



Planning Committee

You are requested to attend a meeting of the Planning Committee to be held in The Sports Hall, Blackbrook Pavilion Sports Centre, Blackbrook Way, Taunton on 17 April 2013 at 18:30.

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.
- 4 38/12/0203 - Outline Planning Permission with some matters reserved for the formation of access from Killams Drive and Avenue and for the development of up to 315 dwellings, up to 5 live/work units, 2 commercial start units (up to 50 square metres each), provision of land (up to 1.2 hectares) for a Primary School together with associated areas of open space (formal and informal), cycleways, footpaths and infrastructure at land off Killams, Taunton.
- 5 E/0044/43/13 - Siting of sales office on public open space at Cades Farm, Wellington.

Tonya Meers
Legal and Democratic Services Manager

15 May 2013

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 the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

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Planning Committee Members:-

Councillor B Nottrodt (Chairman)
Councillor S Coles (Vice-Chairman)
Councillor J Allgrove
Councillor C Bishop
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 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
- Employee of Somerset County Council – Councillor Mrs Hill
- Director of Southwest One – Councillor Nottrodt
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

SUMMERFIELD HOMES

OUTLINE PLANNING PERMISSION WITH SOME MATTERS RESERVED FOR THE FORMATION OF ACCESS FROM KILLAMS DRIVE AND AVENUE AND FOR THE DEVELOPMENT OF UP TO 315 DWELLINGS, UP TO 5 LIVE/WORK UNITS, 2 COMMERCIAL START UNITS (UP TO 50 SQUARE METRES EACH), PROVISION OF LAND (UP TO 1.2 HECTARES) FOR A PRIMARY SCHOOL TOGETHER WITH ASSOCIATED AREAS OF OPEN SPACE (FORMAL AND INFORMAL), CYCLEWAYS, FOOTPATHS AND INFRASTRUCTURE AT LAND OFF KILLAMS, TAUNTON

Grid Reference: 323445.122765

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval **subject to** the applicant entering into a Section 106 agreement to secure the following:

1. Affordable Housing
 - a. 25% of the dwellings to be affordable, of which
 - i. 60% social rented
 - ii. 40% intermediate.
2. Education
 - a. Transfer of site for primary school to Somerset County Council provided that, if the County Council determine that they do not wish to provide a school on site, it is returned to the applicant subject to payment of £772,191 towards the provision of additional primary school places elsewhere.
 - b. Payment of £831,105 towards the provision of additional secondary school places.
 - c. Payment of £110,313 towards the provision of pre-school places.
3. Highways
 - a. Implementation of an on-site travel plan or a contribution of £90,000 towards the same provision.
 - b. Implementation of Personalised Travel Planning across the South Taunton area or a contribution of £500,000 to achieve the same.
 - c. Contribution of £210,000 to provide improvements to cycle routes in the area.
4. Community leisure
 - a. Provision of public open space and children's play facilities on site, together with futurea. maintenance arrangements.
 - b. Provision of allotments on site

- c. Contribution of £1,118 per dwelling towards community hall provision in the area.

5. Public Art

- a. The integration of public art into the development, through the involvement of an artist in the detailed design process.

The proposed development would provide additional market and affordable housing contributing to the housing needs of Taunton and helping to achieve the housing targets of the Taunton Deane Core Strategy (TDCS). It is considered that the development would not cause any material harm the Vivary Green Wedge, which would continue to fulfil its stated objectives detailed in paragraph 3.110 of the TDCS. It is considered that the proposed development would not harm highway safety and, subject to the proposed mitigation, would have a neutral impact on the wider highway network. The development would not harm ecological interests, nor would it give rise to any increase in off-site flooding. The indicative details submitted with the application demonstrate that the development has been well conceived, following established urban design principles fitting for its urban fringe location. It would provide good quality children's play and recreational open space to meet the needs of its residents and would mitigate its impact on local schools. The site is in an accessible location in reasonably close proximity to employment, leisure and retail opportunities, all of which could be easily reached by means other than the private car. It is, therefore, considered to be sustainable development and any adverse impacts could not be seen to significantly and demonstrably outweigh the benefits arising from the development. It is considered that this consideration outweighs the conflict with Policy CP8 of the TDCS making the development acceptable, in accordance with Policies SD1 (Presumption in Favour of Sustainable Development), CP1 (Climate Change), CP4 (Housing), CP5 (Inclusive Communities), CP6 (Transport and Accessibility), CP7 (Infrastructure) and DM1 (General Requirements) of the Taunton Deane Core Strategy and guidance contained in the National Planning Policy Framework.

RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the layout, scale, appearance, and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters, for the first phase of development indicated on the plans hereby permitted, shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. Application for approval of the reserved matters for all subsequent phases shall be made to the Local Planning Authority not later than the expiration of six years from the date of this permission.

The development hereby permitted shall be begun, not later than the

expiration of two years from the final approval of the reserved matters for the phase to which it relates or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

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

(A4) DrNo Fig 1 Site Location Plan

(A0) DrNo 0338-2003 Rev D Land Use Plan

(A0) DrNo 0348-2009 Rev D Phasing Plan

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

3. Prior to any reserved matters approval, details of a foul and surface water drainage strategy shall be submitted to, and agreed in writing by, the Local Planning Authority. The surface water strategy shall be in accordance with the approved Flood Risk Assessment (prepared by Clarkebond and dated July 2012) and demonstrate through appropriate calculations that the surface water run-off generated from the development up to and including the 1 in 100 year critical storm with climate change will not exceed the run-off from the undeveloped site for the 1 in 2 year Greenfield rainfall event. The submitted information shall incorporate an assessment of the capacity and condition of the culvert on the Stockwell Stream under the access to Pool Farm. The strategy shall include a masterplan showing details of the phasing of surface water drainage infrastructure, attenuation requirements and run-off rates for each phase including source control measures. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure that foul drainage is adequately disposed of and to prevent and reduce flooding by ensuring that existing Greenfield rates and volumes are not increased through the adoption of multi-functional SuDs in accordance with NPPF paragraph 103 and Taunton Deane Adopted Core Strategy Policy CP8.

4. Details of all cycleway and footpath routes and connections for each phase of development shall be submitted to the Local Planning Authority for approval with any reserved matters applications relating to that phase. The details shall include a schedule for the timing of delivery of the footpaths and cycleways. The development shall be carried out in accordance with those approved plans and timetable and shall thereafter be maintained as such.

Reason: To ensure that the proposed footpaths and cycleways are delivered in the interests of promoting walking and cycling through the development in accordance with Policy CP6 of the Taunton Deane Core Strategy and the National Planning Policy Framework.

5. Details of all areas of public open space and children's play equipment for each phase of development shall be submitted to the Local Planning Authority for approval with any reserved matters applications relating to that phase. The details shall include a schedule for the timing of delivery of the open space and play areas. The development shall be carried out in accordance with those approved plans and timetable and shall thereafter be maintained as such.

Reason: To ensure the proper layout and delivery of the public open space and children's play facilities in accordance with retained Policy C4 of the Taunton Deane Local Plan.

6. Any reserved matters application for phase 3 of the development (as indicated on the phasing plan hereby permitted) shall include details of the southern access to Killams Avenue. The junction shall be laid out in accordance with the details approved pursuant to that application prior to the occupation of any dwellings within phase 3 and shall thereafter be maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the second point of access is provided in a manner that does not unacceptably increase flood risk to the existing highway network and at an appropriate stage in the development, in accordance with Policy DM1 and CP8 of the Taunton Deane Core Strategy and the National Planning Policy Framework.

7. Any reserved matters application for phase 3 of the development (as indicated on the phasing plan hereby permitted) shall include a thorough assessment of likely noise disturbance from the M5 motorway to dwellings within that phase and proposed mitigation measures. The mitigation measures approved pursuant to that application shall be implemented prior to the occupation of the dwellings to which they relate and shall thereafter be maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the new dwellings are not exposed to unacceptable levels of noise disturbance in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of the dwelling to which it relates.

Reason: To prevent and reduce flooding by ensuring that existing Greenfield rates and volumes are not increased through the adoption of multi-functional SuDs in accordance with NPPF paragraph 103 and Taunton Deane Adopted Core Strategy Policy CP8.

9. No works shall commence on land shown in Phase 3 on the approved Phasing Plan (prepared by Focus DP and dated April 2012 Ref: 0348-2009 Rev D) until full details of a flood compensation scheme have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be supported by hydraulic flood modelling and include details of maintenance access and responsibilities. The development shall thereafter be carried out in accordance with the details of the approved scheme.

Reason: To ensure that flooding is not increased on site and off site, and to promote amenity and enhance wildlife habitat at the Black Brook in accordance with NPPF Section 10 and Taunton Deane Adopted Core Strategy Policy CP8.

10. No dwelling shall be occupied on any land shown in Phase 3 on the approved Phasing Plan (prepared by Focus DP and dated April 2012 Ref: 0348-2009 Rev D) until a flood emergency plan for the development has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include the following:

- Details of safe routes for pedestrian and vehicles during a flood;
- The location and type of signage to ensure that occupiers are aware of appropriate routes and actions to take in the event of flooding; and
- Maintenance arrangements for access routes and infrastructure likely to be affected by flooding.

Reason: To ensure that the residual risks of flooding are appropriately managed through emergency planning and mitigation measures in accordance with NPPF paragraph 103 and Taunton Deane Adopted Core Strategy Policy CP8.

11. No works shall commence until an Ecological Management Plan for the Black Brook for phase of development to which the works relate has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include details of measures to protect and enhance habitat along the Black Brook during the construction and operation of the development. The development shall be carried out in accordance with the details of the plan.

Reason: To conserve and enhance the natural environment of the Black Brook in accordance with NPPF paragraph 109 and Taunton Deane Adopted Core Strategy Policy CP8.

12. No development shall take place on land to which reserved matters relate until a Construction Environmental Management Plan to reduce risks of pollution to the adjacent watercourses from construction works for that phase has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the details of the approved plan.

Reason: To ensure that the development does not contribute to an

unacceptable risk of pollution to the local river systems in accordance with NPPF paragraph 109 and Taunton Deane Adopted Core Strategy Policy CP8.

13. 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 (a) to (c) 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 (d) 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:

- 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.
- 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.
- 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

should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is 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 PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should 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 are 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.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with Taunton Deane Core Strategy Policy DM1(f)

and paragraphs 120-122 of the National Planning Policy Framework.

14. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with retained Policy EN23 of the Taunton Deane Local Plan and the relevant guidance in Section 12 of the National Planning Policy Framework.

15. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of EAD's Ecological Impact Assessment dated May 2012 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.
- A Landscape and Ecological Management Plan

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new badger sett and bat, dormice and bird boxes, and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect and accommodate wildlife and their habitats in accordance with Policy CP8 of the Taunton Deane Core Strategy and the National Planning Policy Framework.

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

method of construction shall be submitted to the Local Planning Authority.

The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that adequate means of access are available to the dwellings hereby permitted in the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

17. (i) The landscaping/planting scheme that shall be submitted and approved pursuant to condition (1) shall be completely carried out within the first available planting season from the date of commencement of phase of the development to which it relates.

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

18. The new access to Cutliff Farm shall be provided and capable of use prior to the occupation of the 50th dwelling within the first phase of development and shall thereafter be maintained as such.

Reason: The benefits to existing residents of Mountfields Road in terms of highway safety from the provision of the new agricultural access weigh in favour of the development and it should be provided at an early stage in accordance with Policy DM1 of the Taunton Deane Core Strategy.

19. There shall be no vehicular access/egress to/from the site from/to Mountfields Road or Mountfields Avenue including during the construction phase.

Reason: Mountfields Road and Mountfields Avenue are incapable of accommodating the likely increase in traffic resulting from the proposed development, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy DM1 of the Taunton Deane Core Strategy.

This is a unique Reason

20. No more than 315 dwellings shall be constructed on the site.

Reason: The detailed transport mitigation proposals are based on the development of 315 dwellings and higher development may require alternative mitigation in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy DM1 of the Taunton Deane Core Strategy.

PROPOSAL

This application seeks outline planning permission for the erection of up to 315 dwellings, up to 5 live/work units, 2 commercial startup units, a primary school and associated open space. Detailed approval for the main site access is sought at this stage.

Vehicular access to the site would be provided in two locations. The primary site access would be formed from an extension of Killams Drive, crossing the Black Brook and then leading into the site. A second access point is proposed at the southern end of the site from Killams Lane. The indicative plans suggest that this would be achieved by realigning Killams Avenue to enter the site and then providing a new junction for traffic wishing to continue over the motorway bridge and on to Fosgrove. However, although other options for this junction may be available such as a standard T junction with the existing road. Pedestrian and cycle access would be provided at various points along the eastern site boundary, utilising the existing footpath/cycleway along the Blackbrook in this location. Pedestrian/cycle access would also be provided from the end of Mountfields Avenue (where this footpath/cycleway terminates at its northern end) and Mountfields Road, adjacent to the Wyvern Club. A further pedestrian/cycle access is proposed on the in the northwest corner of the site into the existing public footpath to the north of Pool Farm, which crosses the Green Wedge to Sherford. The application seeks to provide a new access to Cutliffe Farm through the development, which currently attracts large agricultural vehicles and HGV's delivering such vehicles. This would provide them with a direct access to Killams Drive without having to negotiate difficult bends and parked cars on their current route via Mountfields Road.

The illustrative plans and density plan show that the housing density could be higher at the northern end of the site and along the primary site road. Towards the southern and western site boundaries, a lower density could be used. At the very northern end of the site, the plans indicate provision of a community woodland and large area of public open space that would accommodate the main children's play facilities. Informal recreation routes would then be provided around the site boundaries, through tree-planted areas to a secondary young children's play area at the southern end of the site. As noted, there would be significant tree planting around all site boundaries, but particularly along the east and west boundaries adding to the existing landscape belt along the Black Brook and providing a 'soft' edge to the site where it adjoins the Green Wedge to the west. Allotments would be provided towards the south eastern corner of the site.

25% of development would be affordable housing.

SITE DESCRIPTION

The site is an area of agricultural land in three separate field parcels, separated by two hedgerows that cross the site in an east-west direction. The site is a broadly rectangular area measuring approximately 1km (north-south) by 230m (east-west) and extending from Mountfields Road in the north to Killams Avenue in the south, at the point where it rises up to cross the M5. For the northern two fields, the western site boundary to open countryside is formed by hedges with some trees; at the southern end, the site boundary is at the mid point of the field rather than an existing boundary and it is, therefore, open.

At its northern end, the site is generally flat. Moving south, it becomes increasingly steep, sloping up from the Blackbrook on the eastern site boundary to the west of the site and beyond. The southern part of the site also slopes down to the south as the Black Brook turns across this end of the site.

The northern site boundary is open to Mountfields Road, opposite the SCC owned Wyvern Club; the rear wall of the clubhouse being along the northern side of the highway. Mountfields Road continues to the northwestern corner of the site where it turns south and forms the access to Cutliff Farm and carries a large amount of very heavy agricultural and goods traffic. From this northwest corner, a narrow public footpath runs along the southern boundary of the Bishop Fox's School playing fields, becoming a field edge path that crosses to Shoreditch Road to the west.

