land effectively and efficiently*
- *Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives eg addressing housing market renewal issues.*

Whilst paragraph 71 states applications should be considered favourably (where the five year supply cannot be demonstrated) applications must be assessed against the requirements of Paragraph 69. It is not intended to be an automatic yes to inappropriate development.

The main consideration therefore needs to be an assessment of whether this site accords with those criteria, in particular *‘the suitability of the site for housing, including its environmental sustainability’*. These considerations (sustainability, highways, landscape impact and ecology) are evaluated further later in this report. In addition, PPS7 states that *“The presence of best and most versatile agricultural land should be taken into account alongside other sustainability considerations ..... when determining planning applications” [6.41]. Where significant development of agricultural land is unavoidable, Local Planning Authorities should seek to release poorer grade land in preference to BMV land [6.44].* It has not been demonstrated that the development of agricultural land is unavoidable now.

The last of the criteria referred to, within paragraph 69, requires that *‘development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy*

*objectives eg addressing housing market renewal issues' ...*

The vision for Wellington in the Core Strategy has been developed in consultation with the Town Council and local community, and proposes that future development around the edge of the town is at Longforth Farm and Cades/Jurston. It also recognises the River Tone as the northern boundary of Wellington. This is because it is considered that any further development to the north would be clearly unsustainable due to the distance from the Town Centre and given that containment would be difficult to achieve the impact on the character of the area. The proposed development would therefore be at odds with the spatial vision for the growth of Wellington, as set out within the Core Strategy.

### Character and appearance

The proposed development for 244 dwellings is located in an unsustainable location extending well beyond the settlement of Wellington. The indicative layout features a range of house types, with two to full three storey development. It is noted that the layout is only indicative and amendments to the conceptual layout could be dealt with at reserved matters stage. However, there are principal concerns to this development and its impact on the landscape. Due to the buffer zone between the river Tone and the start of development it would be seen as separate to, and not integrate with the existing urban form. The area of Tonedale already extends northwards a considerable distance from the Town Centre; any further extension beyond the natural barrier of the river would be seen as a finger of development encroaching into the open countryside, changing the character and appearance of this rural setting. Containment would be difficult to achieve.

The Council's landscape lead has also expressed his concerns to the impact of the development on the character of the landscape and setting of the Mill Buildings. The officer considers that the main visual impact would be from Milverton Road at the entrance to the site (where a significant length of hedgerow would be removed), from the south, and the land from Rockwell Green and local footpaths. The landscape officer has also expressed his concerns to the relationship of the existing housing and the proposed development. The Conservation Officer and English Heritage consider that severing the Tone Works complex from its historical setting, farmland, together with the scale of development, would adversely affect the setting of the listed Mill complex.

### Highway Matters

In considering the transport implications of any major development, it is essential to ensure the proposals would not have a detrimental impact upon the highway network and that the development itself would encourage travel by alternative modes to the private car in line with local and national planning guidance. In respect of the access arrangements into the site the highway authority are content that a signalised controlled junction would be the most suitable option.

The highway authority reaffirm the strong contention that this site is unsustainable in that it is remote from the centre of Wellington, is poorly served by public transport and has no traffic free pedestrian and cycle routes into town. The highway officer acknowledges that the scheme includes the provision of some retail services on site to provide some of future occupants' daily needs but this represents a small part of their typical needs and will not do a great deal to reduce reliance on the motorcar.

There are also concerns from Council officers' that such a retail element in this location would unlikely to be viable given its location.

The highway officer expresses strong concerns to the submitted travel plan and questions the 'very ambitious' targets that only 22% of trips from the site will be in single occupancy vehicles. If the site was well served by public transport and there were direct, traffic free, pedestrian and cycle routes to the main draws in town, shops schools employment etc, this might be achievable but none of these things is present. It is hard to imagine how future occupants will make very many journeys without using their cars. It is concluded that it is 'unlikely to achieve sufficient sustainable transport choices to make the development acceptable'.

The application does seek to achieve improved pedestrian and cycle links by the creation of a footway on Milverton Road to the south of the site by narrowing the carriageway either with having a priority section or by signalling a section of the road. This would have the effect of creating continuous footway from the site to the centre of Wellington. The proposed section of footway would be of good width but this will not help to upgrade the other sections which are narrow and exist on only one side of the road. There are places within the proposed shuttle section where crossings would have to be introduced and these would not benefit from the necessary visibility for pedestrians to cross safely.

This will not create the attractive traffic route for pedestrians that are likely to have an impact on the choice of travel mode. For most of the distance into town, cyclists will be forced to cycle on the road where there have been a series of accidents involving vulnerable road users (cyclists, motorcyclists and pedestrians). Once again this is not the attractive traffic free route that would have a major impact on the travel choices of future occupants.

There have been other potential cycle routes investigated but these meet leisure and other needs rather than every day needs. There is a loop to the west towards Rockwell Green which is currently a public right of way which could be upgraded to make it suitable for cyclists and would connect the site with the secondary school at Rockwell Green which could meet some daily needs but not sufficient to make a significant difference to travel choices. Other routes to the east of Wellington, once again public rights of way that could be upgraded, would almost exclusively for leisure use and are not a sufficiently direct route to any service or amenity.

After several iterations of the Transport Assessment, the modelling discrepancies are largely dealt with and the conclusions are clear. The development will have a major impact on the signal controlled junctions in the centre of Wellington to the extent that queuing will increase by up to 58 percent in peak times. These junctions cannot be improved due to the physical constraints and are already experiencing capacity problems. There will also be an impact on the Chelston Road roundabout but this is less severe and could be tolerated.

The developer makes the point that any development in Wellington is likely to have some impact on these junctions but it is also true that this development would cause more trips right across town than would otherwise be the case for development sites on the south and east sides of Wellington. The highway authority recommend a refusal on the grounds of the existing road capacity, as the location of the site would direct the majority of trips into the centre of town with no sustainable, alternative means of travel available.

Giving due consideration to the above arguments, it is considered that the impact on the existing highway network and having regard to sustainable development objectives the application is not acceptable and would conflict with the local and national planning policy guidance. The Highway Authority has confirmed that the majority of the specific technical objections, raised during the publicity period, would be considered under the umbrella of the unsuitability of the wider highway network.

### Wildlife

The ecological survey identifies that the site is being used by a number of European and UK protected species, mitigation proposals include buffer strips alongside existing hedgerows, river and stream corridors and the planting of new hedgerows. Natural England, Somerset Wildlife Trust and the Council's ecologist have all expressed concern to a number of similar issues. These relate to: out of date survey information; loss of natural habitat for dormouse (loss of 70m of hedgerow); potential impact of bats; site not identified as a strategic housing site and therefore not included in a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) of proposed sites in and around Wellington.

The County Ecologist has undertaken a 'test of significance' and concluded that as barbastelle bats exhibit high site fidelity and the large distances from the SAC roosts on the Quantocks and Exmoor and the Longforth Farm roost site; and the lack of landscape connectivity it is highly unlikely that a significant effect would occur from the development to the conservation objectives of the Exmoor and Quantocks Oak Woodlands SAC. He continues that the effect on the 'Favourable Conservation Status', as defined in Article 1 of the Habitats Directive, 1992, from the development proposal on the barbastelle population at Longforth Farm needs to be assessed separately by the Borough Council. Natural England agrees with this conclusion.

The application includes the removal of a substantial section of hedgerow on site, which functions as a habitat corridor for wildlife in the local area. The importance of this hedgerow to local populations of bats – in particular barbastelle and lesser horseshow bat – and dormouse, along the other wildlife species of conservation interest, has not been adequately assessed by the applicant

The Council's ecologist considers that in order to carry out this development, an offence under the Habitats Regs is likely to be committed and so the applicant needs to apply to Natural England for an EPS license and the LPA needs to be satisfied that the three derogation tests are met.

In accordance with the Habitats and Species Regulations (2010) the proposal will result in 'deliberate disturbance' of this protected habitat, which is an offence under these regulations, unless a license is first obtained from Natural England. However, under Regulation 9(5), the Local Planning Authority is a competent authority and must have regard to the requirements of the Regulations in the consideration of any of its functions – including whether to grant planning permission for development impacting upon protected species. In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

- (v) whether the development is for one of the reasons listed in Regulation 53(2). This includes whether there are '... imperative reasons of overriding public interest including those of a social or economic nature and

- beneficial consequences or primary importance for the environment'
- (vi) There is no satisfactory alternative;
  - (i) The Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

Without further and updated ecological reports an assessment of the impact of development on wildlife cannot be undertaken. It is therefore recommended that the application is refused on lack of information in respect of ecology.

At the time of writing, an updated wildlife report has been submitted in respect of dormouse, otters, bats, badgers. The appropriate bodies have been re-consulted and Members will be made aware through the update sheet of any further comments.

#### Community Infrastructure & S106 contributions

The applicant has submitted 'draft heads of terms' in respect of the proposed development, subject to the Council demonstrating the need for such requirements in relation to the development. At this stage, there is no mechanism of agreement in respect of a number of planning considerations that would generally be secured by way of a legal agreement in the event that planning permission is granted. It is proposed that a separate reason for refusal is added to cover these elements and discussions can continue in the event that an appeal is lodged, with an expectation that they can be dealt with in the 'Statement of Common Ground'.

#### Drainage and flood risk

The Environment Agency and Drainage Officer are now satisfied with the proposed principle of the proposed strategy, subject to the imposition of conditions and the adoption of the Sustainable Urban Drainage Scheme.

