

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 12 March 2015 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 25 February 2015 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 43/14/0130 Outline application with all matters, except the access, reserved for future approval on land at Jurston Farm, Wellington for a mixed use development of up to 650 houses, community and commercial uses, a primary school, equipped and informal public open space, community woodland and associated infrastructure with the development to be served by a new primary vehicular access at West Buckland Road (A38) and secondary vehicular access connecting to Cades Farm development along with pedestrian, cycle and emergency access connecting to Beech Hill and Laburnum Road and pedestrian and cycle access to Jurston Lane on land at Jurston Farm, Wellington
- 6 38/14/0394 Erection of 2 No detached bungalows with garages and the erection of 1 No garage to serve the existing property in the grounds of 1 Wheatleigh Close, Taunton
- 7 E0015/10/15 Unauthorised change of use of land from agricultural / nil use to B8 storage of road making materials and associated vehicles.

Bruce Lang  
Assistant Chief Executive

02 April 2015

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.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, 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](mailto:r.bryant@tauntondeane.gov.uk)**

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**Planning Committee Members:-**

Councillor R Bowrah, BEM	(Chairman)
Councillor S Coles	(Vice-Chairman)
Councillor J Allgrove	
Councillor C Bishop	
Councillor E Gaines	
Councillor C Hill	
Councillor M Hill	
Councillor L James	
Councillor I Morrell	
Councillor J Reed	
Councillor P Tooze	
Councillor P Watson	
Councillor A Wedderkopp	
Councillor D Wedderkopp	
Councillor G Wren	

## **Planning Committee – 25 February 2015**

Present: - Councillor Coles (Vice-Chairman) (In the Chair at the start of the meeting)  
Councillors Mrs Allgrove, Bowrah, Denington, C Hill, Mrs Hill, Miss James, Morrell, Mrs Reed, Tooze, Watson, A Wedderkopp, D Wedderkopp and Wren

Officers: - Matt Bale (Development Management Lead), Gareth Clifford (Principal Planning Officer), Julie Moore (Major Applications Co-ordinator), Tim Burton (Assistant Director of Planning and Environment), Roy Pinney (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor) and Tracey Meadows (Democratic Services Officer)

Also present: Councillor Cavill in connection with application No. 48/14/0051.  
Councillor T Slattery in connection with application No. 38/14/0424.  
John Fellingham and Helen Vittery from Somerset County Council Highways in connection with application No. 48/14/0051 and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### **19. Appointment of Chairman**

**Resolved** that Councillor Bowrah be appointed Chairman of the Planning Committee for the remainder of the Municipal Year. Councillor Bowrah took the Chair.

### **20. Apologies/Substitution**

Apologies : Councillors Bishop and Gaines

Substitution: Councillor Denington for Councillor Bishop

### **21. Minutes**

The minutes of the meetings of the Planning Committee held on the 7 and 28 January 2015 were taken and read and were signed.

### **22. Declarations of Interest**

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Tooze declared a personal interest as an employee of the UK Hydrographic Office. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council.

### **23. Applications for Planning Permission**

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

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

**48/14/0051**

**Construction of new link road between A38 and the A3259 to the south west of Monkton Heathfield (option C)**

### **Conditions**

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

- (b) The development hereby permitted shall be carried out in accordance with the following plans:-

- (A1) DrNo MJ004007-PL-OPTC-001 Location Plan;
- (A1) DrNo MJ004007-PL-OPTC-002 Red Line Plan;
- (A1) DrNo MJ004007-PL-OPTC-003 General Arrangement;
- (A1) DrNo MJ004007-PL-OPTC-004 Longitudal Sections String MC200 & String MC51 A3259 to Milton Hill;
- (A1) DrNo MJ004007-PL-OPTC-005 Cross Sections - M200;
- (A1) DrNo MJ004007-PL-OPTC-006 Cross Sections - M200;
- (A1) DrNo MJ004007-PL-OPTC-007 Cross Sections - M200;
- (A1) DrNo MJ004007-PL-OPTC-008 Cross Sections - M200;
- (A1) DrNo MJ004007-PL-OPTC-009 Cross Sections - M200;
- (A1) DrNo MJ004007-PL-OPTC-010 Cross Sections - MC51;
- (A1) DrNo MJ004007-PL-OPTC-011 Typical Sections;
- (A1) DrNo MJ004007-PL-OPTC-012 Landcaping & Ecological Mitigation;
- (A1) DrNo MJ004007-PL-OPTC-013 Street Lighting Plan;

- (c) (i) Before any part of the permitted development is commenced, other than the A38 bus gate, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority and shall include replacement hedgerow and orchard habitat; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each 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 the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

(d) The applicant shall undertake all the recommendations made in Somerset County Council's Ecological Appraisal report dated March 2014 (Revised June 2014), including an up to date Badger Survey, pre-construction checks for (non-Horseshoe) bat roosts and fencing for Otters and Badgers at Allens Brook. A strategy shall be submitted which shall 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; and
- Measures for the retention and replacement and enhancement of places of rest for the species.