The northeastern part of the site is bordered by the rear gardens of Mountfields Avenue, a cul-de-sac that joins Mountfields Road a short distance to the east of the site. Dwellings in this area are predominantly two-storey 1930s style semi-detached properties, with some detached dwellings and bungalows at the southern end of Mountfields Avenue. Mountfields Avenue runs at an angle to the site boundary, such that the gardens at the northern end are very long, decreasing in length towards the southern end. 57 Mountfields Close on the southern side of the road has its side elevation to the site.

Moving south, the site adjoins the more recent development of Killams, a development of predominantly detached single and two storey dwellings arranged around cul-de-sacs and crescents off a distributor road – Killams Drive, that then leads to Killams Avenue. The dwellings within the Killams development are separated from the site by a wide band of landscaped woodland, which also contains a small children's play area and has the Black Brook flowing along its western boundary between it and the site. Part of the woodland area is designated as the South Taunton Streams Local Nature Reserve and has a metalled pedestrian/cycleway running through it, as well as more informal woodland paths. The pedestrian/cycleway continues north until it reaches Mountfields Close.

Killams Drive ends in a turning head at the southern end of Kingsway and northern end of Killams Avenue. It acts as a wide distributor road for the entire Killams development and has no dwellings directly fronting it. The road is wide, with footways on both sides and strong belts of tree planting on both sides, largely screening the adjoining dwellings from view. Progressing along the road from South Road to the east, towards the site, the road climbs to a crest from where the site becomes visible through a gap in the trees.

PLANNING HISTORY

Three planning applications have been made on this site in the past.

In 1965, application 27989 for residential development was refused due to a conflict with the approved Town may, poor approach roads, inadequate sewerage system and the quality of the agricultural land.

In 1989, an application 38/89/100 was submitted for the residential development of the northern part of the site, broadly from Killams Drive northwards. The application was withdrawn.

In 1998, an application was made for a new access to Cutliffe Farm from the end of Killams Drive. The application was withdrawn.

There have been no other planning applications to develop this land. However, it was previously considered for allocation in the Taunton Local Plan, Taunton Deane Local Plan and more recently, it was consulted upon as a potential interim housing site in advance of the Core Strategy and Site Allocations Development Plan Document.

The Taunton Local Plan inspector, in 1989, recommended against allocation, finding deficiencies on access grounds, loss of agricultural land and incursion into the Vivary Green Wedge. When considered in 2004, the Local Plan Inspector noted that the site was reasonably accessible to the town centre through local bus services and cycle access to the town centre was excellent. However, the Inspector found that walking distances to local shops and especially the local primary school significantly exceeded the interim accessibility criteria in RPG10 Annex A. It was concluded, therefore, that the car would likely be the preferred mode of travel for that purpose. In conclusion, the Inspector found that the distance to the primary school added to the weighty policy arguments against allocation.

In terms of the impact on the green wedge, whilst finding no intervisibility between the site and Trull, the Inspector found that the development would significantly harm the role that the wedge plays in bringing the countryside into town, given the distinctive rural character of the site. It was found, however, that the development would not impinge to any appreciable extent on views either to or from Cotlake Hill.

The site was consulted upon in 2010 as part of the preparation of the Core Strategy, suggesting that the site could accommodate around 600 dwellings. In a report to the Council's Community Scrutiny Committee on 26th May 2010, the Council's Planning Policy Advisor recommended that part of the site be released to provide 250 dwellings over the next 5 years in order to meet a current shortfall in deliverable housing land.

The Committee resolved that the Executive should "withdraw Killams from the list and carry out a detailed examination of other sites, with the purpose of replacing the ... dwellings the development at Killams would have provided." They did not, however, consider the appropriateness of the site for development.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The application was received from the Local Planning Authority on 22 May 2012 and was supported by many documents, including from a transport perspective a detailed Transport Assessment and Travel Plan.

The Highway Authority has been liaising with Developers and their professional advisers for some years whilst the development proposal has evolved.

The currently submitted Transport Assessment (TA) has been the subject of detailed scrutiny by Somerset County Council officers who conclude that whilst there are some minor details with which one could take issue, the Transport Assessment is a fair representation of current future traffic conditions.

It is clear from the TA that the local highway network, particularly the area around the Hurdle Way, Mansfield Road/Silver Street gyratory system suffers from congestion for significant portions of the day and that the development traffic, if permitted unchecked, would exacerbate the situation.

The usual way of dealing with such a situation would be to improve the deficient area with a view to increasing the capacity of the highway network and lessening the congestion. This option has been fully explored and the Highway Authority does not consider it possible to provide a solution as no suitable improvements are available. Therefore, other methods of trip reduction / mitigation measures need examining.

The Developer has been required to come up with a significant reduction in car driver trips (up to 325 vehicle trips) and to achieve this they have proposed an On-Site Travel Plan together with an Off-Site Personalised Travel Plan for 10,000 residential homes, businesses and schools in South Taunton.

The On-Site Travel Plan (TP) includes the appointment of a Travel Plan Co-ordinator to monitor and develop the Travel Plan, and promote a range of sustainable transport initiatives to encourage walking, cycling and the increased use of public transport. Currently, the TP is deficient in some key areas. The developer has been informed and will be amending the TP for its inclusion in the S106 agreement.

Personalised Travel Planning (PTP) is also proposed, this will include the delivery of two PTP projects:

1. The 315 households that form the development
2. Approximately 10,000 households in the Killams, Holway and Blackbrook areas of South Taunton and 3 local schools and colleges.

These would aim to offset both new traffic generation from the proposed development and also contribute to an area wide traffic reduction delivering sustained changes in traffic behaviour and providing a longer term solution in

reducing traffic congestion.

This will be achieved by individually contacting each household in person on the doorstep and offering them a range of information, advice and support on the use of sustainable traffic modes. Participating households receive a personalised package of information. The site Travel Plan Co-ordinator will also have a significant role in support of Sustrans in the delivery of the PTP. This will be a requirement of the S106 agreement and be a clear commitment in the Travel Plan.

The whole TP/PTP package will be delivered through a Section 106 agreement. This will carefully define the actions to be taken together with a suitable monitoring regime. This will include appropriate safeguards to prevent under achievement. The sum of £90k and £500K will be secured in the agreement to fund both the TP and the PTP respectively.

Currently there are sufficient buses available to deliver a significant modal shift but cycle route availability could be improved. In addition to the TP and PTP, improved transport infrastructure would continue to support and encourage modal shift and the County Council requires a contribution of £210K to fund off-site cycle route improvements. These are: South Road toucan crossing, Shoreditch Road pedestrian crossing, a contribution towards the 'Sherford' cycle link, 'barrier removal' from east/west cycle routes (these include various small improvement schemes to improve inter-connectivity).

It should be noted that the Highway Authority considers that there are still some minor issues to be discussed and resolved within the proposals for the TP and PTP. However, these are points of detail and add further strength to the submitted proposals and do not affect the comments above.

With regard to the internal layout, although this is an outline application a Design and Access statement and a Masterplan have been submitted in support. Some brief comments are made on matters that would need to be addressed through any reserved matters applications. The second access to the south should be constructed prior to the occupation of any dwellings in phase 3 (the southern section).

Recommends conditions that further details are submitted in terms of road construction;

In addition the following Estate Road conditions should be attached to any consent granted; accesses should be provided to dwellings prior to occupation; gradients should not exceed 1 in 10; a network of cycleway and footpath connections should be submitted for approval; a surface water drainage scheme should be submitted;

Currently Killams Avenue floods relatively frequently. The Flood Risk Assessment suggests that one of its objectives is to identify and implement mitigation measures that would reduce the flood risk to the development and the surrounding areas.

I am currently unaware of any mitigation proposals which are in my view essential in order for the development to proceed.

The Environment Agency has I understand withdrawn its objection to the development on the basis that the Highway Authority is content with the situation.

Currently the information received indicates that the proposed revised junction arrangement at the [southern] end of the development will flood in a 1 in 20 year storm. This is unacceptable.

There are options to overcome this:-

1. Increase the flood water storage area.
2. Amend the western junction arrangement to maintain the existing alignments of Killams Avenue/Killams Lane. This is likely to increase available storage but may have more of a detrimental effect on the existing hedgerows than the current proposals.

In any event and whilst two junctions into the development help distribute traffic and ease movements, I am reassured that in the event of a flood the internal estate road could, in an emergency, act as an access to the whole of the development. This scenario however should only be available in exceptional circumstances.

A condition should be attached to any consent granted to ensure that the developer reassesses the issues of flood risk and junction design at the western end of the site.

In conclusion the Local Highway Authority believes that subject to the applicant entering into a Section 106 agreement to Design, Fund, Construct, Implement and Monitor the works and initiatives described above it should not object to the development proposed.

TRULL PARISH COUNCIL – OBJECTS for the following reason: It is vital that the route of the proposed Southern Relief Road is protected. The proposed area for housing development outlined in this application has previously been identified as the site of this road. There is no planning gain for the Parish from this application.

SCC - RIGHTS OF WAY – The proposed improvements for the walking and cycling network are welcomed. The development should fund or contribute towards achieving an all-weather cycle route along the route of the footpath to Sherford Road (higher rights would need to be secured for cyclists). The development should also secure the short link required to link the footpath, which is on 3rd party land and ensure the provision of a safe crossing of the existing access road.

Also makes generic comments about protection of rights of way.

LANDSCAPE – The two main landscape issues are:

- Impact on the Green Wedge
- Visual impact of the proposed development

There are other issues regarding loss of hedgerow and landscape details, but these can be addressed through mitigation.

In terms of the Green Wedge, the main issues are avoidance of the coalescence and bringing the countryside into the town. With regard to the former the significant ground level differences mean that it will not be possible to see the new housing from the west side of the Green Wedge and views from the North to South Public Right of Way will be limited given the extent of landscape mitigation.

With regard to bringing the countryside into the town and the other issue of visual impact these will be affected and have an adverse impact. The developers are proposing a significant amount of landscape mitigation which will help to soften those impacts over time.

My other comment is that the Green Infrastructure Strategy (GIS) shows a cycleway running north to south but the proposed plan shows it cutting back on to Killams Lane. My preference is for it to join the lane closer to the motorway bridge.

The GIS also shows a cycleway running east to west across the green wedge but it is not clear if this is proposed as part of this application.

HOUSING ENABLING – Supports the application on the basis of need and comments do not reflect the suitability of the site in terms of planning.

The affordable housing requirement for the scheme is 25%. The tenure split is 60% social rented, 40% intermediate housing in the form of shared ownership and low cost market housing (at 70% of the Open Market Value in perpetuity). The requirement is for houses rather than flats. The houses should be predominantly 2 and 3 bedroom.

The affordable housing should meet the Homes and Communities Agency design and quality standards 2007 or meet any subsequent standard at the commencement of development. The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead and the developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

DRAINAGE ENGINEER – Having initially objected to the application, on the basis of a lack of information, now raises no objection subject to the conditions recommended by the EA being imposed on any permission granted. Still has some concerns regarding the capacity of the culvert on the Stockwell Stream, under the road leading to Pool Farm, and recommends that conditions also require a survey of this culvert.

SCC – FLOOD RISK MANAGER – Surface water drainage system and new accesses have potential to increase flood risk if not designed correctly.

The access to the site will be via two new crossings of the Black Brook from Killams Drive and Killams Avenue. It is possible that the main access can be created as a clear span across the river. The soffit level of the bridge will require approval of the Environment Agency, as the watercourse is designated as a Main River at this point. The FRA states that the upstream [southern] access will be designed to flood, but

no details are provided regarding the expected frequency, depths or velocities.

Following the submission of further information to the EA, I am able to remove my objection subject to the conditions as detailed in the EA's letter of 19.12.2012 being imposed.

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

315 residential units should provide 1.885ha of public open space of which 0.58 ha should be for play, both equipped and informal and 1.305 ha. for outdoor recreation. Children's play should be overlooked to promote natural surveillance and sited away from the main access roads. It should be ensured that the proposed play area shown to the south east of the development has natural surveillance from the surrounding dwellings. The Parks Department should be asked to comment on the actual design and content of the play grounds.

I note from the S106 proposals that 0.23 ha has been set aside for allotments. The quality standard for allotments is 15.4 square metres of allotment land per dwelling. The site proposal of 315 dwelling should therefore provide 0.45 ha for allotments.

A contribution of £1,118 towards local community hall facilities should be sought.

A public art contribution should be requested, either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to the value of 1% of the development cost.

SCC - CHIEF EDUCATION OFFICER – Comments as follows:

The County Council bases its school population forecasts on demographic birth trends and a limited number of developments that are actually underway at any one time. It does not include assumptions about developments that have yet to receive planning permission or have not commenced.

At present, the primary school forecast for the Taunton urban area is indicating that the town's primary school capacity across the town as a whole will be exceeded from 2013. Several schools are already over-capacity and most will be during the following few years. This is without new development generating the need for more places to be provided. The County Council has only very limited opportunity to extend existing school buildings because the sites are already built-out and have constraints. New schools are intended to be provided in the Monkton Heathfield area, but these are unlikely to be forthcoming for some years yet. Neither does the County Council have the necessary significant funds to provide additional capacity, in the absence of financial contributions from developers.

The local catchment primary school for the Killams site is Holway Park. This has a capacity of 300, with a current roll of 248, but this is likely to rise to 309 by 2013, by reason only of the increased birth rate. Neither could the school be extended because of the site's constraints.

The Killams development would be expected to generate the need for an additional

63 primary school places, but for the reasons outlined above, there simply would not be the existing space available to accommodate these children. The County Council therefore supports the principle of incorporating a new primary school site in an urban extension in this location. However, the development itself creates the need for only two classrooms; and would not sustain the provision of a whole new seven-class school. If the basic need cost multiplier of £12,257 per place is applied, total financial contributions of £772,191 would be required from the developer, but this is not sufficient of itself to completely fund a new school and the County Council does not have access to sufficient capital to fund the remainder, even if there was the demand to do so. It would probably need to pool these monies with other section 106 contributions until enough had been accrued to commence construction when the demand justified it.

It has been suggested by the applicants that the provision of the site should be accepted as sufficient to meet the needs created by the development, without the need for further financial contributions. In other words, that the value of the site should be taken into account. This is absolutely not acceptable. The development needs to mitigate the pressure on infrastructure it creates, including education facilities; and it would be wholly inappropriate to accept only a partial solution. It would be unsustainable, unprecedented and inconsistent with the other major developments in Taunton.

The situation with the secondary schools in Taunton is slightly different. Although there are some currently un-used places across the town as a whole, we know from work undertaken in the context of the Deane's Infrastructure Delivery Plan that these will all be required in the next few years. The Borough Council's Housing Trajectory was used to forecast the number of additional places that would be required as respective new developments proceeded. This showed that the existing capacity across the town would be exceeded by about 2015, with numbers continuing to rise thereafter. This pressure would be accentuated as the current inflated primary cohorts moved on to secondary education at the same time as new development created demand for additional places.

The guidance provided by Circular 05/2005 states that "In some cases, individual developments will have some impact but not sufficient to justify the need for a discrete piece of infrastructure. In these instances, local planning authorities may wish to consider whether it is appropriate to seek contributions to specific future provision (in line with the requirements for demonstrating need as set out above). In these cases, spare capacity in existing infrastructure provision should not be credited to earlier developers."

The Killams development of about 315 dwellings would be expected to generate the demand for about 45 secondary student places. The capital cost per place is £18,469, so the total contribution sought in this respect would be £831,105.