#### Conclusion

For the reasons set out in this report, this application is contrary to Development Plan Policy and the requirements of PPS3, paragraph 69. It is therefore recommended that the application be refused.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr A Pick Tel: 01823 356586**

05/11/0019

MR G HUNT

**CHANGE OF USE OF LAND TO SITE A MOBILE HOME AND ERECTION OF STORAGE BUILDING AT FIDEOAK MILLS, UPCOTT ROAD, BISHOPS HULL (AMENDED SCHEME TO 05/10/0038)**

Grid Reference: 318927.124989

Retention of Building/Works etc.

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The proposal conflicts with the guidance contained in Planning Policy Statement 7 (Annex A) relating to exceptional supervisory dwellings for the following reasons:

The charcoal burning business is not considered to generate a clear functional need to be resident on site at most times.

The Council does not believe that the applicant has a genuine, firm intention to develop the enterprise given, which is considered to have been contrived to create a need to live on site.

It is, therefore, considered to be an unjustified dwelling in an unsustainable location, leading to sporadic development in the open countryside, which would foster increased need to travel by private car, contrary to Policy S7 of the Taunton Deane Local Plan and policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

**RECOMMENDED CONDITION(S) (if applicable)**

Notes for compliance

**PROPOSAL**

This application seeks temporary planning permission for the stationing of a supervisory mobile home. The occupant of the mobile home would supervise a proposed charcoal production business, whilst providing further security to the existing industrial site. A new gravel surfaced yard would be extended across the site to allow access to some proposed storage containers (not subject to this application), 4 proposed charcoal kilns and the mobile home, which would be positioned at the western extremity of the site.

Permission is also sought for a new storage building between the access and mobile home measuring 15 x 30m in floor area. This is requested for the dry storage of

timber to be used in the charcoal production.

## **SITE DESCRIPTION AND HISTORY**

The site comprises an area of grassland to the southwest of the existing industrial buildings at Fideoak Mill. The site had a former industrial use, with a 1970 planning permission that covered both the application site and the existing buildings, although this can no longer be evidenced on site. Access to the site is via a loosely surfaced track, via a bridge over the River Tone, which lies between the application site and the existing industrial buildings.

The site is generally flat, being within and close to the floodplain of the River Tone, the channel of which passes to the south of the site, beyond a line of trees. To the north, a further line of trees separates the site from a mill leet, public footpath and the remainder of the floodplain, commanding long views across the wide valley. Indeed the existing building and site are visible from the south side of Norton Fitzwarren, although the vista is dominated by trees on the rising land beyond and the pylons stemming from the nearby National Grid installation.

The site was developed in the 1970s as a Tannery. Following closure the site lay unused for a period of time. In 2006, planning permission was refused for the use of the site as a go-kart track. In 2007, planning permission was granted for a new industrial building for the manufacture of timber sheds. Planning permission was also refused for the retention of a mobile home. An appeal was subsequently dismissed although the mobile home remains, unauthorised, on site.

An Enforcement Notice was served requiring the removal of the mobile home, which took effect on 29<sup>th</sup> October 2009 with 6 months to comply. From this time, the applicant continually advised the Council that he would vacate the site, but has not done so. The existing mobile home is in a different place to that proposed in this application, being located amongst the existing buildings to the east of the access.

In November 2010, application 05/10/0038 was made for the siting of a mobile home to supervise a proposed charcoal production business and self storage business. That application was refused on 5<sup>th</sup> January 2011 for the following reasons:

1. *The proposal conflicts with the guidance contained in Planning Policy Statement 7 (Annex A) relating to exceptional supervisory dwellings for the following reasons:*
  - *The charcoal burning business is not considered to generate a clear functional need to be resident on site at most times.*
  - *The Council does not believe that the applicant has a genuine, firm intention to develop the enterprise given, which is considered to have been contrived to create a need to live on site.*
  - *The proposed storage business cannot be developed because there is no planning permission in place to secure such a use.*

*It is, therefore, considered to be an unjustified dwelling in an unsustainable location, leading to sporadic development in the open countryside, which*

would foster increased need to travel by private car, contrary to Policy S7 of the Taunton Deane Local Plan and policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

2. The proposed development would result in a highly vulnerable development in flood zone 3a, which would lead to unacceptable risks of flooding for the future residents, contrary to Planning Policy Statement 25.

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*BISHOPS HULL PARISH COUNCIL – Not convinced that the previous reasons for refusal have been overcome. The functional test is not met – if at times during the burning process there is only the need to monitor the operation every 4-5 hours, that does not constitute an essential need to live on site, merely operational convenience. Furthermore, nothing can alter the fact that the site is well outside recognised development boundaries.*

*The site includes the entire blue edged land, which is under the same ownership and a mobile home still exists despite the refusal at appeal (05/07/0051).*

*Comment that:*

1. *Approval would set a precedent for residential development in the area.*
2. *It is stated that parking would be provided for 2 cars. Hardstanding has been provided for many more vehicles, no mention is made of any goods vehicles and they are often parked here. Any increase in large vehicles using the access lanes is undesirable. Traffic has already increased noticeably since the main building has been subdivided into several units. There are numerous trees and hedges on the site, but these are not stated on the form.*
3. *Toilets are required for the unit already agreed and the proposed mobile home. There are no details of foul drainage provision or the location of a septic tank.*
4. *The planning statement refers to a mobile home. The dimensions are huge and can hardly be described as 'mobile'.*
5. *The projected kiln burn timetable claims justification for the need for a residence on site. However, query whether it is credible that a person living on site is going to monitor the kilns at the hours stated. Given the time commitments, 7 days per week, this would require shift working and therefore on-site residence is not necessary.*
6. *The number of storage units are not specified, nor is the height.*
7. *Much is made of sustainability. However, the timber supply quoted suggests that it is being transported well over 100 miles (from Hungerford or Surrey?) even though it claims to be local. This certainly cannot be environmentally desirable and therefore we question the description 'sustainable'. Furthermore, charcoal burning traditionally would usually have taken place at the source of the*

*raw material, i.e. in woodland; the appeals quoted seem to be associated directly with forestry operations and therefore do not support this application. It is claimed that waste timber from the activities on the adjacent site would otherwise go to landfill. Since at recycling centres timber is separated from other waste, this claim seems unlikely.*

8. *Appendix 7 indicates a copy of a partially completed application for a licence for processing Phytophthora affected timber. Query whether charcoal production qualifies as burning to destroy this dangerous organism. Note that logs are already stored near the river bank and hope that these are not of Phytophthora affected timber.*
9. *The planning application states that the site area is less than 0.3ha. However, the flood risk assessment gives the area as 0.94ha.*

*The applicant has subsequently responded to the Parish Council, advising that their comments are inaccurate and asking for them to be withdrawn. The Parish Council have advised that they will not withdraw their comments, albeit on the understanding that the Planning Officer is made aware of them in order that both views may be taken into account.*

*The applicant has advised that a precedent would not be set due to the tests of PPS7; queries whether the Parish Council can substantiate their claim regarding increased traffic; asks for clarification over the landscaping remarks; confirms that sewage would be dealt with by means of a septic tank or treatment plant; advises that the log cabin would legally be classed as a mobile home; advises that some additional day staff would be required to assist with some aspects of the charcoal production process, whilst night time monitoring is the applicant's responsibility; storage units are not part of this application; the timber comes from within 30 miles of Taunton; the Phytophthora ramorum infection can be killed by heating to 40 degrees whilst the kilns burn in excess of 300 degrees; the correct measurement for the site area is 0.94ha.*

**NORTON FITZWARREN PARISH COUNCIL** – No comments received.

**SCC - TRANSPORT DEVELOPMENT GROUP** – Comments awaited; however the Local Highway Authority have verbally suggested that they will repeat comments made in respect of the previous application, which commented that the proposed development site lies outside any settlement limits and is therefore distant from adequate services and facilities. As such, occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs, contrary to local and national planning policies.

Notwithstanding this, it must be a matter for the Local Planning Authority to decide whether there is sufficient need or justification for such a development in this location, which outweighs the transport policies that seek to reduce reliance on the private car.

No objection was raised on the technical aspects of the access.

*ENVIRONMENT AGENCY* – While the site currently lies within Flood Zone 3b according to TDBC's Strategic Flood Risk Assessment (SFRA) Level 1, we have recently agreed a Flood Map challenge in this location to re-classify part of this site as falling within Flood Zone 2 (medium flood risk) as shown on the drawings by The Mapping Company dated 12 May 2011 submitted with the Flood Risk Assessment (FRA). This change to our Flood Map should become available in our next quarterly update i.e. by September 2011. We are also working with TDBC to try and include this change within the forthcoming SFRA Level 2.

We are pleased to see that the storage unit and mobile home will be sited wholly within the Flood Zone 2 area of the site and above the 1 in 100 year plus climate change flood level. We are also pleased to see that the buildings will be located away from the River Tone (with the storage buildings located adjacent to the existing culvert) and would not wish to see any further built development close to the open channel for flood risk and biodiversity reasons.

Floodplain compensation is not required for ground-raising in Flood Zone 2. However, this will be required for any ground-raising in Flood Zone 3, which includes the works to ensure that the access is safe. We understand that floodplain compensation will be provided by re-opening a section of in-filled watercourse along the northern boundary of the site. Our preferred option for floodplain compensation would be off-line storage, perhaps with additional volume being made for this in the surface water balancing pond. An off-line scheme would be much more effective and also be easier to maintain. For any compensation scheme, we would expect to see full calculations, cross-sections and maintenance details to ensure that it is designed and operates as intended.