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 and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be brought into use until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented;

(e) Details in respect of noise mitigation measures including surfacing and a noise barrier shall be submitted to, and agreed in writing by, the Local Planning Authority and carried out before the road is brought into use and shall thereafter be maintained as such;

(f) Prior to the development hereby permitted being brought into use details of the lighting columns and lights including baffles to the lights adjacent to Allens Brook shall be submitted to, and approved in writing by, the Local Planning Authority and the applicant shall demonstrate that light levels will not exceed 1 Lux on Allens Brook, its bankside vegetation and other habitat used by Lesser Horseshoe Bats. Development shall be carried out in accordance with the approved details and thereafter maintained as such;

(g) No development approved by this permission, other than the bus gate on the A38, shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details prior to the road being brought into use;

(h) No new road construction 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;

- (i) Prior to the development hereby permitted being brought into use the bus gate feature on the A38 shown on drawing PL-OPTC-003 shall be fully implemented;
- (j) No development approved by this permission in catchments 3 and/or 4 of the Option 1 drainage strategy report (December 2014) shall be commenced until details of the Allens Brook bridge crossing have been submitted to, and approved in writing by, the Local Planning Authority. The approved crossing shall be implemented in accordance with the approved construction details unless otherwise agreed in writing by the Local Planning Authority;
- (k) No work shall commence on the development hereby permitted, other than the A38 bus gate, until all details of the proposed Western Relief Road (WRR) including design drawings, layout and longitudinal sections, cross sections, construction details, street lighting and any crossing details have been submitted to, and agreed in writing by, the Local Planning Authority. The development shall then be fully constructed in accordance with the approved plans to the agreed specification prior to the WRR being opened for public use;
- (l) Details of the type and position of fencing to the Farriers Green Play Area shall be submitted to, and approved in writing by, the Local Planning Authority and shall be erected prior to the new road being brought into use;

(Notes to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (ii) Applicant was advised to submit a C3 Notice in accordance with the New Roads and Street Works Act arrangements to consider constraints and costs of mitigation works in relation to protection of Wessex Water infrastructure; (iii) Applicant was advised that there must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively. Land Drainage Consent from the Lead Local Flood Authority may be required for any temporary or permanent works affecting the flow in the Allens and Dyers Brooks which lie in close proximity to the new road scheme; (iv) Applicant was advised that the developer in delivering the necessary highway works associated with the development hereby permitted was required to consult with all frontagers affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant of planning consent and prior to the commencement of said highway works, especially if the design had evolved through the technical approval process. This is not the responsibility of the

Highway Authority; (v) Applicant was advised that the proposed development would obstruct the right of way and a diversion would be necessary. The right way would need to remain open and available until the (stopping up/diversion) Order had come into effect. Failure to comply with this request may result in the developer being prosecuted if the path was built on or otherwise interfered with. The County Council would request to be consulted on the surface of any diverted public right of way; (vi) Applicant was advised that Section 5.3.22. and 5.3.23 of the Noise Assessment give the potential qualification under the Noise Insulation Regulations (NIR) for the two options of road layout. However, Section.4.4 states that any determination of eligibility under the NIR should be based on revised/updated road traffic flows and detailed design drawings. It also recommends that further baseline monitoring is carried out prior to the start of any works, in order to determine the accuracy of any updated/revised flows. This is something that the Highway Authority should carry out in liaison with the affected properties).

**24. 34/14/0020**

**Replacement of flat roof areas to dwelling and garage with pitched roofs at 1 Stoneleigh Close, Staplegrove**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A3) DrNo WEL1182 Proposed and Existing Roof Plans;
  - (A3) DrNo WEL1182 Existing Elevations;
  - (A3) DrNo 1182 Location and Site Plan;
  - (A3) DrNo WEL1182 Proposed Elevations;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had granted planning permission).

- (2) That **planning permission be refused** for the under-mentioned developments:-

**38/14/0424**

**Erection of dwelling with attached garage in the garden to the rear of 48 Charles Crescent, Taunton (resubmission of 38/14/0143)**

**Reason**

The proposed dwelling, by reason of its design and proximity to neighbouring dwellings would lead to unacceptable overlooking and overbearing impacts



upon those neighbouring dwellings, detrimental to their amenities and contrary to Policy DM1 of the Taunton Deane Core Strategy.

## **25. Appeals**

Reported that and three appeals and three decisions were received details of which were submitted.

**Resolved** that the report be noted

(The meeting ended at 6.45 p.m.)