Somerset County Council also has a statutory responsibility to ensure that there are sufficient places in pre-school provision for 3-4 year olds; the Government's Ten Year Strategy for Early Years & Childcare promotes greater choice and flexibility for parents and advocates flexible childcare for all families with children up to 14 who need it. Pre-school places may be provided by a range of organisations e.g., pre-schools, nurseries, childminders etc. and these can be either voluntarily or privately run. The County Council has responsibility to ensure the establishment and designation of early years facilities and in doing so may well be also responsible

for their construction. No currently un-used places at the existing pre-schools in the area are available.

On the basis of three pre-school places being required for each 100 dwellings, the 315 dwellings in this development are likely to generate the need for about nine places. Using the DfE Cost Multiplier referred to above of £12,257, a contribution of £110,313 towards pre-school provision should be sought.

ENVIRONMENT AGENCY – Having previously objected to the application, following the submission of additional information, the EA have now removed their objection to the application, subject to conditions being imposed on any grant of planning permission.

It is critical that maintenance responsibilities for the Black Brook and its buffer (including flood compensation infrastructure) and surface water drainage are agreed prior to the determination of this application because these features underpin the principle of development and its compliance with the NPPF and Adopted Core Strategy Policies. Operation and maintenance manuals, along with any contributions required, must be secured in a Section 106 Agreement attached to any permission granted.

Please ensure that Somerset County Council are aware of the flooding issues on the upstream / secondary access and are prepared to adopt this route, or if not, the maintenance of this access is secured by other means. For reference, the submitted “*Assessment of the Upstream Bridge (Secondary Access)*” report by Clarkebond provides a good indication of likely flood hazards, depths, velocities and frequencies. This will need to be revisited when the detailed design of the flood compensation area comes forward, but we would expect flood risk to be the same or less than that shown in the current report.

Conditions are recommended to ensure that the principles of the agreed FRA are delivered as the development comes forward. It is important that sufficient attenuation storage is provided for each phase of development and this should be clearly demonstrated in an updated drainage strategy which shows discharge rates and SuDs control measures for each plot.

Each reserved matters application will need to demonstrate a viable drainage scheme in accordance with the approved masterplan to ensure that enough attenuation can be delivered and allow us to recommend approval for any detailed layout proposals.

One important design aspect of the development which has allowed us to support the principle of development is that all of the new buildings will be in Flood Zone 1. We have not recommended a condition to ensure that all new buildings are located within Flood Zone 1 because we consider that this is an issue of layout which will be determined during reserved matters approval.

The flood modeling carried out has demonstrated that a by-pass channel to the west of the Black Brook to take flows currently entering the existing pond will adequately mitigate for any increased flooding associated with the presence of the new upstream access. A “sweetening” flow will be required to continue into the pond to maintain its function as an important wildlife and amenity feature; however the

scheme should offer benefits in terms of improved maintenance arrangements and additional riverine habitat.

There are still outstanding points of clarification on the flood modeling which must be addressed, although these relate primarily to the design of the new channel and types of control structures used and are therefore matters for detailed design. The outstanding points are contained in my email to Clarkebond dated 14 December 2012.

The comments provided by Somerset County Council's Flood Risk Manager Steve Webster in his letter of 20 July 2012 have been noted. We have been in discussion with Mr. Webster (telephone conversation 18 December 2012) and explained that the surface water drainage attenuation volumes required and impacts of the upstream access on flooding have been assessed and addressed by the applicant's agent to the satisfaction of the Environment Agency.

Taking into account that the main vehicular access route will remain dry during flooding up to and including for the 1 in 100 year event with an allowance for climate change, Mr. Webster confirmed that he is happy to agree contingency measures to ensure that residual flood risk is managed appropriately via suitably worded conditions.

Recommends conditions that a surface water drainage strategy should be submitted, a detailed drainage design for each plot should be submitted, work should not commence in phase 3 until a flood compensation scheme has been submitted for approval, no dwelling should be occupied until a flood emergency plan for the development has been submitted, agreement of and adherence to an ecological management plan for the Blackbrook, agreement of and adherence to a construction environmental management plan to reduce risks of pollution, remediation of any identified contamination.

BIODIVERSITY – No objection – comments as follows:

Two access points are proposed. One access would be preferable, as it would have less impact on wildlife. The site comprises arable and improved grassland fields with hedgerows and streams along the northern and eastern site boundary. South Taunton Streams Local Nature Reserve abuts the eastern boundary of the site. Pool Farm abuts the northwest boundary. General findings from the Ecological Impact Assessment submitted with the application are as follows:

Bats – 5 species were recorded, the most common was common pipistrelle, with the greatest activity along Black Brook. No roosts were found on site, but further surveys should be undertaken prior to the removal of the mature oak tree on the southeast boundary (if bats are recorded in the tree, then a license would be required). I support the planting of a natural planting buffer strip to maintain the integrity of principal bat foraging and commuting corridors. The proposed hedgerow along the site's southwest boundary will help to connect flight corridors and partially mitigate breaks in hedgerow connectivity. The planting of mature standard trees adjacent to the two road bridges will help to minimise impacts on aerial connectivity. Any lighting at the bridges should be low level and directional. Supports the provision of 30 bat boxes on site.

Dormice – Evidence was recorded within the riparian tree belt to the southeast of the site and within the southern hedgerow of the central arable field. The removal of trees and hedgerows will have an impact on wildlife and a European Protected Species (EPS) licence will be required. Full details will be required with any reserved matters application. Support the creation of movement ledges under the two road bridges and provision of 40 dormice boxes.

Otter – Otter tracks and spraint were recorded along the Black Brook and Stockwell Stream although no holts or laying up areas were found. The proposed bridges will allow the riparian movement of otters. Further surveys should be undertaken prior to the clearance of riverside vegetation and if found, then an EPS licence may be required.

Other species – Watervole, slow worms, badgers and birds were also found. The impact on slow worms can be mitigated, badger setts can be closed (under licence from Natural England) and site clearance should be undertaken outside the bird nesting season. Further surveys for water voles should be undertaken.

Recommends a condition to ensure the protection of wildlife on the site.

NATURAL ENGLAND – Comments as follows:

This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. Natural England has not assessed the submitted wildlife survey for badgers, barn owls and breeding birds, water voles or white clawed crayfish as these are protected by domestic legislation. Standing advice has been used to assess European Protected Species (EPS) as follows:

Bats – planning permission could be granted and the LPA should consider requesting enhancements.

Dormice – Further survey work is required in accordance with good practice guidelines. If it is not provided, then the application should be refused.

Otters – Further survey work is required in accordance with good practice guidelines. If it is not provided, then the application should be refused.

Reptiles – Permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for adders and/or common lizards, grass snakes and slow worms.

Local wildlife sites – the proposal site is on or adjacent to a local wildlife site and the LPA should ensure that it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

On the basis of the information available, Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impact on the local population of bats and reptiles and therefore avoid affecting favorable conservation status. It is for the LPA to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case the LPA should consider whether the proposal would be likely to be

granted a license.

Following discussions with Natural England, they have verbally confirmed that their consultation responses are a desk based exercise using their standing advice, and that they would not wish to override local advice.

ECONOMIC DEVELOPMENT – No comments received.

ENVIRONMENTAL PROTECTION – Comments as follows:

Noise

The noise assessment provides details of noise monitoring carried out at the Killams site and compares the levels found to the Noise Exposure Categories (NEC) outlined in Planning Policy Guidance 24. This found that the main source of noise was from the nearby motorway and that part of the site was in NEC A with some areas to the south (closer to the motorway) in NEC B. For NEC B PPG24 states that “Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise”.

The report makes some recommendations including:

- the layout of the residential development should take noise into account, for example using buildings close to the motorway to act as a noise barrier.
- An assessment should be provided to determine whether any properties would require a higher specification of glazing (and associated acoustic ventilation)

I would recommend that the applicant considers noise from the motorway in the layout of the site and in the orientation of noise sensitive rooms in properties close to the motorway. When the site layout is known they should carry out an assessment to determine which properties would require glazing and ventilation with higher level of noise attenuation.

I also note that the application includes live/work units and two commercial units. I would recommend that the type of use of the units is restricted to uses that would not impact on the nearby residential properties.

Air Quality

The Air Quality Assessment looked at the potential air quality impacts of the development for both the construction phase and the operational phase (i.e. when the houses etc are built).

For the construction phase it predicts that the main air quality issue will be from dust and particulate matter during earth moving (particularly during dry months). The report indicates that this could have some impact on nearby properties, although it says that this could be controlled through management of the site.

To predict the impact of the operational phase on local air quality the assessment

modelled traffic flows and used these to predict changes in air quality resulting from vehicle exhaust emissions. The modelling focused on the area of East Reach in Taunton as this is an Air Quality Management Area (AQMA) where levels of nitrogen dioxide have exceeded national air quality standards. The assessment concluded that the extra traffic generated by the development could lead to a slight increase in the levels of nitrogen dioxide at East Reach.

Re construction phase, the applicant should ensure that they have procedures in place to minimise any dust from the building site and associated works. The nuisance provisions of the Environmental Protection Act 1990 can be used to investigate complaints about dust from a construction site and to require the developer to take best practicable means to control dust if necessary.

Re operational phase. Environmental Health do not have the ability to verify the modelling carried out by the consultant. However, the prediction of an increase in traffic, and the associated slight increase in pollutant levels, is what would be expected of a development of this size.

Regarding developments in or close to an AQMA, in 2010 the Department for Environment, Food and Rural Affairs (Defra) stated that

“It is not the case that AQMA designation means that there should be no new development inside the area. Such an approach could sterilize development, particularly where, for example, authorities have designated (or intend to designate) their entire areas as air quality management areas.

When a local authority, however, is considering an application for a development inside, or near to, an actual or proposed AQMA, air quality must be taken into account. In reaching its decision, the weight an authority attaches to air quality relative to other factors will, of course, vary from case to case, depending on local circumstances. More weight, for example, may need to be given to air quality considerations where a development would have a significant, adverse impact on air quality inside, or adjacent to, an air quality management area than where the air quality effects of the development itself are likely to be minimal. Local authorities will be best placed to take these decisions in the light of local circumstances.”

Contaminated Land

Although the site is “greenfield” it is for a large number of residential properties and so is a sensitive end-use. Therefore, the developer should carry out an investigation and risk assessment for potential contamination. This can be a staged assessment with the need to progress to a more detailed investigation dependent on the previous assessment. I note that the information with the application includes an Envirocheck report, which could be used as the basis of a desk study for contamination. Recommends a condition that could be used

PLANNING POLICY – Comments as follows:

Planning Policy History

The land at Killams was previously identified as an ‘omission site’ as part of the previous Taunton Deane Local Plan process. The Local Plan Inspector found that

the site was reasonably accessible to the town centre through local bus services and that cycle access to the town centre is excellent. He acknowledged that pedestrian access to the nearest primary school was significantly beyond interim accessibility standards set by RPG10.

The Inspector went on to note that there is no inter-visibility between Trull and Killams. He also concluded that the shallow ridge to the west of the site screens views from Cotlake Hill in the centre of the Green Wedge. He noted that the setting of the site has a distinct rural character and that this plays an important role in the green wedge purpose of extending countryside into the town. The Inspector concluded that the degree of incursion into green wedge and associated loss of openness was a material factor against an allocation. Consequently, no modification was made by the Inspector.

In early 2010 the Council published a Core Strategy and Small Sites consultation. This document recognised land at Killams as a potential strategic site allocation for approximately 600 units and a mix of other uses including employment, a new primary school and community hall.

In May 2010 officers identified a number of potential 'interim release' housing sites intended to supplement an identified shortfall in the five year deliverable supply of housing land. Killams was included despite a substantive volume of public representations and objections to the inclusion of the site within the emerging Core Strategy and Small Sites consultation. Members ultimately chose not to pursue this site as an interim release.

Subsequently, Summerfield promoted the Killams site as an 'omission site' through the Core Strategy process. The Core Strategy Inspector noted that since the site was not strategic and critical to the delivery to this high level plan, its consideration for allocation should be deferred to the Site Allocations and Development Management Policies Plan (SADMPP).

Officers have now commenced work on the SADMPP and at a first stage of public consultation on issues and options was held in early 2013. This plan will identify a range of smaller allocations across Taunton and the wider Deane to ensure that the strategic development requirements of at least 17,000 new homes and 11,900 new jobs are met over the period up to 2028. It is anticipated that this Plan will be adopted in late 2014 / early 2015.

The Killams site was included as one of a number of potential development options in the Council's Site Allocations and Development Management Policies Plan Issues and Options. Whilst we have not had the opportunity to fully analyse the responses, over 100 comments have been received in respect of Taunton sites. 25 of these responses objected to the loss of sites in the Vivary Green Wedge but these comments objected to all the identified sites in the Vivary Green Wedge, which includes the Killams site. Of the 25 responses, 15 responses raised a specific objection to the Killams site (ref 36 on the consultation map). The issues raised included:

1. Loss of green wedge
2. Loss of informal recreation space – it is a valued area with walkers
3. Flood concerns
4. Concerns about existing traffic congestion and the impact of additional traffic

- arising from new development
5. Capacity of the local schools both primary and secondary
 6. Impact of new development on the existing wildlife
 7. Visual impact on the local landscape and the loss of open farmland

In addition to these responses we have also received a number of petition-style representations objecting to the inclusion of land at Killams as an option. These petition responses number around 150 and largely cite similar reasons for objection as those listed above in addition to a perceived: "lack of respect for the overwhelming local public opinion that was expressed during the public consultation on the Core Strategy that firmly rejected this site in 2010."

National Planning Policy

The application site would appropriately be considered through the SADMPP since the Plan-led system remains central to the planning system and the site was not considered of a significant enough scale to warrant consideration through the Core Strategy development plan. Notwithstanding this, prematurity is not generally a basis for resisting a planning proposal and needs to be considered in the context of national planning policy and in particular, the presumption in favour of sustainable development.

Since the SADMPP is still at a very early stage in production only very limited weight can be applied to it and the process. The SADMPP is therefore absent in the context of the Framework, albeit it could be considered that should a five year deliverable supply of housing be demonstrated, the relevance of the Plan's absence is perhaps lessened. Nonetheless, in such circumstances, paragraph 14 of the Framework indicates planning permission should be granted unless:

"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

Specific policies in this Framework indicate development should be restricted."

Clearly it will be for the Case Officer and ultimately Planning Committee to determine whether or not individual or cumulative adverse impacts outweigh any benefits of granting planning permission on this site.

Compliance with current development plan

Development of the application site for in the order of 300 units would not comply with the adopted Core Strategy. The site lies beyond established settlement limits and therefore large scale housing development is contrary to both policies CP8 and DM2 of the Plan (which establishes the types of development beyond settlement limits which are permissible).

However, because the SADMPP has not yet been prepared and land identified to meet all strategic requirements up to 2028, development of this site should not be considered unacceptable in principle on the basis that it lies beyond settlement limits. This is because the site adjoins the existing settlement limits of Taunton the primary focus for over 75% of the Borough's future growth and has previously been

recommended as a sustainable site for interim site release. Further greenfield releases beyond existing settlement limits will undoubtedly be required through the SADMPP. Therefore, to consider the site unacceptable in principle would be inconsistent with the NPPF and paragraph 14 outlined above.