From the submitted Location Plan, it would appear that the in-filled watercourse is not owned, or is only partially owned, by the applicant. Any works would therefore need to be agreed with the landowner. Again, taking this issue into account, it may be best to progress an off-line flood compensation scheme wholly within the application boundary.

We are pleased to see that a sustainable drainage solution will be provided on site. While full details of the pond have not yet been provided, we are confident that there is adequate room within the Flood Zone 2 section of this site for the pond to be located and to discharge at Greenfield runoff rates.

### *Sequential & Exception Tests*

PPS 25 requires the Sequential Test to be demonstrated for proposals, other than those listed in footnote 7 and Change of Use (except where a new dwelling is proposed, see PPS25 Practice Guide paragraphs 4.40 – 4.41). Where the proposal is for non-major development, such as this, we will not object on the lack of evidence of the Sequential Test, but it is still a requirement of PPS25.

You must be satisfied that the Sequential Test has been adequately demonstrated and the Exception Test applied. RMA Consulting make the point that the Sequential Test has already been passed within the previous application 05/2008/056 within the submitted FRA. However, this application was determined 3 years ago, and the availability of sites in Flood Zone 1 may have changed since this time. We will support any decision you come to on this matter.

With regards to the Exception Test, it is the responsibility of TDBC to assess parts a and b. We consider that part c is passed provided that the measures outlined in the FRA are included within any permission granted.

The site is located in a sensitive area adjacent to the River Tone. It is unclear whether the site has been subject to any contaminative uses in the past, although we understand it has been used industrially. On this basis, we would not seek a full investigation as part of any permission, although measures should be put in place to ensure that any unsuspected materials are dealt with appropriately within the development.

Any non-mains drainage system will require either a waste exemption or Environmental Permit.

No objection subject to conditions relating to finished floor and ground levels; agreement and implementation of a flood compensation scheme; agreement of a surface water drainage scheme; contamination and recommend a number of informatives.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* – The site has a past history of commercial use and the proposal is for residential use. Therefore, the standard contaminated land condition should be imposed.

The developer should be aware that under Planning Policy Statement 23 the responsibility for ensuring that the development is safe and suitable for use for which it is intended lies with the developer.

## **Representations**

In total, 81 letters of SUPPORT have been received, as follows:

18 individual letters from local residents and businesses, making the following comments:

- No objection to living on site.
- The applicant is hard working and a very upstanding member of the community;
- The applicant has exceptional drive and enterprise.
- The proposed charcoal venture could provide a good local use for timber off cuts from Clanville Sawmills in Milverton.
- There are no other known local producers of charcoal.
- The site is ideal for the processing charcoal.
- A small factory and dwelling would be preferable to the large industrial building that already has permission.
- Any development that would improve the site and help unemployment in the area would be beneficial.
- Ashwood Timber are a professional company and are always willing to help. They adapt well to changing economic circumstances.
- Since the applicant's occupation of the site, the general tidiness and visual impact on the area has improved substantially.
- Small enterprise should be encouraged. It is refreshing to see a local business trying to expand in current economic times.

- The previous abattoir and tannery uses produced unpleasant smells and a great deal of traffic which has improved in recent years.
- There was formerly a brick built dwelling on the site.
- As a charcoal maker in the past, aware that an on-site residence is required for supervision.
- Most UK charcoal is imported from abroad so making it locally can only be good.
- The site is well screened.
- This is only a small development compared to the large development that all local residents were against.

1 letter from a haulier who operates from the yard at Fideoak Mill, explaining that he is supplying the applicant with timber to meet his demand. It confirms that the timber is sourced from woodland near Exeter and there would be no problem in meeting the businesses demand.

A further 62 letters were received. These are considered to constitute a petition, because they had been pre-printed, simply requiring the respondent to complete their name and address. They comprise:

36 identical letters from residents of Bishops Hull stating that:

- They understand that the applicant intends to add charcoal making to his existing business and in order to monitor the kilns for quality and safety, needs to live on site.
- The site is well screened by trees in its rural location and the small scale development would have little or no detrimental impact on its location.
- It may offer employment and bring finance to the local economy.
- Local businesses need support.

13 identical letters from residents of the wider Taunton and Somerset area stating that:

- They understand that the applicant intends to add charcoal making to his existing business and in order to monitor the kilns for quality and safety, needs to live on site.
- The applicant is hardworking and intent on making the new business venture a success.

4 identical letters from 'business associates' of the applicant stating that:

- They understand that the applicant intends to add charcoal making to his existing business and in order to monitor the kilns for quality and safety, needs to live on site.
- The applicant is hardworking and conscientious and are adapting to the current changes in the economic climate
- They have no doubt that the new business venture will be a success.

9 identical letters from local businesses in Bishops Hull stating that:

- They understand that the applicant intends to add charcoal making to his existing business and in order to monitor the kilns for quality and safety, needs to live on site.
- The site is well screened by trees in its rural location and the small scale development would have little or no detrimental impact on its location.
- It may offer employment and bring finance to the local economy.
- Local businesses need support.

## **PLANNING POLICIES**

EN28 - TDBCLP - Development and Flood Risk,  
EN12 - TDBCLP - Landscape Character Areas,  
EN3 - TDBCLP - Local Wildlife and Geological Interests,  
EN28 - TDBCLP - Development and Flood Risk,  
S1 - TDBCLP - General Requirements,  
PPS7 - Sustainable Development in Rural Areas,  
PPS25 - Development and Flood Risk,  
EN12 - TDBCLP - Landscape Character Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

This application seeks permission for two separate, yet associated, developments: A timber storage building and a supervisory mobile home. These require assessment in a completely different manner and, accordingly, will be assessed separately in this report. It should be noted that the physical stationing of the charcoal kilns themselves is not considered to be operational development and, given the authorised use of the site for general industry, charcoal manufacture in the manner proposed is not considered to require planning permission.

### Timber storage building

The building would provide a dry storage area for timber awaiting processing into charcoal. This would comprise both timber felled from woodland and brought to the site specifically for that purpose and timber off-cuts from the existing timber product manufacturing business. Although the kilns themselves do not require permission, it is considered that in order for that proposed enterprise to function properly, a storage building is required.

The applicant's agent has confirmed that the existing buildings are all currently in use and are not available for storage purposes. In addition, they are sited some distance from the kilns and would require multiple awkward trips to be made in order to load the kilns. This is accepted and the principle of a storage building is, therefore, considered to be acceptable.

There is a historic permission (2008) for a new manufacturing building on the site of the proposed storage building. Whilst this has not been implemented, it was of a considerably larger scale and in this context, it is considered that the landscape impact of a building in this location has already been considered to be acceptable.

As with all recent developments at the Fideoak Mill site, there is concern that the grant of an unrestricted planning permission for a storage building at the site could lead to a proliferation of separate industrial buildings and uses – in effect a new industrial estate in this isolated location with relatively poor access and approach roads. To some extent the recent subdivision and sub-letting of the existing buildings (which does not require permission) has borne out these concerns and the buildings are not currently available. Permission for new buildings has previously been granted on the basis that it would allow the existing business to expand and restrictive conditions have been imposed to that effect. This is rather more problematic since the building is now required for a new enterprise which, whilst related to the existing manufacturing processes, cannot really be viewed as part and

parcel of the existing operation. However, as with the previously permitted building being subject to a condition that it could only be used for the manufacture of timber products, it is considered that a similar condition that the building could only be used for the storage of material to be used in manufacturing processes on the site would afford a realistic and reasonable level of control over future uses of the building. That way, it would always remain ancillary to a business that is otherwise operating from the site and would not lead to sporadic industrial development or an unreasonable increase in traffic.

With regard to these matters, the proposed storage building is considered to be acceptable.

### Mobile Home

The proposed temporary residential accommodation was the subject of the recently refused application 05/10/0038. The relevant considerations, therefore, are whether the previous reasons for refusal have been overcome – i.e. is the development now acceptable in principle as an exception to normal policies of restraint in accordance with Planning Policy Statement 7, Annex A relating to supervisory dwellings; and would the development be safe from flood risk.

### Principle of development

The previous application was considered to fail on 3 counts – that there was no functional need to supervise the proposed charcoal burning enterprise; that there was no firm intention to develop the enterprise, with the proposal being contrived in order to retain a dwelling on site; and that the storage business which partly justified the dwelling could not be developed because it did not benefit from planning permission. The last of these is no longer relevant as the storage business is not currently proposed and it is not argued as forming a necessary part of the functional test.

Some additional information has now been submitted in terms of the proposed charcoal burning enterprise, which is now proposed to be more intense than at the time of the previous submission. To date, the applicant has purchased 3 kilns and intends to purchase a 4<sup>th</sup>. The process of charcoal manufacture takes around 72 hours from start to finish, so the use of 4 kilns would allow a continuous production of charcoal, with a new burn being commenced each day – the first kiln becoming available for a new burn the day after the 4<sup>th</sup> had been commenced.

Further information has been submitted regarding the labour involved within charcoal manufacture. It is accepted that the stacking and lighting, together with the initial stages of the burn require a significant amount of supervision – visual inspections are required to alter the burn process and this early stage can take around 4 hours from ignition. From then, it seems that the kiln must be sealed and allowed to burn for around 24 hours until it is set to cool for a further 24-36 hours. Great play is made by the applicant that this whole process requires a constant supervision to ensure an even burn, with adjustments being required due to changes in wind direction and other weather events. However, your officer's remain unconvinced by this aspect. Rather it seems that once the kiln is sealed it can be, largely, left to its own devices and certainly over the night time period, any monitoring would be very limited as there would be insufficient light to assess the burn. Practically, it seems

unlikely that anybody would embark on a business venture that required them, every single night of the year, to check kilns at 23.00, 02.00 and then 07.00. Whilst the applicant's point of view that his nocturnal habits are his own business and that anybody starting their own business is prepared to suffer long hours, the Parish Council's contention this practice is ultimately unsustainable and would be better served by shift working is considered to be a very reasonable one. Accordingly, burns could be monitored with a site office and would not require a dwelling.