The site also lies within the designated Green Wedge. Policy CP8 of the Core Strategy states development outside of settlement limits will be permitted where it protects, conserves or enhances landscape and townscape character whilst maintaining green wedges and open breaks between settlements. This is not to say that no further development will be permitted within the Green Wedges, it does however re-emphasise the importance of considering the release of such land within the context of the Development Plan: in this instance, the emerging SADMPP. It should be noted that further allocations will be made through the SADMP and this will by definition, be on land beyond established settlement limits.

Notwithstanding this point, any assessment of the suitability of this site for development should take into account the same factors as would be the case had it been promoted through the Development Plan. In arriving at a view as to the suitability of releasing this area of Green Wedge ahead of the SADMPP, consideration should be given to the degree to which a proposal complies or otherwise with the key policy objectives of the Green Wedge. This judgement would be made through the plan-making process against the key Green Wedge policy objectives listed at Paragraph 3.110 of the Core Strategy.

Housing Land Supply

The Council has recently published its 2012 SHLAA. The SHLAA shows a five year supply of 5.57 years for the Borough as a whole. This is enough to satisfy the requirements of a five percent buffer as recommended by the Core Strategy Inspector. The supply is predicated on large scale strategic sites such as Monkton Heathfield making a sizeable contribution to completions over the next five years.

At the recent Milverton Road Planning Appeal, the Inspector found that there was a five year supply and that the requirements for either a 5 or 20% buffer as introduced by the NPPF were a matter for plan-making rather than decision-taking. At another appeal (Maidenbrook Farm, Taunton) the Inspector reached a rather different conclusion regarding housing land supply stating that “on balance... a five year supply of deliverable housing land cannot at present be demonstrated.” She also noted that the Council’s failure to meet strategic housing targets in all but four of the last ten years amounts to persistent under-provision requiring a 20% buffer to be applied. This is significant as whilst the Council’s officers do not support the need for a 20% buffer (on the basis of the Core Strategy Inspector’s report which was not challenged), were one to apply, even under the latest SHLAA, a five year supply plus 20% could not be demonstrated.

These two appeal decisions illustrate the fine margins in measuring housing land supply. The precise extent of supply is critical to the determination of planning applications for housing since in the absence of five year supply, the presumption in favour of sustainable development as outlined in paragraph 14 of the Framework applies.

The Framework seeks to bring about a step change in the delivery of new housing. Consequently, and with only quite a limited margin of supply against the Council’s

locally derived requirements, to resist a planning application principally on the basis that there was 'no need' would seem at odds with the objectives of national and local planning policy. Furthermore, the planned rates of delivery and supply in the Taunton area over the first five years of the Plan period have been lower than anticipated whilst elsewhere in the Borough at Wellington and in the rural areas delivery and supply rates have been considerably higher. Granting planning permission is likely to result in a contribution of over 100 dwellings towards the five year supply of housing land.

Policy Conclusions

Development of the application site would be contrary to the adopted Core Strategy, specifically policies CP8 and DM2. However, given that the Borough has not yet produced its SADMPP, the proposal should not be considered unacceptable solely on this basis.

Whilst the SADMPP is the preferred route for the consideration of sites, the Government's Framework makes clear that where policies are absent, silent or out-of-date, the presumption in favour of sustainable development should apply. This presumption effectively means that any adverse impacts of a proposal should significantly and demonstrably outweigh benefits. It is not for the policy response to this application to conclude whether or not such impacts do outweigh benefits.

Policy CP8 of the Core Strategy sets a strict policy of restraint against development in open countryside (including within Green Wedges). Further housing sites will be required beyond existing settlement limits and this may include land within Green Wedges. To this end, the conclusions of the previous Local Plan Inspector and the consultation response of the Council's Landscape Lead should be taken into account and weighed accordingly against the conflict with CP8.

Turning to the issue of housing land supply, whilst the Council continues to proactively take steps to supplement its supply of deliverable sites, national policy has reinforced and increased the onus on local planning authorities to identify a five year supply of housing land. The recent Milverton Road appeal was dismissed with the Inspector finding that a five year supply did exist (albeit by only a very small margin). Conversely, the Maidenbrook Appeal Inspector, availed with the same evidence reached a somewhat different conclusion that a five year supply did not exist.

Subsequent to the hearing of both of these appeals, the Council has published its 2012 SHLAA which shows 5.57 years supply. The planning policy position is therefore that at present, a five year supply can be demonstrated and that policies for the supply of housing are not out-of-date although it should be noted that this position would only stand if a 20% buffer need not be applied to the housing land supply, a further point of contention and disagreement between the two recent planning appeal decisions.

Irrespective of the precise land supply position at any particular point in time, it is highly unlikely that to grant planning consent for this site would lead to an over-supply in housing land, not least because in Taunton the supply is proportionately less than in other parts of the Borough. In any event, this would be even less likely to lead to the over-provision of housing in terms of new homes delivered and the Core Strategy's sustainability objectives being undermined.

From a planning policy perspective, the fact that the site lies within designated green wedge (notwithstanding the comments offered above and by the Landscape Lead) and is coming forward ahead of the development plan weigh against it. However, previously Council Officers and independent Inspectors have recognised that this site represents a sustainable location for housing to meet identified plan requirements. This factor weighs in favour of the scheme as does the contribution it would make towards the five year deliverable supply of housing sites.

Should the site be refused planning permission, it would still need to be considered for allocation through the emerging Site Allocations and Development Management Policies Plan. To this end it would be objectively assessed as part of the Sustainability Appraisal process required to inform the Preferred Options stage of this plan.

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE - Means of escape should comply with the Building Regulations, detailed recommendations will be made later at Building Regulations consultation stage.

Access and facilities, including the provision of private fire hydrants should comply with the building regulations.

AVON AND SOMERSET POLICE – ASSET PLANNING MANAGER – The police are faced with ongoing challenges of population growth as a result of new development. Growth, particularly housing, impacts on police resources for which Avon and Somerset Police receive no funding via existing sources for any requirements to service new residential and commercial developments.

Any expansion of the infrastructure base, both in terms of facilities and resources (officers, etc) necessary to respond to long term growth either has to be delivered via rationalisation or through borrowing, which has to be repaid via existing revenue funding. As there are no existing sources of funding available to support such capital projects, developer contributions are deemed to be a legitimate and appropriate way of responding to these pressures.

Further to Core Policy 7, Planning Policy Statement (PPS) 1: Delivering Sustainable Development (2005) identified Community Safety as a key principle of achieving social cohesion and inclusion. The means of delivering community safety takes a range of forms, with a key one being the provision of new dedicated police infrastructure. PPS 12 para 4.29 recognises the police as a relevant delivery agency of social infrastructure. This, taken with section 17 of the Crime & Disorder Act 1998, which requires local authorities to deliver safe and crime free environments, means that delivering an efficient and effective police service should be recognised when dealing with infrastructure provision to support development growth.

In relation to this proposal the police are not seeking funding for additional officers, however the increased geographical spread of the Beat means that a police base central to the expanded beat area is now a reasonable requirement and would assist in servicing the new residents and the school. Initial discussions indicate a room within the community building known as the Holway Centre might be available. This base, with IT connections to the police server, the set up costs of which would

be paid for by developer contributions, would be in keeping with the national police aim of being more visible in the community and save time and resources as it would allow officers to remain on active duty in the community for longer as they will not always have to return to the main station. This base could also operate as a drop in location for the community. If this property is not made available funding for a further police post, location to be determined, would need to be provided.

The requirement for additional officers can be minimised by modern technology. An Automatic Number Plate Recognition (ANPR) Camera located at an appropriate location along Shoreditch Road would contribute to the local delivery of policing plan objectives and provide efficient and effective use of intercept and investigative resources.

The capital items required as developer contributions would therefore be as follows:

1. £1000 to install a broadband Telephone link.
2. £2000 to provide a networked encrypted laptop
3. £800 level 3 security assessed cabinet for storage of any materials away from
4. a Police owned base.
5. £1500. Three police bicycles at circa. £500 each.
6. circa £9000 to provide ANPR camera.
7. Provision of a room within a shared community type building if the Holway Centre is not ultimately available. Cost to be determined.

POLICE ARCHITECTURAL LIAISON OFFICER - The submitted Design and Access statement refers to the seven attributes set out in 'Safer Places, The planning System and Crime Prevention'. i.e. Access and Movement, Structure, Surveillance, Ownership, Physical Protection, Activity, Maintenance and Movement. I generally concur with the comments made in the applicant's statement, in particular that the applicant state that the design would comply with 'Secured by Design' and that if planning permission is granted they would accept appropriate planning conditions to ensure this. This indicates that the applicants have demonstrated how crime prevention measures have been considered in the design of this proposal.

Crime statistics indicate a total of 17 Offences in the within 500m of the site, less than 2 per month. The area can, therefore, be considered as a low crime area. The above figures do not include anti-social behaviour.

General comments are made on various aspects of the outline masterplan. In terms of negative comments, it is suggested that the informal sitting/toddlers play area has limited surveillance from one side only. The location of play areas through wooded area should be reconsidered.

Encourage a condition to ensure that Secured By Design is met.

SCC - ECOLOGY – No comments received.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – Requested the submission of an archaeological Written Scheme of Investigation.

Provided no further comments following submission of the scheme.

SCC - PLANNING POLICY – No comments received.

SCC - RIGHTS OF WAY – No comments received.

SOMERSET WILDLIFE TRUST – No comments received.

WESTERN POWER DISTRIBUTION – Note that there is an 11kV overhead line crossing the proposed site. Also some 11kV underground cable and low voltage overland and underground lines and cables.

WESSEX WATER - The site will be served by separate systems of drainage provided by the developer to adoptable standards.

- Wessex Water has previously identified capacity improvements required to the foul sewerage network as a result of development at this location.
- Wessex Water has previously identified network reinforcement required to the potable supply network as a result of development at this location.
- In view of the time lapse since modelling was undertaken and the change in development proposals options will need to be reappraised in consultation with the developer.

A condition is recommended that no development is commenced until a foul and surface water drainage strategy is submitted and approved.

TAUNTON DEANE PUBLIC ART PANEL – No comments received.

Representations

Taunton and District Civic Society:

Objects to the application. The whole tone of the NPPF is to facilitate sustainable development but to do so in a way that is plan-led. The Civic Society objection is simply because development should not be permitted on the site in the light of previous and emerging plans, and we consider it very important, in this time when changes are working through the planning system, and development and their agent think that it is all to try for, to signal that Taunton will adhere to its plans.

Also point out that the NPPF expresses strong support for the protection of Local Green Space (paragraphs 76 to 78) and planning for biodiversity (paragraphs 114 and 117). The proposed development would undoubtedly be detrimental to both of these aims.

We are aware that the Inspector has not yet approved the Core Strategy. Should he specifically direct that this site should be open to allocation for housing, or impose

requirements that genuinely give TDBC no alternative to allocation of this site, we wish to be informed, and will then examine the proposal in greater detail.

Wilton and Sherford Community Association

- The Wilton and Sherford Neighbourhood Plan is at an embryonic stage, but its central plank will be the outright protection of the Vivary Green Wedge from development.
- This and the other green wedges have played a major role in the Council's own efforts to attract investors and visitors to the town for decades.
- There have been previous incursions into the Wedge – the existing Killams development, Bishop Fox's School and recently the Ambered Lane development. The wedge is a finite resource and its development is not 'sustainable'.
- The development would further heighten Taunton's already severe traffic problems.

South Road and Area Residents Association

- The NPPF includes a number of policies which form the basis for a rejection of the application.
- The TDLP remains the adopted development plan for Taunton Deane. Those policies in relation to landscape and the Green Wedge have been saved within the plan. The site was not regarded as a strategic site within the Core Strategy and it remains as open countryside.
- The strength of objection that was received when the site was considered for allocation as an interim release site still exists.
- The Core Strategy Inspector's report has been indicates that the strategy was 'sound' and so there is no case for releasing more land.
- The site is grade 2 agricultural land – a rare commodity in the South West of England. Best and most versatile agricultural land is protected under policy S8 of the TDLP [officer's note – this policy was not saved by the Secretary of State in 2007 and no longer forms part of the development plan]. The NPPF gives protection to the best and most versatile agricultural land. Other urban extension sites are a lower grade.
- An independent agronomist's report indicates that this land may be in the top few per cent of crop production in the whole of the Counties of Devon and Somerset.
- In recent years, the local farmer has invested huge sums to build very modern conventional and chilled storage for crops produced from these fields and their is an extensive irrigation network installed. The farm has won the Somerset CMA Farm competition for 6 out of the last 9 years and been 2nd the other 3 times.
- In not allocating a 250 unit scheme on the central field, the TDLP Inspector found that the development would significantly harm the purpose of the Green Wedge designation in bringing the countryside into town. It would result in the loss of the rural character, and the site's role as a transition from the urban edge to the countryside beyond.
- There would be impacts on the visual amenity of residents of properties overlooking the site and users of the public rights of way to the north and northwest.
- Development of the site would result in the loss of open skyline of the ridge to the

west of the site and the role it play in delineating the urban-rural fringe of the site and the open countryside beyond. The landscape buffer on the western edge of the development would, whilst providing a softened green edge to the development, result in the loss of the ridge as a delineation between the urban-rural fringe and the open countryside.

- There is no details on how or when the school will be delivered.
- The token 5 live-work units and 2 very small employment units do not constitute meaningful mixed use development which reduces the need to travel and does not meaningfully stimulate economic and jobs growth.
- The Transport Assessment contains a number of incorrect assumptions, assumes that the school will be delivered and does not account for transferred trips from existing schools to the new school. It would be safer to assume that the school may not be delivered.
- Some residents will be approximately 600m away from the bus stops and no new ones are proposed within the development.
- Cycling is the only realistic method of travel other than the car and requires a new link along the boundary between the Bishop Fox's Secondary School and the Wyvern Club. It is not acceptable to rely on the 'no Cycling' alleyway between Calway Road and Mountfields Road.
- The Transport Impact Assessment shows that capacity is exceeded at the Hurdle Way/Mansfield Road traffic light signals. The planning statement indicates that this can be overcome by adjustments to the Urban Traffic Control systems. This expensive and complicated solution could be avoided by allocating development in locations where existing road capacities are not exceeded.
- The new agricultural access directly onto Killams Drive/Shoreditch Road may be dangerous.

In total, 886 letters of objection from members of the public have been received. These can be summarised as:

485 Standard letters of objection making one or more of the following statements:

- I object to: the lack of respect for overwhelming local public opinion that was expressed during the public consultation on the Core Strategy that firmly rejected this site in 2010
- I object to: the loss of views towards Cotlake Hill and the Blackdown Hills
- I object to: the reduction of the openness of the existing Green Wedge
- I object to: the subsequent increase in traffic along Shoreditch and South Road
- I object to: the subsequent decrease in Air Quality in the town centre
- I object to: the Reasons of Accessibility and Sustainability. (Distance from existing schools, shops and other services that will encourage additional car use etc.)
- I object to: the loss, forever, of such high quality prime agricultural land
- I object to: the increased flood risk at Mountfields and the Wyvern Club
- I object to: the permanent damage to the existing Wildlife habitat

218 standard letters of objection, making one or more of the above statements and additional comments, detailed below.

183 individual letters of objection making the comments detailed below.

The comments/issues raised in the objections are summarised as follows:

Planning policy/principle of development

- The Council has rejected previous applications on this site and if it allowed this, it would go back on its Core Strategy commitment to reject the site.
- Brownfield sites should be built out in full before Greenfield land is released.
- The development would result in the loss of prime agricultural land.
- Taunton is growing too much too fast – sufficient housing has already been provided – the town has done its fair share.
- A large proportion of our food is already imported.
- There is no evidence that Taunton needs additional housing.
- Taunton does not need more housing. There are insufficient jobs and the town will become a dormitory for Bristol and Exeter, resulting in more motorway congestion and pollution.
- This is a blatant opportunistic attempt to gain permission before any strategy under the new NPPF can be adopted and to avoid planned laws on localism.
- The NPPF puts emphasis on the retention of green spaces, an emphasis TDBC should endorse.
- The developer claims that the Council cannot demonstrate a five year supply of deliverable housing sites. The methodology they use is questionable. In the Councils Core Strategy Examination Main Matter 2 the Council claim to meet the requirements of the NPPF Addendum at para 2.73 and 2.99 without the mention of the Killams site in their numerical requirements.
- Summerfield seem to have disregarded the housing requirements for Taunton and the strong feel of its population.
- Outline permission allows developers to increase housing density; They original want 15 houses per acre when Killams currently has only 3 houses per acre.
- The Council has a duty to consider localism and the strength of feeling.

Loss of green wedge

- Taunton is privileged to see a lovely landscape from its centre. The Vivary Green Wedge is Taunton's crowning glory. It is unique for a town of this size to have the countryside extending right to the town centre and this shouldn't be undermined.
- There is very little green belt left that reaches into the heart of the town and it is vital to avoid developing yet another concrete city.
- The sole purpose of a green wedge is to preserve an area and stop people building there so that wild and agricultural land can be saved.
- Building on the Green Wedge when we have brownfield sites to use up is not supported. The Taunton 25 year plan states that similar mistakes by other councils should be avoided. For example the village of Trull would be joined to Taunton and no longer be a village.
- The Green Wedge should be park land up to Cotlake Hill providing walks into the countryside for all.
- Taunton's Green Wedges are the envy of towns and cities world wide; they make access to the countryside a way of life and promote deep ecology as a way of life for us all.

- The Black Brook stream is a natural boundary between the urban area and Green Wedge; this proposal would breach the boundary resulting in unacceptable intrusion into this valuable open landscape area.
- Vivary Green Wedge is an extremely valuable asset to the town. It is a green lung, provides an open vista for a large local population and those visiting the Vivary Park area. It brings flora and fauna into the town and is prime agricultural land.
- This may be just the “thin edge of the wedge”. If allowed, this will be the start of a plan to gradually infill the gap.
- The project does not have environmental or social sustainability as it will destroy the Green Wedge and the communities that live here.
- The green infrastructure strategy and core strategy state that the Council will “seek specifically to protect Green Wedges, the most notable being Vivary Green Wedge.
- The Green Wedge should be declared an Area of Outstanding Natural Beauty and protected for the future.
- The presence of the Green Wedge is what gives Vivary Park its special character; this would be lost if the wedge were developed.

Highways

- The current bus services will not cope with an increase in passengers and there is no service planned for Sundays.
- The lack of road infrastructure will increase and already congested route into Taunton; with an additional 300 to 700 (approx) cars, adding to the danger of congestion between Shoreditch Road and South Road. There has already been a 4 fold increase in the last 10 years. According to the transport assessment the road traffic access will be above saturation along Shoreditch Road, South Road, Mansfield Road and Hurdle Way; this means gridlock;
- The junction of Chestnut Drive and Stoke Road is already an accident blackspot.
- Additional congestion will result in exiting Mountfields Road more difficult.
- A crossing on Shoreditch Road will be essential which is dangerous at present and the increased traffic will exacerbate this.
- Vehicles already queue back to Hurdle Way.
- Student parking from Richard Huish College causes problems.
- A second exit from the site must be considered to take traffic across the wedge to the Wellington side of Taunton to take some strain.
- The safety of walkers on the foot/cycle path would be compromised when the path is severed by the proposed access road.
- The addition of a school to housing will exacerbate the traffic problems.
- The Mountfields Road junction is already treacherous as is the Stoke Road junction.
- Concerned for the safety of students attending Bishop Foxes school due to increased traffic.
- The extra traffic will make cycling on the road lethal.
- Additional traffic is likely to use Fosgrove Lane as a shortcut to Trull which would add to congestion and could prevent emergency services accessing the hamlet of Fosgrove.
- The bus service has been cut and more cuts are inevitable.
- This will no doubt open up access to Paris’s Farm to more HGV.
- Removing trees to allow Mountfields to be widened for access is not acceptable.
- The claims made by the developers for transport sustainability are comical as no

one will walk 50 minutes to and from a shop or school.

Infrastructure

- Local amenities and infrastructure will not cope. No development on this side of Taunton should occur until roads are improved, new schools built, a shopping and medical centre and other essential services are provided in a location near enough for people to visit on foot.
- Existing primary and secondary schools are stretched enough already. The proposed primary school would not be open before homes are filled and the available schools could not accommodate extra children. The new school would have to be government funded, as the development is not large enough to fund a complete school, which seems unlikely at this time.
- Object to the inclusion of a school – there are already 7 schools/colleges in this area.
- There will be increased pressure upon Musgrove Park Hospital and surgeries and schools that are all struggling to cope at present.
- A new school in this part of Taunton would be fed predominantly by the white middle classes. The needs of others should be considered in the current economic climate.

Flood Risk

- There is a very high risk of additional flooding. Surface water run-off will increase and affect downstream properties.
- The stream at Mountfields has flooded since 1976 as have gardens to properties along Mountfields.
- Existing drains, especially sewers will be unable to cope with additional discharge.
- Parts of the site are within flood risk levels 2 or 3. Building on these areas defies common sense and puts the areas under ruinous threat.
- Concerned about flooding being caused downstream of the site; roads and watercourses are near capacity at times and climate change is expected to increase flood risk. Adding to this risk by increasing impermeable surfaces should be avoided unless certain that adequate mitigation will be in place, e.g. soft landscaping, trees, flood storage lagoon.
- There is no way developers will be able to isolate run off from the site from getting into the stream which is a finely balanced ecosystem.

Visual amenity, landscape character

- The building over of green belt land doesn't only affect local residents but will take away an area of natural beauty for all of Taunton Deane.
- The development would block views of the Blackdown Hills as shown on the developers Urban Strategy Plan for views from the Public Footpath near the Wyvern; No developer no matter how fancy their plans will overcome this.
- The development would also impinge on views from Cotlake Hill as it is higher and more extensive than the previous proposals.
- I object to the erosion of an area of unusually low light pollution in a highly accessible area leading into town.

- This is a nice area of town surrounded by fields; it would be a shame to build here.
- The site really helps the countryside to be brought into the town as the footpath through the nature reserve has a very rural feel. The footpath network allows one to walk to the centre of town with the countryside on one side. This would be lost.
- The site is on rising land; no 2.5 or 3 storey dwellings should be allowed.

Other amenity considerations

- People may use private grounds at Fullands Court as a shortcut to the Bus Stop.
- Quality of life will suffer as another green area is replaced by high density housing.
- The area is walked with grand children to educate them outside the classroom, for which the land is valuable to all.
- The development would change the area with increased noise from traffic.
- Children enjoy playing in the park and field and to lose it would be devastating. If the fields are lost you will be forcing future generations to spend large amounts of time on the streets.
- Elderly residents have moved to this area specifically for the peace and tranquillity over looking the Green Wedge.
- The village green is a prime area which draws the community together for recreational pursuits. It is used by dog walkers, golf, football, Frisbee and countless other activities will disappear.
- The linear park alongside the site currently offers open views of Cotlake Hill and the Blackdowns. This would be reduced to a walk through housing.
- Adjoining properties may be overlooked. Dwellings close to existing properties should be bungalows or chalet bungalows at most due to the rising land.

Wildlife

- Pushing an access through the Nature Reserve and wildlife habitat and damage to the land, disrupt continuity and will harm wildlife.
- Wildlife cannot exist in isolation so Somerfield pledging that they can keep a small wedge for wildlife will not work.
- Money has been spent on promoting the nature reserve. Do not understand why this would be compromised.
- The development would destroy a haven for British wildlife.
- It would set a dangerous and unmanageable precedent for building in designated nature and wildlife reserves.

Other matters

- The inclusion of industrial units will change the character of the area and possibly produce pollution. Air quality has reduced in recent years and the development will worsen it further.
- Concerned about increased pollution and loss of the natural environment which will follow the proposals to build on the Green Wedge, agricultural land and the natural landscape, at a time when world leaders are meeting to agree action to reduce carbon emissions.

- There was huge public opposition in 2010 which was acted upon. Cannot see why there is another application when there is such overwhelming public opposition.
- This is a crafty way of developing the whole site once permission is obtained for this phase.
- The proposal is not supported by the local people in the context of the government localism policy and should be rejected.
- We owe it to future generations to keep this beautiful and pleasant area of the town exactly as it is now.
- There has been no change in circumstance since the last time this development was proposed.
- These are not affordable homes for local people.
- This development may lead to Taunton becoming a 'clone town'.
- If the development goes ahead then regular visits to Taunton by tourists, with its spending in the economy may stop.
- The natural play trail will need regular maintenance and topping up. Where will this money come from?
- Who will pay for the annual pruning required for the community orchard?
- Where will the money come from to cut communal grass lands?
- Developers have already failed to maintain the existing play area at Killams, how can we trust them to keep their promise this time.
- Where is the potential for business and employment growth; are these the unknown industrial units in the middle and shops? These will not create enough jobs to enable development.
- The application proposed buildings up to a height of three stories, described as mews and courts. Presumably these will be flats; can we believe that the number of dwellings will be reduced by 50% from the previous application; will this be a development similar to the flats refused on Killams Avenue recently?
- Query how the development can be permitted when the application for a Town Green has not been considered.
- New developments should include features to reduce the demand for water, electricity etc. and should provide allotments and space for the community.
- The provision of so much open space and allotments is a breeding ground for anti-social behaviour, fly tipping and will undermine the security of neighbouring properties.
- Summerfield do not build family homes with large gardens for children to play in. The dwellings are not safe for children, having no front gardens.

Suggested amendments

- The school is not needed and should be removed from the plan.
- If it is retained, the school should be more centrally located within the development for those off-site who need to access it.
- Measures should be taken to prevent parents using Mountfields Road to access the school.
- The landscaping belt closest to Mountfields Avenue should be strengthened. The 'opportunities' plan conflicts with the Masterplan in this regard.
- At least one of the ponds should be designed to be wet all year around.
- Improvements to the cycle link between Mountfields and Calway Road should be considered – perhaps an alternative route around Bishop Fox's School.
- The existing powerlines that are in danger of interfering with a number of trees should be removed as part of the development.

- The development does not properly integrate with surrounding development and more access routes should be provided.

Positive comments

- The need for new housing is understood.
- The plans look good with an orchard, school and shops and they are going in the right direction but fewer houses still required.
- It is reassuring that Mountfields is no longer proposed for access. It should be ensured that this is maintained and not used for construction purposes either.
- It is good to see that the number of dwellings has been reduced from the original proposals.

1 letter confirming no objection although raising some comments already included above.

1 letter making no comment.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
 SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
 CP1 - TD CORE STRAT. CLIMATE CHANGE,
 CP4 - TD CORE STRATEGY - HOUSING,
 CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
 CP7 - TD CORE STRATEGY - INFRASTRUCTURE,
 CP8 - TD CORE STRATEGY- ENVIRONMENT,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,

LOCAL FINANCE CONSIDERATIONS

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£362,026
Somerset County Council (Upper Tier Authority)	£90,507

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£2,172,159
Somerset County Council (Upper Tier Authority)	£543,040

DETERMINING ISSUES AND CONSIDERATIONS

The starting point for making any decision on a planning application is the development plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Relevant policies of the development plan are set out above and decisions should be made in accordance with the development plan unless material considerations indicate otherwise.

The first section of this report considers the principle of the development in relation to the development plan and then considers other relevant material considerations that relate to the principle of the development. In some ways, consideration of the green wedge impact is part of this process, but in other regards it is a separate matter. Whilst passing reference will be made to it in assessing the principle of the development, a full assessment of impacts on the green wedge will be made in section 2. The following sections of the report relate to other material considerations that need to be considered in reaching a decision on the application. The report concludes by summarising those material considerations and making a judgement on the sustainability of the proposed development, relating those findings back to the high level principles in the opening section.

The main issues and structure of the report, for the consideration of this application are:

1. The principle of development and planning policy context
2. The impact on the green wedge and visual amenity in general
3. The impact on the highway network
4. The impact on wildlife
5. The impact on flood risk
6. The indicative form of development and its relationship with existing dwellings and the wider settlement
7. The impact on (and provision of) community infrastructure and open space and accessibility to those facilities
8. Other material considerations; and
9. Taking all of the above into account, whether the development is likely to be 'sustainable' within the meaning of the Core Strategy and National Planning Policy Framework.

1. The principle of development and planning policy context

The application site is outside any development boundary and is within the Vivary Green Wedge. In this regard, the development appears contrary to Policy CP8 of the Taunton Deane Core Strategy, which seeks to resist development outside identified settlement limits and seeks to 'maintain' green wedges. The existing green wedge boundaries can clearly be seen on the Core Strategy proposals map for Taunton.

However, the Core Strategy (Policy CP4) also provides for significant additional development in Taunton Deane, requiring the provision of an additional 17,000 homes (at least) over the plan period. Policy SP2 indicates that the majority of these (at least 13,000) should be in or as extensions to Taunton. The Core Strategy

identifies certain strategic allocations at Monkton Heathfield, Nerrols, broad locations at Comeytrowe and Staplegrove; which together with the Taunton Town Centre Area Action Plan (TTCAAP) sites and completions to date over the plan period are forecast to meet these requirements. There is no slack in these figures, which would not allow any 'non-delivery' of sites and require all to be built out to their maximum indicative levels and for current rates of windfall development to be maintained over 15 years. Of particular concern is the reliance within these figures of 2,100 dwellings within the TTCAAP, a large proportion of which are flats which are not, as a general rule, being developed at the present time. Your policy officers, therefore, consider that there is a need to find additional sites on top of the strategic allocations in order to ensure that the plans targets are met and to maintain a 5 year supply of deliverable housing sites.

The SADMPP is currently at an early stage of preparation, with consultation on 'issues and options' having closed on 7th March. At the present time, until this plan has reached a more advanced stage, it is considered that the development plan is silent on the matter of where any further sites will be identified. What is certain is that there will need to be a review of Taunton's current settlement limits (as shown on the Core Strategy Proposals Map) to accommodate the required increase in dwellings and that this will be in addition to the strategic sites considered by the Core Strategy. As part of this process, considered through the SADMPP, the existing green wedge designations will be reviewed to understand whether they have any capacity to accommodate development, without harming their function – the function of the current green wedge at the application site is considered in section 2, below.

Whilst the development is, therefore, in technical conflict with the development plan in that it proposes development outside the settlement limits, it cannot be accepted that further allocations in Taunton beyond settlement boundaries will not be required.

The National Planning Policy Framework (NPPF) indicates at paragraph 47 that LPA's must be able to demonstrate a 5 year deliverable supply of housing land. Without a 5 year supply of housing the housing policies in the plan must be considered 'out of date'. Having recently published the latest Strategic Housing Land Availability Assessment (SHLAA) your planning policy officers believe that they can demonstrate a 5 year supply of deliverable housing land subject to a 20% buffer not being required. Recent appeals at Milverton Road, Wellington and Maidenbrook, Taunton, however, reached differing conclusions on the matter, the Milverton Road inspector concluding that there was a 5 year supply and the Maidenbrook inspector concluding that there was not. Whichever inspector is correct here, the two contrasting decisions serve to indicate that fragility of the housing land supply situation, a matter acknowledged by your policy officers.