Furthermore, the issue of day light presents a problem in terms of the continuation of business through the winter months. Historically, charcoal manufacture was a seasonal business and, although the traditional way of life has ceased, there were practical reasons for this. The successful production of charcoal requires monitoring of the smoke emitted throughout the burn cycle and this is not possible in low-light conditions. Therefore, for a substantial portion of the year, it would not be possible to undertake the process effectively. If a functional need did exist, therefore, it would be seasonal and would not justify a dwelling throughout the year.

In support of the application, the applicant has referred to three appeal decisions that appear to support the need for an on-site presence for charcoal burning. However, it is not considered that these are directly comparable: one is also related to a carpentry business, and the others are more concerned with ensuring an holistic approach to woodland management. Certainly, your officer's believe that most charcoal production enterprises are an ancillary use to woodland management and this is the source of most British made charcoal. In respect of this type of, woodland, enterprise, it is accepted that there could potentially be fire risks associated with a burn and may well be undesirable to leave a kiln alight in a wooded area. The application site, however, is on bare, brownfield industrial land which is, furthermore, proposed to be hard surfaced. Whilst trees surround the site, the kilns could be easily positioned some distance from the boundaries to avoid unacceptable fire risks.

In any case, the presence of other appeal precedents can carry little weight – all that the Council has before it is the inspectors decision letter and no background information regarding the sites' locations or other issues that may influence the decision. Ultimately, this current proposal seeks a supervisory dwelling for an industrial, manufacturing process not one linked to sustainable woodland management; such is not considered to require a permanent on-site presence at most times above and beyond any other business venture. Whilst it may be convenient for the applicant to live on site, it is not considered to be essential for the proper functioning of the enterprise.

It is true that an on-site dwelling would assist with site security. Planning Policy Statement 7 indicates that security can add weight to a case for functional need, but cannot, alone, justify a dwelling. The applicant has suffered break-ins in the past and the police have suggested that a dwelling on-site would help with security – however, your officer's consider that they would be unlikely to say anything else. It should also be noted that these break-ins have occurred whilst there has been an (unauthorised) dwelling on the site, so the dwelling is clearly not preventing criminal activity. Furthermore, the proposed siting of the dwelling would be further from the existing industrial buildings than the existing, so its effectiveness at preventing criminal activity at the existing buildings is questioned. It must also be noted that the dwelling is required (allegedly) for the functional needs of the charcoal manufacturing business. It is considered that theft of the waste timber/kilns is relatively unlikely and it is not considered that an on-site dwelling is required for the security of this business.

The second element of the reason for refusal related to the applicants intent to develop the enterprise. There is a history of unauthorised residential occupation of this site, with the applicant continually frustrating the Council's attempts to cease occupation, through what could be considered to be 'delaying tactics' and this contributed your officer's concern in respect of the previous application.

The applicant's agent has pleaded that this application be determined solely on its own merits, based on a simple assessment of the functional need. Evidence of the applicant's investment to date has now been submitted and is in the form of kilns, site security, hard surfacing and a log processing machine. The proposed construction of the storage building (and the fact that permission is sought for it in this application) is further evidence of intent to develop the enterprise, and it is accepted that this is similar to the amount of 'intent' that would usually be accepted for a new agricultural enterprise.

However, the planning history of the site remains a material consideration. In assessing the previous application, your officers were concerned that the applicant's intention is not a genuine business proposal, rather, it is a contrived proposal in order to facilitate residential occupation on the site. The planning history provides clear evidence of the applicant's desire to live on site and has previously failed to convince the Council and an appeal Inspector in the past that he has a genuine functional need. Subsequent to this, he has continually frustrated the Council's requests to comply with the enforcement notice, repeatedly advising that he will vacate shortly. Such behaviour continued until September 2010 (nearly 12 months since the enforcement notice became effective), when the applicant was advised to remove the mobile home by 29<sup>th</sup> October or else face prosecution action. It was subsequent to this that applicant first advised the Council of his new proposals to manufacture charcoal. There were then further delays in lodging the initial application, and following refusal of the previous application in January, it took repeated further threats of prosecution and a further 5 months to submit a new planning application. Such behaviour is considered to be an indication of his realisation that he would have no choice to leave or face prosecution action, rather than a firm intention to develop a new business.

PPS7, Annex A states quite clearly at paragraph 5 that "In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the [site] to establish the recent pattern of use of land and buildings...". Attributing significant weight to the planning history is, therefore, considered to be entirely justified.

### *Flood Risk*

Subsequent to the previous refusal, the applicant has challenged the classification of the site as flood zone 3. The Environment Agency has now accepted that the site is, in fact, within flood zone 2 and that the proposed mobile home is compatible with this designation, in accordance with PPS25.

PPS25 still requires that the sequential test is passed, i.e. the Local Planning Authority must be satisfied that there is no other suitable site at a lower risk of flooding. Clearly, if there is no functional need for a dwelling on this site, then there is plenty of other land within the Taunton Deane Borough in which to site a dwelling,

which is at lower risk of flooding. However, if the functional need is accepted, then this would be the most suitable location at the Fideoak Mill site, in terms of flood risk.

If this position is accepted, then the real reason for refusal of the application is the lack of functional need and the flood risk argument is rather secondary to this. In this context, it is considered meaningless to refuse permission on the basis of flood risk, so taking a pragmatic view, it is considered that the second reason for refusal is overcome.

## **Conclusions**

The site is within the open countryside where new development must be strictly controlled. That said, the provision of a new, ancillary, storage building for an authorised operation of the site is considered to be acceptable, encouraging the business to grow and develop. The residential occupation of the site, however, is not considered to be justified or necessary for the business to succeed.

There has been considerable support for the application, albeit that three quarters of it is on standard copy letters. The representation in support, however, focus on the need to allow local businesses to develop in these difficult economic times and your officers do not intend to frustrate this. It is the provision of the storage building that will allow the enterprise to develop, not the proposed residential occupation, and there is no objection to that building. Indeed, if a separate application were made for the storage building, then your officers would likely recommend it for permission; however, that proposal is currently subject to the same application as the unacceptable temporary dwelling. The application is, therefore, recommended for refusal.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr M Bale Tel: 01823 356454**

05/11/0026

PERSIMMON HOMES (SW) LTD

**VARIATION OF CONDITION 1 PERTAINING TO THE SCHEDULE OF APPROVED DRAWINGS TO APPLICATION 05/11/0016 FOR 7 HOUSE PLOTS ON PHASE 1, MINOR CHANGES TO MATERIALS, AT LAND WEST OF BISHOPS HULL ROAD, BISHOPS HULL**

Grid Reference: 320198.124243

Removal or Variation of Condition(s)

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal of planning permission subject to no further comments raising new issues by 21st July for the following reason:

- 1 The proposed design changes by reason of the half timbered design and tile hanging are considered out of character with the area and do not add to local distinctiveness and are considered contrary to policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review, policy S2(A) of the Taunton Deane Local Plan and advice within the Taunton Deane Design Guide.

(2) Should permission be refused enforcement action be authorised to secure removal of the tile hanging and half timber detail from the relevant plots and revert them to their approved materials under application 05/11/0016.

**RECOMMENDED CONDITION(S) (if applicable)**

Notes for compliance

**PROPOSAL**

The proposal is to vary the condition 1 of the recent approval of materials for Phase 1, plots 1-54 under permission 05/11/0016. The proposal intends to change the materials on 7 plots and involves rustic red tile hanging on plots 1, 20, 24 and 54 and half timber/herringbone brick detail on plots 3,13 and 41. This alters 7 of the red brick properties previously approved.

**SITE DESCRIPTION AND HISTORY**

The site lies on the western side of Bishops Hull village and is bounded by residential development to the north and south and Bishops Hull Road and housing to the east with fields to the west.

Outline permission 05/07/0057 was approved subject to a Section 106 legal agreement in May 2010. The access into the site from Bishops Hull Road was not a

reserved matter and was approved as part of the outline.

Reserved matters 05/10/0014 was approved by Members earlier this year in February 2011 and was for the erection of 171 dwellings and included details of the materials for the plots.

A revision to the materials for Phase 1, application 05/11/0016 was recently considered by Members and approved following deletion of plots with half-hips, half timber and tile hanging.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*BISHOPS HULL PARISH COUNCIL* - comments awaited

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations.

### **Representations**

3 letters of objection raising the following points

- the facings will be out of character and with distinctiveness of other buildings in Bishops Hull,
- the Committee previously rejected half timbering and tile hanging,
- the tile hanging and half timbering is out of character with local vernacular,
- there is no justification for use of these features on a sensitive site at the entrance to the village and conflicts with the developer's original design statement.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS 1 SUPP - Planning and Climate Change,  
PPS3 - Housing,  
STR1 - Sustainable Development,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The issue for consideration with the changes to the materials is one of design. The detailed application for housing on this site was accompanied by a design statement and this originally identified 4 separate materials for house walls and two roofing materials. The limited palette of materials was identified as helping to create an area of identifiable character. Members agreed at the meeting on 25th May that a flint front to certain plots and a plain red roof tile could be used. While it was considered that these individual changes to the limited palette of materials would be acceptable the question is whether now the additional proposed changes go too far and would adversely affect the character and distinctiveness of the area.