There is an argument that, if a 5 year supply of housing land can be demonstrated, it is irrelevant whether the SADMPP is in place, as there is sufficient land to meet the immediate housing needs of the Borough. However, regardless of the 5 year land supply situation, it cannot be denied that part of the development plan is not yet in place and the plan is, therefore, silent on the precise locations of future housing. Your officers and the applicant have independently sought Counsel's opinion on this point and both counsels agree that the development plan is silent on the point of housing allocation. Paragraph 14 of the NPPF states that where the development plan is absent or silent, or the relevant policies are out-of-date, then planning

permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Whilst the settlement limits may be out of date, what is clearly not out of date, are the specific restrictive policies in the plan such as that seeking to maintain the green wedges. Policy CP8 indicates that development outside settlement limits will only be permitted where it will “protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements”. Clearly, development in the green wedge cannot be considered to maintain it and the open break between Killams/Mountfields and Sherford/Trull will be diminished. An assessment of the harm this would cause is discussed in section 2 below, but for the purpose of this section, it is clear that the development is contrary to this part of the development plan.

In terms of the principle of the development, therefore, it can be seen that there is a conflict with the development plan in that the site is outside the settlement limit. However, the weight of this technical conflict is reduced given the significant amount of development that the plan envisages for Taunton and that this will, undoubtedly, involve presently unallocated sites outside the plan. Precisely where this development will be accommodated is a job for the SADMPP and until this is in place, the development plan remains silent on this matter. The NPPF is a weighty material consideration and confirms that where relevant parts of the plan are silent, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This so-called ‘presumption in favour of sustainable development’ is echoed by Policy SD1 of the adopted core strategy and together with the NPPF carries such weight as to leave a presumption in favour of granting permission, in principle, provided that it can be shown to be sustainable. Such will be considered through an assessment of other material considerations, through the remainder of this report.

2. The impact on the green wedge and visual amenity in general

The Vivary Green Wedge is a long standing policy designation. Policy CP8 of the Core Strategy seeks to maintain green wedges and open breaks between the settlements and as noted above, the development would fail to maintain the green wedge in its current guise and would therefore, be contrary to this policy. Paragraph 3.110 explains intended function of green wedges:

- Prevent the coalescence of settlements and maintain a sense of place and identity for neighbourhoods;
- Maintain the open character of a green lung contributing to health and wellbeing for residents;
- Bring the countryside into the heart of town;
- Provide accessible formal and informal recreation, sport and play;
- Provide valuable wildlife corridors and habitat;
- Protect areas of landscape importance and visual amenity; and
- Provide a positive approach to land use.

These will now be discussed in turn.

Prevent the coalescence of settlements and maintain a sense of place and identity

for neighbourhoods

This is the clearest and most obvious function of all of Taunton's green wedges. The Vivary Green Wedge plays a clear role in separating the part of town clustered around South Road and Shoreditch Road from that clustered around Trull Road. The wedge widens gradually from the town centre and at the point of the application site is around 710m wide at its narrowest point (from the end of Mountfields Road to Sherford Bridge Farm), widening to around 1.2km from Killams Avenue to Wyvern Road. The development, taking the application site boundary, would narrow these gaps to around 500m and 920m respectively, although in reality the gap at the northern end would be reduced by virtue of this part of the site remaining as open space.

Cotlake hill is an important landscape feature at this point, the summit lying between Killams and Trull. As a consequence, the land rises between Killams and Sherford and there is no intervisibility between these two parts of Taunton. Even if development were to extend to the western part of the application site, there would still be no intervisibility between Killams and Sherford, so it could not be argued that there were any coalescence and the individual identity of these two parts of Taunton would be maintained.

Maintain the open character of a green lung contributing to health and wellbeing for residents

It is considered that the purpose of this objective is to provide access to open, undeveloped areas within easy reach of people's homes. Taunton's Green Wedges mean that the majority of dwellings are, indeed, within easy reach of large areas of undeveloped land. The existing development at Killams and Mountfields benefits from public footpaths running along most of the western side of the developed area into the town and the character of these routes is 'open'. Clearly, developing to the west of part of this route will reduce its openness, for those using the route and for those immediately adjoining residents, but this is not the stated objective. The objective seeks to 'maintain the open character of a green lung' and this is considered to relate to the integrity of the wedge itself, rather than its fringes. The purpose is, therefore, considered to be one of preventing the open character being diluted, perhaps by adhoc development within it, rather than preventing a reduction in the overall width. In this way, sporadic development within the wedge would undermine the objective, but further residential development at the edges would not – providing that the overall open space within the wedge were maintained. In this case, it is considered that the overall open character of the remaining green wedge would be maintained.

From the top and northern slopes of Cotlake Hill, the edge of the built development would be closer than it currently is. However, the northern sections of the western site boundary are lined by trees and there are proposals to further enhance the planting along this site boundary. Therefore, whilst parts of the development may be visible from the summit and footpath descending to the north, the fact that it would be 'closer' to the footpath than existing development, is not considered to be harmful to the green wedge's function. It is certainly not considered to reduce the open character of the wedge, which would still be seen as a wide tract of open land heading towards the town centre.

Bring the countryside into the heart of town

One key feature of the green wedges, particularly the Vivary and French Weir wedges, is the way that they extend right to the Town Centre. In this way, it is possible to walk from the centre of town (in this case from the Vivary Park gates) right to the open countryside without encountering further significant development. This proposal does not affect the part of the wedge closest to the 'heart of the town' and would not prevent it from fulfilling this objective.

Provide accessible formal and informal recreation, sport and play

In its current state the green wedge contains walking routes that provide for informal recreation opportunities. These existing footpaths would not be affected by the proposed development (although it may lead to opportunities for cycleway provision linking Killams and Sherford, broadly along the line of the existing footpath – see section 3 below). The development would also provide further walking opportunities around the perimeter of the site within the new areas of perimeter landscaping and would provide areas of open space for informal recreation and play – including specific children's play facilities, a community woodland area and allotments. This would be in place of presently inaccessible farmland and it is, therefore, considered that this objective will continue to be met and in some ways would enhance its function in relation to this particular objective.

Provide valuable wildlife corridors and habitat

The Black Brook, adjacent to the existing residential development at Killams is a Local Nature Reserve. The detailed considerations in section 4, below, will show that the impact on this wildlife corridor, in terms of its biodiversity interest, is acceptable. Wildlife and their habitats will be maintained, so this objective is considered to be met.

Protect areas of landscape importance and visual amenity

This site provides an open countryside setting to the nearby dwellings in Killams and Mountfields. It provides view out towards Cotlake Hill and helps to give this part of Taunton an 'urban fringe' character. However, it is Cotlake Hill that is the most important landscape feature in the area and the upper reaches of this will be unaffected by the proposed development.

Only a handful of dwellings towards the north of the site benefit from an outlook directly across the site, and at this point, the main areas of open space are proposed for the development. The public footpath through the Local Nature Reserve, along the western edge of the existing housing development, provides a pleasant woodland walk for most of its length, until it breaks out into the open character alongside these houses. The significant additional landscaping proposed along the eastern site boundary, including the surface water attenuation ponds, is considered to provide a buffer to this area and, whilst the area will change slightly in character, it will not significantly undermine the visual amenity of the area.

In terms of other nearby footpaths, it is considered that the other existing footpaths would maintain their rural feel, and their visual amenity would not be adversely affected by the proposal. The views from Cotlake Hill have been discussed above and clearly the development will be closer to the summit and footpaths on the northern side of the hill. However, the existing views are framed by the urban development of Taunton and, although the site would be slightly closer than the existing hills, it is not considered that outlook or visual amenity from this point would be significantly undermined.

Provide a positive approach to land use.

The Council's Green Infrastructure Strategy sets out various intended functions for green wedges and green infrastructure in general. Green infrastructure is intended to accommodate potential recreation areas, formal and informal, biodiversity corridors and strategic surface water attenuation features. It is considered that this objective should be considered in this context as the existing agricultural land can clearly be seen to be in a 'positive' use, but so too can developed land. Although the use would change, the site would subsequently accommodate more footpaths and recreation routes, a community orchard, formal recreation facilities and surface water attenuation features. This is considered to be a positive and well conceived use for the site, alongside the proposed residential development and, therefore, it is considered that this objective is met.

The above considerations have assessed the impact of the development on the Vivary Green Wedge in the context of the stated objectives of the green wedge in the core strategy. Even if development were to proceed on this site, it is considered that the green wedge will continue to serve its function and fulfil its objectives. The considerations above are supported by the fact that the Landscape Lead has not objected to the application – a position he would surely have held if the green wedge functions and objectives were to be undermined. In this context, it is concluded that, whilst the proposal would conflict with Policy CP8 in the sense that the green wedge would not be 'maintained', it is considered that significant harm would not arise from this conflict with the policy. In light of this, it is your officers' opinion that the simple fact that the site is within the green wedge is not sufficient to warrant refusal of the application.

3. The impact on the highway network

The development would be accessed from the existing public highway network via Killams Drive and then to Shoreditch Road. A secondary access would be provided from Killams Avenue at the southern end of the site although this, too, would ultimately join Killams Drive and Shoreditch Road.

The secondary access passes through the high risk flood areas around the Black Brook and its proposed level would be such that it would periodically flood. However, given the low frequency of such events and that the main access will be built above the flood level, this situation is considered to be acceptable in terms of highway safety and would not leave the development 'cut off' from the wider area.

Notwithstanding this, the Highway Authority remain concerned about the junction arrangement shown on the indicative masterplan from a flood risk perspective, rather

than from a highway safety perspective. As drawn, the existing road would be realigned to enter the new development, with ongoing the southbound route over the motorway to Fosgrove becoming a 'T' off this road. The Highway Authority's concern appears to be that the suggested junction location would be within the indicative flood zone, putting the existing highway network at greater risk of flooding than it currently is. However, although approval is sought for access at this stage, the applicant has confirmed that they intended this to be approval for the main point of access, with further details of the southern access to be provided with reserved matters at a later stage. The Highway Authority have confirmed in their observations that it will be possible to accommodate the access in some form, although it may be that the new estate road be simply 'Tee'd' off the existing road. Given that a solution is available, and precisely how this secondary access is not central to the principle of the development, it need not delay consideration of this outline application.

No vehicular access is proposed via Mountfields Avenue or Mountfields Road, although pedestrian and cycle links are proposed through these streets in the interest of promoting good connectivity. In addition, a new farm access for Cutcliffe Farm to the west of site is proposed through the development so that the owner of this farm no longer has to take heavy machinery out through Mountfields Road. Given the restricted width and heavy parking in Mountfields Road, this is considered to be a significant benefit to highway safety and convenience in this existing area.

The new estate road would join the stub-end of the existing Killams Drive, a wide distributor road that is capable of accommodating the likely increase in traffic. It's junction with Shoreditch Road already has a good alignment, a right turn lane and good visibility in both directions. The existing highway network is, therefore, considered to be a sufficient standard to accommodate the likely increase in traffic and the concern is, instead, one of its capacities.

Shoreditch Road, becoming South Road, is an important inbound route into Taunton town centre. It feeds into the A38 at Hurdle Way in the town centre at the Mansfield Road/Hurdle Way gyratory, behind Sainsbury's in the Town Centre. This junction, part of the wider network leading into East Reach is busy and is estimated to operate at around 98% capacity. By the developer's own admission, the development, unmitigated, would add around 7% additional traffic to this junction, putting it beyond its operating capacity. The impact would be an increase in queuing and journey times along South Road on approach to the junction.

When the application was originally submitted, the applicant proposed to make contributions to re-phase the traffic lights and carry out any minor junction works that may be required to improve capacity. The Highway Authority, however, considered that it would only be possible to obtain around a further 2% in capacity, still insufficient to accommodate the likely increase in traffic. The Highway Authority, therefore, proposed a scheme of traffic off-setting through personalised travel planning measures for residents of the site and existing residents in the local area.

In conjunction with Sustrans, one of the country's leading sustainable transport consultancies, the developer has been preparing a proposal for delivering personalised travel planning (PTP) to existing households in the local area. Evidence from other similar projects elsewhere has suggested that around a 7-10% reduction in traffic movements can be achieved following the roll-out of such projects by encouraging modal shift away from the private car. On this basis, it is proposed to roll out a PTP programme to 10,000 existing households in the area. The net

result would be that there would not be any increase in traffic in the wider area as a consequence of the proposed development.

As part of the PTP and to encourage modal shift, it is considered essential to make some improvements to the local cycling network. A key link is considered to be a new cycleway across the green wedge from Killams/Mountfields to Trull/Sherford, broadly along the line of the existing footpath. The developer has agreed to make financial contributions towards this scheme which would ultimately be delivered by the County Council. Such a link would see a significant improvement in cycle provision in the area and allow easy cross-town movement between these parts of town and on to the key employment areas around Musgrove Park Hospital/Galmington in the west and Blackbrook Business Park in the east. These improvements are considered to be a significant benefit to the town as a whole and, coupled with the PTP initiative, will mean that the development, at worst, is likely to have a neutral impact on the highway network.

4. The impact on wildlife

The majority of the site, being arable land is of limited ecological value. However, the hedgerows within the site and around the site boundaries are of greater ecological interest. These features are proposed to be retained within the development and mitigation of any impacts can be controlled through planning conditions.

Of greater ecological interest is the Black Brook to the east of the site, which is part of the South Taunton Streams Local Nature Reserve. This area would be disturbed during construction by the formation of the two new vehicular access points across the stream which could impact on dormice and other protected species. 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 as a 'competent authority' 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:

- (i) 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 of primary importance for the environment" (none of the other reasons would apply in this case);
- (ii) That there is no satisfactory alternative;
- (iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The need for additional housing is in the public interest and it is clearly in the public interest to deliver this housing in the most sustainable way, at the most sustainable

sites. Therefore, given the identified housing targets in the Core Strategy, if this development is considered to be sustainable, then it would follow that this test would be passed.

(ii) That there is no satisfactory alternative

The need for additional housing and the reason why this site can be considered for development has been considered at length in the policy sections of this report, above. As previously discussed, given the current local planning policy framework, it is considered that sites that can be found to be sustainable development within the meaning of paragraph 14 of the NPPF should be granted planning permission. In this context, as with the first test, it is considered that if the site is found to be sustainable, then there would be no satisfactory alternative in terms of the overall location of development to allowing the site to be developed.

In terms of breaching the stream, other alternatives access arrangements could be considered. However, the only other realistic prospect for gaining access to the site is via Mountfields Road. For highway reasons, this is considered to be an inappropriate route through which to access the development, so this could not be considered a satisfactory alternative. It should also be considered whether two new accesses are required – indeed the Biodiversity Officer, although raising no objection, considered that a single point of access would be more appropriate from an ecological perspective. However, it is considered to provide a far superior layout in planning terms to provide a second means of access (discussed in detail in section 6 below) and consequently, it is considered that both should be provided. For these reasons, this test is considered to be passed.