Members previously considered the addition of the half timbered detail and tile

hanging on plots and agreed that there were unacceptable and should be deleted from the previous application.

The introduction of timber detailing on the upper floor of 3 plots with a red herringbone infill is not a local vernacular feature. While there are some painted timber detailing within the gables of older dwellings at Stonegallows on the A38, this does not extend the whole of the upper floor. A group of 4 properties at Haydon Close have timber detailing to the first floor, however that is a modern development approved in 1988 not in keeping with the area and is not considered grounds to introduce further examples. The Taunton Deane Design Guide advises against the display of a pot-pourri of past architectural styles and strongly discourages half timber detailing where new house building is concerned. In light of this the proposed timber/brick detailing is not considered acceptable.

A further proposed change is the introduction of tile hanging on 4 plots. This involves a red rustic plain tile from above ground floor window level to eaves level and largely on the frontage only with a small side return of around a metre. Examples of tile hanging at Farrant Close and on the side of dormers were previously quoted by the developer, however these are not representative of what is proposed. Although officers did not previously raise an objection to the tile hanging, Members of the Planning Committee considered that they were not in keeping with the vernacular character of the area and resolved that permission only be granted subject to the removal of that element. This is a clear material consideration that has resulted in the recommendation to refuse planning permission.

In summary this application is the resubmission of half timber and tile hanging, details of design that were previously considered by Members and found to be unacceptable and were deleted from the previous approval. The changes now proposed would affect the red brick properties previously approved weakening this element of the design mix. In light of the previous consideration by Members the application is recommended for refusal.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**

SOUTH WEST STORAGE

**TEMPORARY CHANGE OF USE OF LAND TO (B8) COMMERCIAL USAGE TO SITE 17 CONTAINER STORAGE UNITS, CULMHEAD BUSINESS PARK, CHURCHSTANTON**

Grid Reference: 320857.115169

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The proposed development site is located in designated Open Countryside within the Blackdown Hills Area of Outstanding Natural Beauty, outside the confines of any recognised development boundary limits, remote from services, and public transport and is considered in transport terms, an unsustainable location. The users of the development are likely to be reliant on the private car and there will therefore be an increase on the reliance on the private motor car and such fostering of growth in the need to travel would be contrary to government advice given in Planning Policy Statement - Planning and Climate Change -Supplement to Planning Policy Statement 1, Planning Policy Statement 7, Planning Policy Guidance Note 13, and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan.

Notes for compliance

1. The AONB Partnership has prepared an light pollution information sheet for businesses and organisations which is available at <http://www.blackdownhillsaonb.org.uk/modules/documents/documents/lightpoll-ORG.pdf>  
Such advice should be taken into account should the applicant or agent wish to submit further applications.

**PROPOSAL**

The proposal is to install 17 secure units/containers measuring 6.5m by 2.4m by 2.4m within an existing secure area. A separate customer parking turning area is shown to the east. The application was accompanied by 5 letters of support based on need to expand the number of local businesses.

**SITE DESCRIPTION AND HISTORY**

The site is within the former airfield at Culmhead, which is now the Business Centre with its access from the adjacent main road, which runs past the site. The application site for the storage of 17 containers is within the secure fenced area, the proposed customer parking and turning area is outside the secure area. The whole site is to the north of the gatehouse and is hard surfaced. Two storey office buildings are sited to the southwest of the site.

History - In 2008 an application for two-storey offices was refused on the basis of being outside settlement limits in open countryside where new development is strictly controlled, precedent, in AONB, no proven need and contrary to EN10.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*CHURCHSTANTON PARISH COUNCIL* - fully supports the granting of permission with the added provision of natural screening to shield the site from the highway.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposed development site is located outside of any development limit and therefore remote from any urban area and is considered in transport terms, an unsustainable location. As a consequence, users of the new development are likely to be dependent on private vehicles and such fostering of growth in the need to travel would be contrary to government advice, and should be refused.

In detail the proposal seeks a change of use of an existing piece of land which does not appear to have any use class in its own right or traffic generation, and be this a temporary or permanent use the sustainability issues are the same. The proposal will clearly result in an increase in traffic over and above what exists in this location currently. It is considered by the Highway Authority that if granted consent a precedent will be set for further development in this unsustainable location.

Whilst it may be a local person applying to have the business in this location, the nature of the business would mean that people will be travelling from outside of the local area to utilise the site, hence the fostering of growth in the need to travel.

Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the re-use and/or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

In terms of the detail I am satisfied that on site parking and turning can be provided within the site commensurate with the use and if granted a condition should be imposed to ensure it is provided and maintained in perpetuity.

It should be noted that there have been two personal injury accidents with regard to vehicles turning into this site from the adjoining classified/unnumbered highway. This is a fast stretch of highway (national speed limit of 60mph), which does not benefit from a right turn lane to benefit users utilising this development.

*ECONOMIC DEVELOPMENT* - I would be swayed by the views of the main business on Culmhead Business Park, namely Property Consortium UK, who are a prestigious and expanding business, employing around 100 people. The siting of the storage units might be perceived to have a detrimental impact on the setting and view of their property. I note from your file, however, that PCUK has no negative comment to make on the proposal, and would therefore be similarly disposed to not object to the application. If permission is to be granted I would, however, request that the storage units are sited and screened to minimise their visual impact on PCUK and the other businesses in that area.

*LANDSCAPE LEAD* - limited landscape impact although I would prefer to see containers painted mid/dark grey rather than green.

*BLACKDOWN HILLS AONB SERVICE* - The location of these containers within the existing fenced area of the business park limits the impact on the AONB and special qualities of the area. Nonetheless, if the planning authority is minded to approve this application the AONB Partnership would like to see the exact siting conditioned as per the plans, i.e. on the part of the application site nearest to the buildings, to prevent visual sprawl. The colour of the containers will also be an important factor. Security lighting is referred to in the application, but no details are indicated. There is already a considerable amount of lighting at Culmhead Business Park, which detracts from the dark skies of the AONB, and further clarification of lighting requirements should be sought. Any additional security lighting should be suitably designed, sited and angled to avoid further light pollution.

*STRATEGY LEAD* - In principle we would not object to the application as long as the containers are within the area defined in the Local Plan for employment use at the Disused Airfield at Culmhead and adequately screened from the highway. The red line boundary identifies an area outside of this designation for proposed customer parking and turning area. The Strategy Unit would not support the siting of containers or, as shown, customer parking, outside the employment allocation boundary (Local Plan Policy EC5) because this would fall within an AONB.

## **Representations**

Former Ward Councillor John Thorne.

As the Blackdown ward councillor, I support this application. I have met the applicants and discussed their plans and I have also visited the proposed site and toured the wider business park location. Provision of a business support service as proposed by the applicants will help to sustain local businesses who otherwise have to travel some distance to access such storage facilities. This must be beneficial to them in terms of reducing their costs, and also beneficial to the environment of the Blackdown Hills by reducing carbon emissions and vehicular traffic. It should also help local businesses to thrive and perhaps help to create future local employment opportunities as they do so.

The location at the Culmhead Business Park is suitable, as it has adequate road access and is remote from any residential properties, so there are no visual or noise issues to be considered. I'm aware that during some preliminary discussions, the planning department may have intimated to the applicants that the site would not be suitable because of its visual impact on the surrounding Area of Outstanding Natural Beauty. If such a comment was made, then I find that to be a ludicrous statement. The applicants propose to site their storage units inside an existing secure compound, which is entirely surrounded by metal fencing of approximately 15 feet in height and topped with razor wire. Putting storage units inside such a compound cannot possibly create any further visual impact. I understand the applicants are even prepared to attach further screening material to the fencing if it was considered that visitors to the business park may see the container units through the fencing. In any case, when I visited the site, I noted that there are already three similar size container units sited on the ground inside the business park to the rear the compound, and which do not have any screening around them at all. I note that the application is already at this early stage attracting support from local residents and businesses. I trust that the application will be approved.

No representations received as a result of the Local Planning Authority Consultation, but 5 letters in support accompanied the application.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS 1 SUPP - Planning and Climate Change,  
PPS4 - Planning for Sustainable Economic Growth,  
PPS7 - Sustainable Development in Rural Areas,  
STR1 - Sustainable Development,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
EC7 - TDBCLP - Rural Employment Proposals,  
EN10 - TDBCLP - Areas of Outstanding Natural Beauty,  
EN12 - TDBCLP - Landscape Character Areas,  
EN21 - TDBCLP - Nationally Important Archaeological Remains,  
EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importance,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is in open countryside in the Blackdown Hills Area of Outstanding Natural Beauty, and whilst it is adjacent to an established employment area, it is removed from all services and amenities. The Policies relating to Areas of Outstanding Natural Beauty designation have regard to the priority to preserving and enhancing the natural beauty. The PPS7 objectives include the need to promote more sustainable patterns of development, focusing most development in, or next, to existing towns and villages, and to raise the quality of life and the environment in rural areas through the promotion of good quality, sustainable development that respects the intrinsic qualities of the countryside, and the continued protection of the open countryside for the benefit of all, with the highest level of protection for the most valued landscapes. The Taunton Deane Local Plan Policy EC5 specifically applied to the disused airfield, however this policy was not saved as part of the review of the Local Plan. This policy had included restrictions on uses to exclude B8 (Storage or Distribution) and to avoid outside storage or working, improve vehicular access and public transport, provide screening and landscaping, and having no increase in overall floorspace. Whilst this policy itself has not been saved, the philosophy behind the policy is still considered relevant.