(iii) That the FCS can be maintained

The submitted ecological impact assessment outlines proposals for protecting wildlife during construction and for minimising long term impacts on the habitats. These include, for example, the creation of new wetlands in the surface water attenuation features, additional native species planting and movement ledges under the new road bridges. In terms of dormice, for which the license would be required, the Council's Biodiversity Officer has not objected to the proposals, believing that, subject to the submission of additional details, FCS can be maintained.

There is potential for other wildlife to be affected by the proposals, albeit to a lesser degree. These include bats, watervoles, and badgers. However, the Biodiversity Officer is content that measures can be put in place to mitigate the impact on wildlife and the development is, therefore, considered to be acceptable in these terms.

5. The impact on flood risk

The application proposes that surface water would be attenuated on site in a number of open ponds along the eastern site boundary, adjacent to the existing Black Brook. Such would mean that any additional surface water run-off from the site would not increase flood risk to existing property off-site.

In its original form, the Environment Agency objected to the application on the basis that the secondary access at the southern end of the site would impede flood flows and result in an increase in off-site flooding. Subsequently, further information and

revised modelling has been produced, together with proposals for a 'floodplain compensation' scheme towards the southern end of the site, to contain displaced flood water in times of peak flow, preventing additional discharge off-site. The compensation scheme includes a new bypass channel, diverting the Black Brook around the existing on-line pond. This pond would maintain only a 'sweetening flow' for ecological reasons, with significant quantities of water only flowing through this feature at times of peak flow. The works would increase the capacity of the Black Brook and existing floodplain and as a consequence the EA, TDBC Drainage Officer and SCC Flood Risk Manager are now content with the proposals.

In addition to the EA's recommended conditions, the Drainage Officer is concerned that a culvert on the Stockwell Stream to the west of the site has been poorly maintained in the past and may not be able to accommodate increased flows in its current condition. Therefore, he recommends further conditions to ensure that this culvert is properly surveyed and improved if necessary to prevent surface water 'backing up' and increasing flood risk. Taking these factors into account and subject to the recommended conditions, it is considered that the proposed development would not lead to any increase in flood risk either on or off site.

6. The indicative form of development and its relationship with existing dwellings and the wider settlement

Although the application is made in outline, with layout and appearance reserved, a substantial level of detail has been provided about the likely form of the development.

The indicative plans suggest that one would arrive from the main, central access point off Killams Drive into a wide open area, containing informal open space and some surface water attenuation ponds. Dwellings would front this space, providing a 'village green' type environment. From here, a main spine road would provide vehicular access to the north and south, via a wide street with a reasonably continuous frontage. From the main street, secondary streets would access the remainder of the dwellings, providing access to dwellings and rear vehicular access to dwellings that front the open spaces around the perimeter of the site. This approach, whilst allowing the perimeter dwellings parking close to their homes or on-plot, would mean that the perimeter areas were retained as attractive, pedestrian/cycle friendly areas free from motor vehicles. Paths/cycleways running along the east and west boundaries would provide good connectivity along the length of the site.

At the northern end of the site, public open space would provide a 'soft' edge to the existing dwellings on Mountfields Avenue, which back onto the site. This area would contain the main children's play area and community orchard in a new formal park. Pedestrian and cycle linkages would be made to Mountfields Avenue and Mountfields Road, linking into the existing cycle network along the western edge of the existing development, through the Local Nature Reserve. These linkages would also mean that good connectivity was provided to Mountfields and on to the existing cycle/pedestrian routes to the town centre.

From Mountfields Road, a narrow footpath provides a link to Calway Road, from where there is a dedicated pedestrian and cycle route to the town centre, via Vivary Park. The footpath is shared with the access to a number of residential properties

on its southern end, and these residents will, undoubtedly see an increase in footfall along the path. However, this is not considered to be so detrimental to their living conditions as to warrant refusal of the application, given that it is an existing public link. The applicant has explored potential opportunities with the County Council to provide a new link allowing continuous cycling all the way from the site to the town centre, but this has not proved achievable. However, even allowing for walking along the Mountfields-Calway Road link, it is possible to cycle from the main access point for the development to the town centre (Vivary Park gates) in less than 10 minutes at a steady pace. In this context, it is considered that the site is in a highly accessible location for the main cultural and retail opportunities within the town centre. There is also a regular bus service from the end of Killams Drive and these facilities can be accessed by non-private car means.

In addition to the Town Centre, the site is also in reasonably close proximity to Blackbrook Business Park which, again, is a comfortable cycle ride. The recommended S106 agreement includes some contributions to 'unblock' difficult points on this part of the town's cycle network and this would further improve accessibility to this area. Contributions would also be available to fund a new cycle link to Sherford, which would connect east and west Taunton, delivering Policy CP6's objective to "improve accessibility by ... cycling and walking to key destinations such as ... Somerset College and Musgrove Park Hospital, especially from ... Taunton East. It is difficult to see how this part of the objective could be provided other than through contributions from a site such as this.

Part of the way that the site has been conceived has been to provide two vehicular access points. The main access, broadly centrally located within the site, would serve most of the development, with a second access to the south. The second access is considered important to provide good connectivity to the existing, residential development and prevent the new development becoming an isolated addition to the edge of Taunton. It is, therefore, considered to be important in terms of connectivity and integration with existing surrounding development. As discussed above, cycle links have been proposed to Mountfields. Ideally, from a connectivity point of view, these should also be open to vehicular traffic, but this has been discounted on the basis of the traffic disruption it would cause to these, relatively, narrow congested streets.

The Landscape Officer has suggested that a third cycle route access should be provided in the southern boundary of the site to provide a direct link for pedestrians and cyclists from the town centre to the Blackdown Hills. However, this would necessitate a further crossing of the Black Brook which could have adverse flood risk and ecological impacts. Given the presence of the second vehicular access close to the south of the site, it is not considered necessary to provide a further dedicated cycle pedestrian crossing of the stream.

In terms of the immediately adjoining residential dwellings, surprisingly few dwellings have a common boarder with the site. At the southern end of the site, dwellings back onto Killams Avenue and would be further separated from the site by the existing nature reserve, Black Brook and new surface water attenuation scheme. Further north, dwellings backing onto the western end of Killams Drive will witness a substantial increase in traffic passing their boundaries, but this is not considered to warrant refusal of the application. Continuing north, the dwellings on Kingsway back onto the existing cycle lane through the nature reserve and again, the wide buffer on the new development, coupled with the existing substantial belt of trees along the

Blackbrook means that the living conditions of these dwellings would not be adversely affected by the proposed development.

It is only at the northern end of the site that the dwellings on Mountfields Avenue share common boundaries with the site. The indicative masterplan suggests that the closest dwellings may be positioned around 30m from no 57 Mountfields Avenue. These dwellings are likely to feel the impact of the development greater than any others, but still the suggested separation distance is considered to be acceptable. The northern part of the site is intended to be left as open recreation space, so the dwellings on the western side of Mountfields Avenue that back onto the site would not be overlooked by the development. Most have substantial rear gardens, and the indicative plans suggest that those which do not would be further buffered from the proposed open space by a surface water attenuation pond. Similarly, it is not considered that the dwellings on the western extremities of Mountfields Road would be unacceptably harmed by the proposed development.

Pool Farm, off the northwest corner of the site, would also be relatively close to the proposed development. The indicative plans suggest that the closest dwellings would be around 50m from this dwelling and this is also considered to be acceptable to avoid any unacceptable harm to living conditions.

7. The impact on (and provision of) community infrastructure and open space and accessibility to those facilities

The proposed development would provide a substantial amount of public open space (POS) on site in the form of both formal and informal children's play and recreation. The northern part of the site, closest to existing residents in Mountfields would be given over to a large area of POS, which would meet the needs of the residents of the development. The indicative plans suggest that this area would contain a Neighbourhood Equipped Area for Play (NEAP), Local Equipped Area for Play (LEAP) and space for informal recreation.

In her consultation response (above) the Community Leisure Officer sets out the required standards of provision for the areas of public open space (1.885ha), which are exceeded by this development, with a total open space provision of 8.64 ha. This high figure is due to the large amount of buffer landscaping, which would accommodate 'woodland' trails and allow circular walks around the site. In addition to the NEAP and LEAP at the northern end of the site, a further LEAP would be provided for under 5's towards the southern end of the site, reducing the walking distance to these facilities for residents of the southern part of the site.

The application also proposes an area of allotments on site. Less has been proposed than recommended by the community leisure officer, but the applicant has chosen to keep the allotment area separate to the main recreation/play area to improve the usability and functionality of these areas and in the interests of visual amenity of that northern 'park' area. It is considered that this approach is reasonable and acceptable in this case.

A public art strategy has been submitted, confirming the applicant's intention to incorporate public art into the final designs for the development and this can be secured through a section 106 agreement.

As set out in SCC's response on education, the development will put additional strain on the Town's education systems, particularly at primary level. It has become apparent through the consideration of this application, and negotiations between the County Council and developer that the local primary school (Holway Park) and, indeed, primary schools in general in Taunton are likely to exceed their capacities over the next few years, irrespective of new development. Contributions could be requested to improve school capacity, but SCC has also confirmed that Holway Park cannot be extended any further due to constraints on its site. In lieu of contributions, therefore, the developer has offered part of the development site to the County Council to build a new primary school. In addition to this, the County Council had initially requested contributions to part fund construction of the school. However, it is considered that this would, essentially, mean that the developer was making a contribution twice: The legislative framework for collecting contributions through Section 106 agreements is contained in the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Regulation 122 relates to Section 106 agreements and sets out that any obligation must be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. It is considered that the third of these tests – relating to the reasonable scale of obligations – must be assessed in the context of the CIL provisions in general. If this authority had adopted a CIL charging schedule, then the developer would make the CIL payment and TDBC could choose to pass some of that payment to the County Council to fund the construction of a school. Under CIL, the contribution would either be a financial one, with part of that money having to go towards purchasing a site or a payment in kind, such as proposed here through the transfer of land – i.e. an either/or scenario. It is considered, that if the developer were to offer a financial contribution, therefore, it would be impossible to object to such an offer, but it would not solve the problem of the lack of space at the Holway Park site. In offering up part of the site for a school, therefore, your officers believe that it would be unreasonable to insist on any primary school financial contribution in addition to this. It would be for the County Council to ultimately fund and build the school.

Although not recorded in his formal consultation response, SCC's Education Officer is now content with this arrangement, accepting that it would be unreasonable to require a contribution in addition to the site. However, it has been further agreed that if the school is not forthcoming within a specified timeframe, then the site can be recovered by the developer for further residential development and a financial contribution made instead.

Whilst the offer of a primary school site with a fall back position of a contribution if the school cannot be delivered meets the legislative tests and is acceptable in terms of mitigating impact, it does present a conundrum in terms of accessibility. Clearly, if a school is delivered on the site, then the residents of the development have easy access to it by means other than the private car. However, if, ultimately, it is not delivered then the overall sustainability of the site needs further consideration. Holway Park School, the catchment school for the site, is some 1.5 miles away. In considering the site for allocation in the Taunton Deane Local Plan, the Inspector concluded that at this distance, the likely mode of travel to school would be the private car and he considered that this accessibility factor weighed against allocation. His assessment was based upon standards set in the Regional Spatial Strategy, which, following a recent Ministerial Statement looks to be shortly revoked, but the 800m acceptable walking distance to a primary school contained therein, remains a sensible rule of thumb for primary school aged children. These

accessibility considerations for the primary school need to be weighed in the balance when considering the overall sustainability of the site, below.

8. Other material considerations

The site is high grade agricultural land, mainly grade 2 according to a report produced by the South Road and Area Residents Association. Paragraph 112 of the NPPF, advises that “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”. As discussed at length, above, the Core Strategy sets out substantial growth plans for Taunton, the majority of which would be on agricultural land. The land surrounding Taunton is mainly of a high quality and, therefore, the required growth will, predominantly, take high quality land and this site is no exception to that.

Whilst the loss of high quality agricultural land is regrettable, and clearly weighs against the sustainability credentials of a site, it is also considered that national planning policy does not attribute significant weight to this matter. The test is one that requires lower quality land to be chosen over higher quality land, but when all available land within the area is of similar quality, it is considered that this matter should not be attributed significant weight.

Although the site has not been previously developed, your Environmental Health Officers are concerned that the ground should be checked for any potential contamination, given the sensitivity of the end use. Such can be required by condition on any grant of planning permission.

An Air Quality Assessment submitted with the application suggested that the increase in traffic associated with the development may have a slight impact on Nitrogen Dioxide levels in the East Reach Air Quality Management Area (AQMA). However, given the amount of traffic already utilising this route, it is not considered that this increase would be significant. Given the findings set out above regarding highway impact, it may be that the wider PTP initiatives mean that there would be no overall increase in traffic as a result of the development and, therefore, it is considered that this matter should be given very limited weight.

The southern end of the site is close to the M5 motorway, where noise from passing traffic is evident. The submitted noise report indicates that the southern parts of the site are in noise exposure category ‘B’, as defined in the, now revoked, PPG24. No guidance has replaced PPG24, so it is still considered to provide a helpful guide. Noise exposure category B indicates that noise should be taken into account, but it is unlikely to be a barrier to development. It is possible, depending on the final building layout, that additional acoustic barriers, such as high performance glazing, may be required. It is, therefore, considered that further information should be submitted with any reserved matters application for the southern part of the site.

The Police have made a number of requests for funding for various capital projects to improve police resources in the area. However, it is considered that these are more to do with improving their existing capabilities rather than being directly related

to addressing the specific impacts of the development proposed. In addition, this type of facility (if required as a consequence of development) would in the future be secured through CIL. Planning Policy officers have confirmed that the police were consulted in relation to the preparation of a CIL charging schedule and made no such infrastructure requests. In light of this, it is not considered reasonable to secure the facilities requested by the Police.

A development of this scale would result in a substantial receipt of New Homes Bonus. Such would weigh in favour of the development, but your officers would not advise that this weight should be substantial in the overall balance of issues.

9. Taking all of the above into account, whether the development is likely to be 'sustainable' within the meaning of the Core Strategy and National Planning Policy Framework

The above report, identified that the development is in conflict with the development plan, particularly Policy CP8 of the Core Strategy which seeks to prevent development outside settlement limits and seeks to maintain green wedges. However, it has also been explained that Taunton needs to accommodate significant housing growth over the coming years and that in order to secure a constant supply of deliverable sites, the development of further sites, in addition to the Core Strategy's strategic allocations, will also be required. At the present time, preceding adoption of the SADMPP, the development plan is silent on where this housing should be provided. In that context, paragraph 14 of the NPPF and Policy SD1 of the Core Strategy both indicate that permission should be granted for sites that are sustainable, within the meaning of the wider Core Strategy policies and the NPPF.

Sections 2-8 of the report, have thoroughly considered the main material considerations and determining issues for this application. It has been shown that if the development were to proceed, the green wedge would continue to serve its function in the context of the objectives stated within the Core Strategy. In terms of the highway network, the applicant has agreed to progress a personalised travel planning scheme across future and existing residents in the south Taunton area, with an aim to off-setting the likely increase in traffic from the proposed development. Your officers consider that this creative and forward thinking proposal should be embraced as a model for improving the sustainability of the town as a whole rather than simply mitigating the impact of the development, as cumulatively, the benefits could be significant.