Letters of support submitted with the application comment that extra employment would be generated, the use would not be visually intrusive, the site is well screened, that some containers are already on site as storage for existing businesses and the site is well located for local businesses. It is considered that the potential for additional employment is marginal, the proposal being for one full time and 2 part time employees, the site is some distance from the main road, there is some roadside screening, any existing containers relate to existing businesses' needs. In terms of the 'need' for such service, existing rural buildings/sites such as barns or farmyards could be used for storage purposes, subject to the necessary permission. It is not considered that the limited economic benefit outweighs the issue of the unsustainable location.

The site is within the AONB and usually visual impact is a critical factor and often results in unacceptable proposals, however on this occasion it is not considered that

this proposal will result in an undesirable development due to the nature of this area which is part of the plateau, and views and any visual impact of the site are limited. In regard to the need to consider the economic benefits of the proposal, this is not an expansion of an existing business, it is a use which could be operated within a range of existing outbuildings, unused barns or farm complexes, which are suitable for storage use. It is not considered appropriate to commence storage in containers at this site in designated open countryside.

The proposal to place containers on the existing surfaced area will not have any impact on the County Archaeological Site, and this is not therefore considered an issue in the determination of the application.

The County Highway Authority has identified that the proposal will clearly result in an increase in traffic over and above that which exists in this location currently, and a precedent will be set for further development in this unsustainable location. The application suggests that the containers will be used by local businesses and individuals within a 10 mile radius, however there is no way that this can be guaranteed. Users of the facility will have to use private vehicles to access the site and will have to travel some distance to access the site. It is not considered that the site is appropriate for the storage of 17 containers, having regard to the traffic generation in the designated open countryside. Whilst the actual traffic generation is not given in the application, and may be relatively small, should the proposal be successful then traffic generation could be more significant on a road which the County Highway Authority has identified as having had two personal injury accidents. Any increase in traffic to a site within the open countryside is contrary to policy, specifically PPS1, PPS7, PPG13, Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Ms K Marlow Tel: 01823 356460**

43/11/0052

MR & MRS CADDICK

## **ERECTION OF DWELLING AT 50 BRENDON ROAD, WELLINGTON**

Grid Reference: 313633.121101

Full Planning Permission

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### **RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval for the following reason:

The proposal is considered not to have a detrimental impact upon visual or residential amenity or the highway network and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 and S2 or M4.

### **RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A1) DrNo 1311\_01 Proposed Plans and Elevations

(A4) DrNo 1311\_02 Location Plan

(A4) DrNo 1311\_03 Block Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

Notes for compliance

### **SITE DESCRIPTION AND HISTORY**

The site comprises the side garden of an existing semi-detached dwelling, 50 Brendon Road. The existing pair of dwellings occupies a corner plot and faces southeast such that it is facing the highway as one travels north up Brendon Road and, therefore, have a prominent position in the street scene. The side garden is currently laid to lawn and is surrounded by a brick wall. The existing dwelling has a

parking space to the rear, accessed from a shared, private road that serves the rear of all properties on Brendon and Quantock Road. The dwellings in the area are generally uniform in design and appearance, with semi-detached being the prevailing pattern. However, there are some short terraces, including one formed from a former pair of semi-detached dwellings around the corner at 45 Brendon Road.

## **PROPOSAL**

This application seeks full planning permission for the erection of a new dwelling in the existing side garden of 50 Brendon Road. It would be added to the side of the existing pair of semi-detached dwellings, such that it formed a terrace of 3. A hipped roof would be provided on the new end wall and a chimney added at the join of the properties, mimicking those on existing dwellings. A single storey lean-to projection would be added to the rear.

Parking would be provided in a bank of 3 spaces to the rear, accessed from the existing private lane.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* – Awaited, however, at pre-application stage, the Local Highway Authority commented that there was no objection in principle. 4 bedroom dwellings should provide 3 car spaces. It would appear that the houses in the area were designed with access and parking areas located to the rear, via a private (un-adopted) access road. It was noted that there is a 'no entry' sign located at the access point nearest to this development, however, it should be noted that this is a private lane and is not the subject of any Traffic Regulation Order that would legally prevent drivers from entering the access at the point marked by the 'no entry sign'.

An additional dwelling in this location, deriving access from/onto this lane and its associated junctions is unlikely to result in a significant increase in traffic over and above what could occur currently. However, it was noted that visibility for vehicles emerging to see and be seen is obstructed by the hedge located in the garden of no 50 Brendon Road. Therefore, in the event of an application being made, would seek that improvements are made in respect of visibility in the interest of highway safety for users of this lane when emerging onto Quantock Road.

*WELLINGTON TOWN COUNCIL* – No objection.

### **Representations**

None.

## **PLANNING POLICIES**

W1 - TDBCLP - Extent of Wellington,  
STR2 - Towns,  
STR4 - Development in Towns,  
S1 - TDBCLP - General Requirements,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within the settlement limit of Wellington and the development is, therefore, considered to be acceptable in principle. The main issues in the consideration of this application are the impact on the character and appearance of the area, the impact on residential amenity and the impact on highway safety.

### Character and appearance of the area

As noted above, the area is characterised by generally uniform dwellings in a spacious semi-detached layout. However, there are examples of short terraces, including one resulting from an almost identical proposal to the current application, permitted last year.

This application site is in a prominent location on Brendon Road, being on a corner plot at the junction with Quantock Road and facing down Brendon Road when viewed by traffic approaching from the south. However, it can be seen that there is sufficient space within the plot to accommodate the dwelling and it is considered that the matching design would generally preserve the character of the area. The building line of the existing dwellings would be preserved and the proposed dwelling would not extend significantly past the established building line of Quantock Road. Given the contrary orientation of the proposed dwelling to the neighbouring dwellings in Quantock Road, this alignment is considered to be acceptable.

### Residential amenity

The proposed dwelling would add further windows facing 1 Quantock Road to the rear. The first floor windows would be 12 metres from the boundary, although they would face the gable end of 1 Quantock Road and would not result in any overlooking of the dwelling. In terms of the garden areas of 1 Quantock Road, any overlooking would be from the same plane as the existing 50 Brendon Road and is not considered to be harmful. Due to the location on the corner plot, there would not be any undue overlooking of any other neighbouring properties.

The proposal would result in a loss of amenity space to 50 Brendon Road. However, the front garden has been enclosed by high hedges and this provides a further private garden area, in addition to the small area including the car parking area to the rear. Accordingly, it is considered that sufficient private amenity space is retained for the existing, and proposed for the new dwellings.

### Highway safety

The proposal seeks to provide access from the rear, off the existing private road. The hedges referred to by the Highway Authority in their pre-application consultation have now been removed and, so, do not obstruct visibility. It is considered that any increase in traffic over this lane, which serves a considerable number of existing dwellings, would not be significant. Therefore, there would not be any harm to highway safety.

With regard to the above, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr M Bale Tel: 01823 356454**

49/11/0028

MR LAWREY

**VARIATION OF CONDITION NO. 1 OF PLANNING PERMISSION 49/09/0014 TO BE RE-WORDED TO "THE LOG CABIN HEREBY PERMITTED SHALL BE REMOVED AND LAND RESTORED TO ITS FORMER CONDITION ON OR BEFORE 30TH JUNE 2014" FOR FOOTLANDS FARM, LANGLEY MARSH, WIVELISCOMBE**

Grid Reference: 308904.128718

Removal or Variation of Condition(s)

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Temporary Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity and it is considered to be reasonable and justified to permit the use of the log cabin for a temporary period whilst works to convert The Granary are implemented and carried out. The proposal is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) S7 (Outside Settlements) and EN12 (Landscape Character Areas).

**RECOMMENDED CONDITION(S) (if applicable)**

1. The log cabin hereby permitted shall be removed and the land restored to its former condition on or before 26th January 2013 in accordance with a scheme of work that shall be submitted to and approved by the Local Planning Authority prior to those approved works being carried out.

Reason: The building is located outside of any defined settlement limit and is remote from adequate service and facilities provision, and would therefore be contrary to national and local planning policy were an application made for a new and permanent residential dwelling. The temporary time period provides for adequate time during which works to convert the former agricultural building can be implemented after which the LPA will be able to review the occupation of the log cabin in accordance with statutory development plan policies at that time.

Notes for compliance

**PROPOSAL**

The application seeks the variation of condition 1 of planning permission 49/09/0014

to allow the occupation of a log cabin for an additional three years whilst the owner and occupants carry out and complete conversion works to The Granary on land formerly associated to Lower Grants Farm. It is proposed to extend the temporary time limit for an additional three years until June 30th 2014.

The application is before the councils Planning Committee virtue of the agent being related to a member of staff.

## **SITE DESCRIPTION AND HISTORY**

Footlands Farm is a small rural holding located on the outskirts of Ford, a small rural hamlet to the north of Wiveliscombe. The site comprises a former granary building that is awaiting conversion to a three bed dwelling house, a large portal frame agricultural building and the subject building, a log cabin that has been occupied since early 2009. The log cabin provides accommodation for the applicant, his wife and young child whilst works to convert The Granary are carried out. Temporary permission was granted under planning reference 49/09/0014 for a two year occupation of the log cabin up until 10th June 2011.

Planning permission and listed building consent is in place to convert The Granary to a three bedroom dwelling under planning reference 49/09/0054 and 0055LB; these applications were approved on 26th January 2010 and 22nd January 2010 respectively with three year commencement conditions.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - Given that the proposals would not likely result in an increase in vehicle movements to the site, nor would it have a detrimental effect on the existing highway network, there is no objection to this proposal.

*WIVELISCOMBE PARISH COUNCIL* - Support the extension of time given that works have not been carried out.

### **Representations**

None received.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
PPS1 - Delivering Sustainable Development,  
PPS3 - Housing,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issue that requires consideration is whether there is any justification to support the continued occupation of the log cabin at Footlands Farm as an

independent dwelling, given the unsustainable location of the site where planning policy would not normally support proposals for new residential development.

The application seeks planning permission to extend the time period for which a log cabin at Footlands Farm can be occupied by the owner whilst works to convert The Granary are undertaken. The applicant Mr Lawrey, together with his family will be undertaking the vast amount of works involved in the conversion of the building and therefore they could, if so minded, take up residence on site within a mobile home whilst works are on going. The existing log cabin does not conform with the definition of a 'mobile home' as set out within The Caravan Sites and Control of Development Act 1960 and as a result, when brought to the councils attention in 2009, a planning application was submitted to the LPA and subsequently approved for the occupation of the log cabin whilst works were commenced and the adjacent granary building converted to a dwelling house. The current temporary permission has now expired and whilst it is noted that a septic tank system has been installed at the site, the existing planning application to convert The Granary has not been implemented. It was previously considered that a two year temporary time period was sufficient to allow works to commence and to be substantially completed, however it was subsequently necessary for the applicant to submit amended planning and listed building consent applications to the LPA. This, together with some difficulties caused by the presence of bats within the building and the associated constraints placed upon works have caused delay in the implementation and commencement of the conversion scheme.

The agent has verbally informed me that a Natural England bat license is currently being dealt with and that instructions are in place to produce building regulation details so to commence development in September/October of this year. The most recent application for the conversion of The Granary (49/09/0054) expires on 26th January 2013 after which if not implemented there can be no guarantee that a further permission to convert the agricultural building to a residential use will be permitted, particularly given the change in direction and policy interpretation that has occurred since the previous application(s) were approved.

It is important to note that a residential use on the site has been accepted with regard to the barn conversion and it is also important to consider the fall back position available to the applicant, such as the ability to occupy a mobile home on site, were it considered necessary to remove the log cabin. The existing building has been accepted previously as not detrimentally affecting the landscape character of the area and over the past two years, weathering of the building has further reduced its visual impact. The application seeks an additional three year occupation of the building, however in light of the fact that development to convert the former granary building is yet to commence it is considered more appropriate to limit the occupation of the log cabin for a temporary period that will coincide with the expiration of planning permission 49/09/0054. In doing so, it will ensure that the occupation of the log cabin will not extend beyond the three year time period that was originally granted to convert the granary to a dwelling house.

Having regard to the above considerations and the intent of the applicant to commence development for the conversion of the granary later this year it is recommended that planning permission be granted to allow the occupation of the log cabin until 26th January 2013. The use of the log cabin will not give rise to any additional harm to highway safety or result in an increase in vehicular trips to and from the site above the residential use approved for the conversion of the granary to

a dwelling. Further, if works to convert the granary have not commenced by the specified date and if any future application to extend the time period for implementation is unsuccessful, the occupation of the log cabin will cease and its removal from the land be required.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr R Williams Tel: 01823 356469**

E/0183/46/11

**DISPLAY OF ADVERTISEMENT ON TRAILER FOR DAVID WILSON HOMES AT FIELD NO 8800 ST 1719 OFF FIVE CROSS WAY ADJACENT TO M5 MOTORWAY NEAR JUNCTION 26, WEST BUCKLAND.**

**OCCUPIER:** ALTERNATIVE ADVERTISING LTD ACTING FOR DAVID WILSON HOMES

**OWNER:** MR RICHARD LEITNER, MILLERS FARM, WEST BUCKLAND, WELLINGTON, SOMERSET, TA21 9LE

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## **PURPOSE OF REPORT**

To consider whether it is expedient to instigate prosecution proceedings in respect of the unauthorised advertisement in order to secure its removal.

## **RECOMMENDATION**

The Solicitor to the Council be authorised to commence Prosecution proceedings in respect of the unauthorised advertisement.

## **SITE DESCRIPTION**

The site comprises an agricultural field on the southern side of the motorway between Junction 26 and Taunton Deane Services. The field is accessed off Five Cross Way and is about 150 metres to the west of Millers Farm.

## **BACKGROUND**

The sign was noticed on 29th June 2011 and brought to the attention of the Enforcement Officer. Contact was made with David Wilson Homes who benefit from the advertisement and they advised that they would contact the advertising agency they used (Alternative Advertising). Alternative Advertising then contacted the office and advised they could not move the sign until later due to other commitments.

The owner of the land, Alternative Advertising and David Wilson Homes were advised that the sign was unauthorised and should be removed in order to avoid Prosecution Action being taken. To date the sign continues to be displayed.

## **DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

The advertisement comprises a large sign on a trailer advertising homes for sale by David Wilson Homes. It is not on a construction site where some types of sign benefit from deemed consent (subject to size restrictions). No application has been submitted and the sign does not benefit from express consent.

The display of an advertisement without consent is contrary to Section 224 of the Town and Country Planning Act 1990. It is an offence to display such advertisements in contravention of the Regulations, which is triable in the Magistrates Court with each sign or poster a separate offence. This applies to the owner or occupier of the land on which the unauthorised advertisement is displayed or anyone who has derived benefit from its display.

## **RELEVANT PLANNING HISTORY**

None

## **RELEVANT PLANNING POLICES**

### National Policy, Guidance or Legislation

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

Circular 03/07 - The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

### Taunton Deane Local Plan 2004

EC26 – Outdoor Advertisements and Signs

## **DETERMINING ISSUES AND CONSIDERATIONS**

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state that control over advertisements should be exercised in the interest of amenity and public safety.

The sign by virtue of its siting in a prominent position adjacent to the M5 motorway represents an unnecessary commercial intrusion into open countryside that results in demonstrable harm to the visual appearance of the area.

It is considered that the purpose of the sign is to attract the attention of those travelling in vehicles along the Motorway and therefore likely to distract drivers attention from the road ahead. This could give rise to an adverse impact on public safety.

The sign therefore is considered to be contrary to Policy EC26 of the Taunton Deane Local Plan and advice in PPG19

**In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998**

CONTACT OFFICER: Mrs A Dunford Tel: 01823 356479

## **Planning Committee – 20 July 2011**

Present:- Councillor Bishop (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Brooks, Denington, Govier, C Hill,  
Mrs Hill, Miss James, Mrs Messenger, Morrell, Mrs Reed, Mrs Smith,  
Watson, A Wedderkopp, D Wedderkopp and Wren

Officers:- Mr T Burton (Growth and Development Manager), Mr B Kitching  
(Development Management Lead), Mr M Bale (West Area Co-ordinator),  
Mr G Clifford (East Area Co-ordinator), Mr A Pick (Major Applications Co-  
ordinator), Mrs J Jackson (Legal Services Manager) and Ms M Casey  
(Planning and Litigation Solicitor)

Also present: Councillors Mrs Govier and Hunt in connection with application No  
21/11/0004 and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### **62. Apology/Substitution**

Apology: Councillor Tooze

Substitution: Councillor Brooks

### **63. Declarations of Interest**

Councillors Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Watson declared a personal interest as an alternate Director of Southwest One. Councillors Mrs Hill and Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Wren declared a personal interest as an employee of Natural England. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillor Govier declared that he had spoken against application No 21/11/0004 and had fettered his discretion. He addressed the Committee then left the meeting and did not vote in respect of the application. Councillors Bowrah and Mrs Reed declared that application No 21/11/0004 had been discussed at Wellington Town Council. However, they did not consider they had fettered their discretion. Councillor Wren declared a personal interest in application No 21/11/0004 as he had been Clerk to Milverton Parish Council when the item had been considered. Councillors Bowrah, Govier and Mrs Reed declared personal interests in application No 43/11/0052 as members of Wellington Town Council. Councillor Bishop declared that he had attended a parish council meeting where Agenda item 11 had been discussed. However, he did not consider that he had fettered his discretion.

### **64. Applications for Planning Permission**

The Committee received the report of the Growth and Development Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

That **planning permission be granted** for the under-mentioned developments:-

**05/11/0019**

**Change of use of land to site a mobile home and erection of storage building at Fideoak Mills, Upcott Road, Bishop's Hull (amended scheme to 05/10/0038)**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The residential use of the site shall cease and the mobile home hereby permitted shall be removed and the land restored to its former condition on or before 21 July 2014 in accordance with a scheme of work that shall be submitted to, and approved in writing by, the Local Planning Authority prior to those approved works being carried out;
- (c) The occupation of the mobile home shall be limited to a person solely or mainly working in the manufacture of charcoal at Fideoak Mill, or a widow or widower of such a person, and to any resident dependants;
- (d) The mobile home hereby permitted shall not be occupied until the storage building has been erected and is capable of use;
- (e) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (1) to (3) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (4) has been complied with in relation to that contamination.
  - (a) Site Characterisation - an investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:- (i) the collection and interpretation of relevant information to form a conceptual model of the site and a preliminary risk assessment of all the likely pollutant linkages; (ii) if the preliminary risk assessment identifies any potentially significant pollutant linkages, a ground investigation shall be carried out to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants; (iii) an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; archaeological sites and ancient monuments. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

- (b) Submission of Remediation Scheme – if any unacceptable risks are identified as a result of the investigation and assessment referred to in (a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This shall detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and shall be subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.
- (c) Implementation of Approved Remediation Scheme - the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
- (d) Reporting of Unexpected Contamination - in the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section (a) and, where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of section (b), which is subject to the approval in writing of the Local Planning Authority.
- (e) Verification of remedial works - following completion of measures identified in the approved remediation scheme, a verification report (referred to in Planning Policy Statement 23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works. A statement shall also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved scheme have been carried out (the Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (b) above). The verification report and signed statement shall be subject to the approval in writing of the Local Planning Authority.
- (f) Long Term Monitoring and Maintenance - if a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved. All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance;
- (f) Prior to the commencement of the development hereby permitted, full details of the flood plain compensation scheme for the access road to be provided on a level-for-level basis shall have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completed and maintained in accordance with the approved plans;
- (g) Prior to the commencement of the development hereby permitted, a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full details of the pond and limit run-off rates to the greenfield rate. The submitted details shall clarify the

- intended future ownership and maintenance provision for all drainage works serving the site. The scheme shall subsequently be implemented in accordance with the approved details before the storage building is completed;
- (h) The storage building hereby permitted shall be used only for the storage of items in association with the charcoal burning activities being undertaken on the site.