In terms of other material considerations, the development would not increase off-site flooding and would not harm ecological interests within or adjoining the site. The impact on local community infrastructure, such as parks and schools would be mitigated through the provision of new on-site facilities or contributions to enhance existing off-site facilities. Whilst a new site will be provided for a primary school, there is some concern over the potential for the County Council to fail to deliver this infrastructure. Whilst, in that event, the developer could be required to make financial contributions to enhance other existing facilities, these are at some distance from the site. Therefore, although, the impact on infrastructure would be mitigated by the contributions, the accessibility of this important service and, therefore, sustainability credentials of the site would be reduced. However, it is considered unreasonable to take the development at anything other than face value. The provision of education facilities is ultimately the responsibility of the County Council,

not house builders and, it is not considered appropriate to refuse permission on the basis that the school might not be delivered, when it is clearly the applicant's intention that it will be.

With a school, and other some small-scale employment opportunities on site, together with excellent accessibility to the rest of Taunton by means other than the private car that would also be further improved through the recommended Section 106 obligations, it is considered that the site and the proposed development is sustainable. Given NPPF guidance to significantly boost the supply of housing, it is considered that the benefits of granting permission and increasing the land supply are significant. There are no obvious adverse impacts that would significantly and demonstrably outweigh these benefits other than the overwhelming quantity of public opposition. In terms of substance, however, that objection to the scheme is mainly over the grounds that have been discussed in detail in the report, and on matters where your policy, landscape and biodiversity officers have found little harm. It is, therefore, difficult to attribute significant weight to the sheer quantum of objection in reaching an objective decision on these matters.

In light of the above, the proposed development 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 1998.

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

E/0044/43/13

**SITING OF SALES OFFICE ON PUBLIC OPEN SPACE AT CADES FARM,
WELLINGTON**

OCCUPIER:

OWNER: PERSIMMON HOMES (SW) LTD
MALLARD ROAD, SOWTON TRADING ESTATE, EXETER
DEVON
EX2 7LD

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of the temporary Sales Office for Persimmon Homes.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice requiring the temporary sales office to be removed from the site and the land restored to its former condition prior to the breach taking place.

The Enforcement Notice shall require -

- the removal of the temporary structure
- remove the hard surfaced area formed around the building
- remove the fences and signage from the site
- reinstatement of the land to its former condition and use as a public open space.

Time for compliance : 2 months from the date the notice comes into effect.

SITE DESCRIPTION

The land formed part of phase 1 of a new housing development at Cades Farm on the eastern outskirts of the town. The area was designated on the approved plans as being an open space area. The land is situated opposite a number of properties which face directly onto the originally planned open space.

BACKGROUND

Phase 1 and 2 of the Cades Farm development was completed last year. The area in question had been used as a site compound whilst the development was ongoing. There were concerns from residents that the compound was still in existence even though all development had been completed. Late last year the site compound was removed and the area landscaped, planted and seeded to form the open space approved on the plans. In March this year an area of this open space land was stripped of grass, some trees removed and the area hard surfaced with tarmac. A temporary office building was provided which is to be used as a sales office in connection with the forthcoming phase 3 of the Cades Farm development.

The developers were contacted who confirmed that the building was required for a temporary period until late June when it is anticipated the show homes would be ready and there would be no need for the temporary sales office. A request for an

application for temporary Planning Permission was made but declined.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The structure is sited approx 5m from the highway on a slightly elevated position. The building is of sectional construction with a flat roof. It measures approx 3.6m x 6m. Sited to the rear of the building is a small structure housing what appears to be a generator. The building as stated is sited on what is an area of open space within the street scene at the entrance of this newly constructed housing development. The provision of the building requires planning permission as it is considered to be development even though it is of a temporary nature. The use of land as a sales office and car park would also constitute a change of use of open space land.

RELEVANT PLANNING HISTORY

Numerous applications but most relevant :-

Phase 1 (including the site of the breach)

43/05/0004 Residential development at Cades Farm, Wellington - outline
43/07/0171 Residential development – reserved matters
43/07/0172 Residential development – reserved matters
43/08/0068 Residential development – reserved matters

Phase 2 (adjoining land, but development to which the sales office, subject to this report relates)

43/10/0127 Residential development - outline
43/12/0103 Residential development - reserved matters

RELEVANT PLANNING POLICES

Taunton Deane Core Strategy

DM1 – General Requirements

Taunton Deane Local Plan (Retained policies)

C4 – Standards of open space provision

National Planning Policy Framework

Enforcement (paragraph 207)

DETERMINING ISSUES AND CONSIDERATIONS

The site forms part of an area that should be providing public open space to the surrounding residential development. Following the completion of the development and removal of the site construction compound last year, the space had been provided in accordance with the approved plans.

The new sales office, subject of this report, is to serve the new, recently permitted development on land to the south. It is considered appropriate for this to be provided

on the new site, but it should not remove the open space required for the existing development, given that the duration of development could be for around 5 years.

Persimmon Homes have verbally agreed to move the sales office to the new site, but not until June 2013. Authorisation is, therefore, being sought to ensure that the promised removal takes place in a timely manner.

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

PLANNING OFFICER: Mr M Bale
PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

CONTACT OFFICER: Mr J A W Hardy, Telephone 01823 356466

Planning Committee – 17 April 2013

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

Officers: - Tim Burton (Planning and Development Manager), Bryn Kitching
(Development Management Lead), Matthew Bale (Area Co-ordinator
West), Nick Bryant (Policy Lead), Helen Vittery (Transport
Development Group Manager, Somerset County Council), John
Fellingham (Senior Transport Officer, Somerset County Council),
Judith Jackson (Legal Services Manager), Maria Casey (Planning and
Litigation Solicitor) and Richard Bryant (Democratic Services Manager
and Corporate Support Lead)

Also present: Councillors Edwards, Hall, Mrs Herbert and Meikle all in connection
with application No 38/12/0203 and Mrs A Elder, a Co-opted Member
of the Standards Committee.

(The meeting commenced at 6.30 pm)

48. Welcome

The Chairman welcomed everyone to the meeting – the first time the Planning
Committee had met at the Blackbrook Pavilion Sports Centre, Blackbrook
Way, Taunton.

49. Apologies/Substitutions

Apologies : Councillors C Hill, Mrs Hill, Tooze and Wren.

Substitutions : Councillor Brooks for Councillor Tooze;
Councillor Mrs Reed for Councillor Wren.

50. Declarations of Interest

Councillors Brooks, A Govier and D Wedderkopp declared personal interests
as Members of Somerset County Council. Councillor Nottrodt declared a
personal interest as a Director of Southwest One. Councillor Mrs Hill declared
a personal interest as an employee of Somerset County Council. Councillor
Wren declared a personal interest as an employee of Natural England.
Councillor Denington stated that he was one of the Ward Councillors
representing the Killams Area of Taunton. In the long process towards the
meeting taking place, he considered that he had not 'fettered his discretion'.

51. Outline planning permission with some matters reserved for the formation of access from Killams Drive and Avenue and for the

development of up to 315 dwellings, up to 5 live/work units, 2 commercial start units (up to 50 square metres each), provision of land (up to 1.2 hectares) for a primary school together with associated areas of open space (formal and informal), cycleways, footpaths and infrastructure at land off Killams, Taunton (38/12/0203)

Reported this application.

Resolved that subject to the applicants entering into a Section 106 Agreement to secure the provision of:-

1. Affordable Housing

25% of the dwellings to be affordable, of which:-

- (i) 60% social rented
- (ii) 40% intermediate.

2. Education

- (a) Transfer of site for primary school to Somerset County Council provided that, if the County Council determine that they do not wish to provide a school on site, it is returned to the applicant subject to payment of £772,191 towards the provision of additional primary school places elsewhere;
- (b) Payment of £831,105 towards the provision of additional secondary school places; and
- (c) Payment of £110,313 towards the provision of pre-school places.

3. Highways

- (a) Implementation of an on-site travel plan or a contribution of £90,000 towards the same provision;
- (b) Implementation of Personalised Travel Planning across the South Taunton area or a contribution of £500,000 to achieve the same;
- (c) Contribution of £210,000 to provide improvements to cycle routes in the area.

4. Community Leisure

- (a) Provision of public open space and children's play facilities on site, together with future a maintenance arrangements;
- (b) Provision of allotments on site; and
- (c) Contribution of £1,118 per dwelling towards community hall provision in the area.

5. Public Art

The integration of public art into the development, through the

involvement of an artist in the detailed design process.

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if outline planning permission was granted, the following conditions be imposed:-

- (a) Approval of the details of the layout, scale, appearance, and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters, for the first phase of development indicated on the plans hereby permitted, shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. Application for approval of the reserved matters for all subsequent phases shall be made to the Local Planning Authority not later than the expiration of six years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters for the phase to which it relates or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in general accordance with the following approved plans:-
 - (A4) DrNo Fig 1 Site Location Plan;
 - (A0) DrNo 0338-2003 Rev D Land Use Plan;
 - (A0) DrNo 0348-2009 Rev D Phasing Plan; and
 - (A3) DrNo 6857.13 Rev A Proposed Revisions to Access;
- (c) Prior to any reserved matters approval, details of a foul and surface water Drainage Strategy shall be submitted to, and agreed in writing by, the Local Planning Authority. The Surface Water Strategy shall be in accordance with the approved Flood Risk Assessment (prepared by Clarkebond and dated July 2012) and demonstrate through appropriate calculations that the surface water run-off generated from the development up to and including the 1 in 100 year critical storm with climate change will not exceed the run-off from the undeveloped site for the 1 in 2 year Greenfield rainfall event. The submitted information shall incorporate an assessment of the capacity and condition of the culvert on the Stockwell Stream under the access to Pool Farm. The strategy shall include a Masterplan showing details of the phasing of surface water drainage infrastructure, attenuation requirements and run-off rates for each phase including source control measures. The development shall be implemented in accordance with the approved scheme;
- (d) Details of all cycleway and footpath routes and connections for each phase of development shall be submitted to the Local Planning Authority for approval with any reserved matters applications relating to that phase. The details shall include a schedule for the timing of delivery of the footpaths and cycleways. The development shall be carried out in accordance with those approved plans and timetable and shall thereafter be maintained as such;
- (e) Details of all areas of public open space and children's play equipment for

each phase of development shall be submitted to the Local Planning Authority for approval with any reserved matters applications relating to that phase. The details shall include a schedule for the timing of delivery of the open space and play areas. The development shall be carried out in accordance with those approved plans and timetable and shall thereafter be maintained as such;

- (f) Any reserved matters application for Phase 3 of the development (as indicated on the phasing plan hereby permitted) shall include details of the southern access to Killams Avenue. The junction shall be laid out in accordance with the details approved pursuant to that application prior to the occupation of any dwellings within Phase 3 and shall thereafter be maintained as such unless otherwise agreed in writing by the Local Planning Authority;
- (g) Any reserved matters application for Phase 3 of the development (as indicated on the phasing plan hereby permitted) shall include a thorough assessment of likely noise disturbance from the M5 Motorway to dwellings within that phase and proposed mitigation measures. The mitigation measures approved pursuant to that application shall be implemented prior to the occupation of the dwellings to which they relate and shall thereafter be maintained as such unless otherwise agreed in writing by the Local Planning Authority;
- (h) No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of the dwelling to which it relates;
- (i) No works shall commence on land shown in Phase 3 on the approved Phasing Plan (prepared by Focus DP and dated April 2012 Ref: 0348-2009 Rev D) until full details of a flood compensation scheme have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be supported by hydraulic flood modelling and include details of maintenance access and responsibilities. The development shall thereafter be carried out in accordance with the details of the approved scheme;
- (j) No dwelling shall be occupied on any land shown in Phase 3 on the approved Phasing Plan (prepared by Focus DP and dated April 2012 Ref: 0348-2009 Rev D) until a flood emergency plan for the development has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include the following:-
 - Details of safe routes for pedestrian and vehicles during a flood;
 - The location and type of signage to ensure that occupiers are aware of appropriate routes and actions to take in the event of flooding; and
 - Maintenance arrangements for access routes and infrastructure likely to be affected by flooding;
- (k) No works shall commence until an Ecological Management Plan for the Black Brook for the phase of development to which the works relate has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include details of measures to protect and enhance habitat

along the Black Brook during the construction and operation of the development. The development shall be carried out in accordance with the details of the plan;

- (l) No development shall take place on land to which reserved matters relate until a Construction Environmental Management Plan to reduce risks of pollution to the adjacent watercourses from construction works for that phase has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the details of the approved plan;
- (m) 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 (a) to (c) 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 (d) 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:-

- 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.

- 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.

- 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, and
- 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 is 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 PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should 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 are 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.

- (m) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
- (n) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of EAD's Ecological Impact Assessment dated May 2012 and include:-
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 - Measures for the retention and replacement and enhancement of places of rest for the species.
 - A Landscape and Ecological Management Plan.
- Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new badger sett and bat, dormice and bird boxes, and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (o) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
- (p) (i) The landscaping/planting scheme that shall be submitted and approved pursuant to condition (a) shall be completely carried out within the first available planting season from the date of commencement of phase of the development to which it relates. (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- (p) The new access to Cutliff Farm shall be provided and capable of use prior

- to the occupation of the 50th dwelling within the first phase of development and shall thereafter be maintained as such;
- (r) There shall be no vehicular access/egress to/from the site from/to Mountfields Road or Mountfields Avenue including during the construction phase;
 - (s) No more than 315 dwellings shall be constructed on the site.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application and secured appropriate planning obligations to enable the grant of planning permission.)

Reasons for outline planning permission, if granted:-

The proposed development would provide additional market and affordable housing contributing to the housing needs of Taunton and helping to achieve the housing targets of the Taunton Deane Core Strategy (TDCS). It was considered that the development would not cause any material harm to the Vivary Green Wedge, which would continue to fulfil its stated objectives detailed in paragraph 3.110 of the TDCS. It was considered that the proposed development would not harm highway safety and, subject to the proposed mitigation, would have a neutral impact on the wider highway network. The development would not harm ecological interests, nor would it give rise to any increase in off-site flooding. The indicative details submitted with the application demonstrated that the development had been well conceived, following established urban design principles fitting for its urban fringe location. It would provide good quality children's play and recreational open space to meet the needs of its residents and would mitigate its impact on local schools. The site was in an accessible location in reasonably close proximity to employment, leisure and retail opportunities, all of which could be easily reached by means other than the private car. It was, therefore, considered to be sustainable development and any adverse impacts could not be seen to significantly and demonstrably outweigh the benefits arising from the development. It was considered that this consideration outweighed the conflict with Policy CP8 of the TDCS making the development acceptable, in accordance with Policies SD1 (Presumption in Favour of Sustainable Development), CP1 (Climate Change), CP4 (Housing), CP5 (Inclusive Communities), CP6 (Transport and Accessibility), CP7 (Infrastructure) and DM1 (General Requirements) of the Taunton Deane Core Strategy and guidance contained in the National Planning Policy Framework.

52. E/0044/43/13 – Siting of Sales Office on Public Open Space at Cades Farm, Wellington

Reported that it had come to the attention of the Council that part of an area of public open space at the new housing development at Cades Farm, Wellington was currently being used by one of the building companies to site a sales office.

The company had been advised that planning permission was required for the change of use of the land. As a result, an application for temporary permission was submitted, but this had been declined.

To date, the sales office had not been removed from the public open space.

Resolved that:-

- (1) Enforcement action be authorised to secure the removal of the sales office from the land at Cades Farm, Wellington;
- (2) Any enforcement notice served should have a two month compliance period and;
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

(The meeting ended at 9.59 pm.)