(Note to applicant:- Applicant was advised to keep a detailed log of charcoal burning activities and separate accounts for the charcoal burning to support such an application if intending to submit a further application for residential development based upon the needs of the charcoal manufacturing enterprise in three years time).

### **Reason for granting planning permission:-**

On the basis of the information provided, the Local Planning Authority was satisfied that there was a functional need for a worker to be on site at most times to supervise the proposed charcoal manufacturing business. Permission was granted for the dwelling for a temporary period of time to enable the business to establish and prove that it was financially viable. It was, therefore, considered to be in accordance with guidance in Planning Policy Statement 7 Annex A and was acceptable as an exception to policies that sought to restrict development within the open countryside. The proposed storage building was considered to supplement the proposed businesses already operational on site and, subject to conditions, would not result in sporadic industrial development in the open countryside. The building was not considered to result in a detrimental appearance to the visual amenities of the rural area and, therefore, accorded with Policies S1, S2 and S7 of the Taunton Deane Local Plan.

### **Reason for granting planning permission contrary to the recommendation of the Growth and Development Manager:-**

Members considered that there was a functional need for a worker to be on site at all times.

**10/11/0010**

**Temporary change of use of land to (B8) commercial usage to site 17 container storage units, Culmhead Business Park, Churchstanton**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-  
(A4) Location Plan;  
(A3) Block Plan;  
(A3) X-Sections and View from North Aspect; and  
(A4) Drawing Side and end elevations;
- (c) Prior to the commencement of the use for storage, the containers shall be colour coated or painted in a grey colour to be agreed in writing by the Local Planning Authority;

(d) If the business use hereby granted ceases, the containers shall be removed from the site within six months;

(e) No additional lighting shall be erected on site without the need for a further planning application.

(Note to applicant:- Applicant was advised that the Area of Outstanding Natural Beauty Partnership has prepared a light pollution information sheet for businesses and organisations. Such advice should be taken into account if further applications are to be submitted).

#### **Reason for granting planning permission:-**

The existing business use and economic benefits of the proposal outweighed the other material planning considerations and would not be detrimental to the amenity of the area.

#### **Reason for granting planning permission contrary to the recommendation of the Growth and Development Manager:-**

Member considered that the existing business would not be detrimental to the amenity of the area.

**43/11/0052**

**Erection of dwelling at 50 Brendon Road, Wellington**

#### **Conditions**

(a) The development hereby permitted shall be begun within three years of the date of this permission;

(b) The development hereby permitted shall be carried out in accordance with the approved plans.

#### **Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon visual or residential amenity or the highway network and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 and S2 or M4.

**49/11/0028**

**Variation of Condition No 1 of planning permission 49/09/0014 to be reworded to "The log cabin hereby permitted shall be removed and land restored to its former condition on or before 30 June 2014" for Footlands Farm, Langley Marsh, Wiveliscombe**

#### **Condition**

The log cabin hereby permitted shall be removed and the land restored to its former condition on or before 26th January 2013 in accordance with a scheme of work that shall be submitted to and approved by the Local Planning Authority prior to those approved works being carried out.

### **Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon visual or residential amenity and it was considered to be reasonable and justified to permit the use of the log cabin for a temporary period whilst works to convert The Granary were implemented and carried out. The proposal was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) S7 (Outside Settlements) and EN12 (Landscape Character Areas).

### **65. Outline application for residential development with ancillary retail units, together with landscaping and means of access at land west of Milverton Road, Wellington (Langford Budville Parish) (21/11/0004)**

Reported this application.

**Resolved** that, subject to any additional consultee responses raising new issues being received by 26 July 2011 with regard to the revised ecological report and heritage statement, the Growth and Development Manager be authorised to refuse the application and amend the reasons for refusal accordingly (if applicable) in consultation with the Chairman or Vice-Chairman for the following reasons:-

#### **Reasons**

- (a) The proposal fails to meet the requirements of Planning Policy Statement 3 Paragraph 69 for the following reasons:-
  - (i) The site was in an unsustainable location, outside the settlement limits of Wellington, remote from the town centre and local services, primary school and community facilities, poorly served by public transport, has no traffic free pedestrian and cycle routes into the town and would increase reliance on the private motor car and foster growth in the need to travel. This was also considered to be contrary to advice given in Planning Policy Guidance 13, RPG10 and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan and Policies S1 and S7 of the Taunton Deane Local Plan;
  - (ii) It was contrary to the emerging Taunton Deane Core Strategy vision and key diagram which identify the River Tone as the natural boundary to the north of Wellington;
  - (iii) The elevated position of the proposed development would adversely affect the character of the rural landscape, the landscape setting of the approach route into Wellington, and the setting of the Tone Works grade II and II\* listed mill complex. The proposal was therefore contrary to Taunton Deane Local Plan Policies S1, S2, S7, EN12, W14 and Planning Policy Statements 1 and 5;
  - (iv) Milverton Road, Station Road, Waterloo Road and North Street, by reason of their restricted width, poor alignment and the sub-standard junction of North Street with High Street and Fore Street, were considered unsuitable to serve as a means of access to the proposed development from the wider highway network. The proposal was therefore also contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review;
- (b) The survey and assessment data submitted with the application was insufficient and the survey work was out of date. The site was being used by a number of

European Protected Species, protected under the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981(as amended). The Local Planning Authority has a legal duty (under Section 40(1) of the National Environment and Rural Communities Act 2006, Regulation 3(4) of the Conservation of Habitats and Species Regulations 2010 and Section 74 of the Countryside and Rights of Way Act 2000 to ensure that the potential impact of development on species and habitats of principal importance has been addressed. In this instance, based on the submitted information, the Local Planning Authority were not satisfied that the three Habitats Directive derogation tests have been met. As such, the Local Planning Authority were unable to make an informed assessment in order to discharge its duty under Regulation 9 (5) of the Habitats Directive. The proposal would therefore conflict with criteria of paragraph 69 of Planning Policy Statement 3 with regards to the environmental sustainability of the site and guidance contained within Planning Policy Statement 9;

- (c) There was no mechanism in place, and details have not been fully agreed, to secure community and infrastructure benefits and contributions required that were directly related to the development in respect of:- travel plan / public transport contributions; off-site highway works; education contributions to provide for 49 primary school places, 35 secondary school places and 7 pre-school places; public art provision; affordable housing; village hall; children's play space; off site-playing fields; allotments; drainage - SuDs – maintenance agreement. The application was therefore contrary to Taunton Deane Local Plan Policy S1, C4, and H9, Policy STR6, 39, 42 and 44 of the Somerset and Exmoor National Park Joint Structure Plan and the Council's Taunton Deane Public Art Code and Policy for 'The provision of Community Halls' document.

**66. Variation of Condition 1 pertaining to the schedule of approved drawings to application 05/11/0016 for seven house plots on Phase 1, minor changes to materials, at land west of Bishop's Hull Road, Bishop's Hull (05/11/0026)**

Reported this application.

**Resolved** that, subject to no further comments raising new issues being received by 21 July 2011, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman, and if the application was refused, the following reason be imposed:-

**Reason**

The proposed design changes by reason of the half timbered design and tile hanging were considered out of character with the area and did not add to local distinctiveness and were considered contrary to Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy S2(A) of the Taunton Deane Local Plan and advice within the Taunton Deane Design Guide.

**Also resolved** that should permission be refused, enforcement action be authorised to secure the removal of the tile hanging and half timber detail from the relevant plots and revert them to their approved materials under application 05/11/0016.

**67. Display of advertisement on a trailer for David Wilson Homes at Field No 8800 ST 1719 off Five Cross Way adjacent to M5 Motorway near Junction 26, West Buckland**

Reported that it had come to the Council's attention that an advertisement sign was being displayed on a trailer at Field No 8800 ST 1719 off Five Cross Way adjacent to M5 Motorway near Junction 26, West Buckland without the necessary advertisement consent being granted.

The owner of the sign had been contacted and requested to remove the unauthorised sign but, to date, the unauthorised sign remained in place.

**Resolved** that, subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings to remove the unauthorised sign.

**68. Exclusion of the Press and Public**

**Resolved** that the Press and Public be excluded from the meeting for the following item because the likelihood that exempt information would otherwise be disclosed relating to Clause 2 of Schedule 12(A) to the Local Government Act 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

**69. Schedule of Alleged Contraventions up to 30 June 2011**

Reported details of the Schedule of Alleged Contraventions for the first quarter of 2011 (April, May and June 2011). The Schedule provided details of the following information:-

1. Cases that were under investigation at the end of Quarter 1;
2. Cases that were closed during Quarter 1; and
3. Cases where formal enforcement action had been authorised with an update on the current situation as at end of Quarter 1.

**Resolved** that the report be noted.

(The meeting ended at 7.55 pm)