43/14/0130

C G FRY AND SON LTD

**OUTLINE APPLICATION WITH ALL MATTERS, EXCEPT THE ACCESS, RESERVED FOR FUTURE APPROVAL ON LAND AT JURSTON FARM, WELLINGTON FOR A MIXED USE DEVELOPMENT OF UP TO 650 HOUSES, COMMUNITY AND COMMERCIAL USES, A PRIMARY SCHOOL, EQUIPPED AND INFORMAL PUBLIC OPEN SPACE, COMMUNITY WOODLAND AND ASSOCIATED INFRASTRUCTURE WITH THE DEVELOPMENT TO BE SERVED BY A NEW PRIMARY VEHICULAR ACCESS AT WEST BUCKLAND ROAD (A38) AND SECONDARY VEHICULAR ACCESS CONNECTING TO CADES FARM DEVELOPMENT ALONG WITH PEDESTRIAN, CYCLE AND EMERGENCY ACCESS CONNECTING TO BEECH HILL AND LABURNUM ROAD AND PEDESTRIAN AND CYCLE ACCESS TO JURSTON LANE ON LAND AT JURSTON FARM, WELLINGTON**

Location: LAND AT JURSTON LANE, WELLINGTON, TA21 9PQ

Grid Reference: 314770.120405

Outline Planning Permission

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

Recommended Decision: Conditional Approval Subject to the applicant entering into a Section 106 agreement to secure:

1. 25% affordable housing, of which 60% Social Rented, 40% Intermediate housing.
2. The introduction of a 30mph speed limit around the site access and Pyles Thorne/A38 junction.
3. A travel plan.
4. Management of public open space and woodland areas.
5. Provision and construction of a Local Centre.
6. Maintenance of Surface Water Drainage infrastructure.
7. Safeguarding (and delivery to site boundary) of pedestrian/cycle route to Westpark 26.

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

1. The development hereby permitted shall be carried out in phases. In this permission any reference to a phase of development refers to the phases defined on drawing A076969drg.06C unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in an appropriate sequence in the interests of the required ecological mitigation and in the interests of clarity.

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

Application for approval of the reserved matters for each phase of development shall be made to the Local Planning Authority not later than the expiration of ten years from the date of this permission. Each phase of the development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters 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).

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

(A3) DrNo 1125-004 Rev E Land Use Plan Colour

(A2) DrNo PE-LP-A2 Rev 4 Location Plan

(A3) DrNo PHL-04 Rev B Northern Access to Spine Road via Cades Farm Development

(A3) DrNo PHL/05 Rev D A38 Access Roundabout Preliminary Layout

(A3) DrNo PHL/06 Rev A Potential Pedestrian / Cycle Link Connecting to Beech Hill

(A3) DrNo PHL/07 Rev A Potential Pedestrian / Cycle Link Connecting to Laburnum Road

(A3) DrNo PHL/08 Rev A Potential Pedestrian / Cycle Links Connecting to Jurston Lane

(A3) DrNo A076969drg.06C Outline Phasing

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

4. Prior to any reserved matters approval, details of a site-wide surface water drainage strategy shall be submitted to, and agreed in writing by, the Local Planning Authority. The strategy shall ensure that surface water run-off from the site is limited to no more than 2 litres per second per hectare of impermeable area and shall set out the principles of any attenuation required for each plot, phase or parcel of land. The development shall be implemented in accordance with the details of the approved strategy. The use of Sustainable Drainage Systems will be required as stated in the FRA in order to reduce the rate of runoff and pollution risks etc. These techniques involve controlling the sources of increased surface water and include;

- Interception and reuse.
- Porous paving/surfacing.
- Infiltration techniques.
- Detention/attenuation facilities.
- Wetlands

Reason: To prevent the increased risk of flooding as a result of the development through the use of SuDs.

5. No development shall take place on the part of the land to which separate reserved matters relate until the detailed drainage design for that plot, phase or parcel of land, incorporating sustainable drainage principles, has been submitted to and approved in writing by, the Local Planning Authority. The design shall be in accordance with the principles of the site-wide surface water drainage strategy approved under condition (3). The scheme shall subsequently be implemented so as to ensure that each part of the site is not occupied/brought into use prior to being drained in accordance with the details so approved.

Reason: To prevent the increased risk of flooding as a result of the development through the use of SuDs.

6. No part of the development hereby permitted shall be brought into use until a full operation and maintenance strategy for the surface water drainage mechanisms which relates to that part of the development has been submitted to and approved in writing by the Local Planning Authority in accordance with the FRA produced by AWP dated 26 November 2014. The strategy shall identify all future land use limitations, identify the ownership, operation and maintenance arrangements for the works over the lifetime of the scheme.

Reason: To ensure adequate future maintenance provision is in place in the interests of preventing any increase in flood risk.

7. Prior to the commencement of the development of any buildings, a foul water drainage scheme shall be submitted to and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. The drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing.

The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

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

Reason: To ensure that any archaeological remains on the site are properly investigated and not damaged as a consequence of construction.

9. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance each phase of 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 all the submitted reports to date (Andrew McCarthy Associate's Extended Phase 1 Habitat Survey dated March 2009, SLR's Protected Species Update Report dated April 2011, Updated Preliminary Ecological Assessment dated November 2014, Bird Survey report, Bat report, Invertebrate Survey Report, Reptile Survey Report and Dormouse Survey Report all dated November 2014 as well as the draft for Screening documents 1 and 2 -EPS Method Statement: Dormice Background Information and Delivery Information dated October 2013), and up to date surveys and include

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when protected species could be harmed by disturbance.
3. Measures for the enhancement of places of rest for protected species.
4. A 25 year Landscape and Ecological Management Plan
5. Details of Dormouse monitoring over a period agreed with the LPA

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 mitigation planting and maintenance of the bat, dormice and bird boxes and related accesses have been fully implemented.

Thereafter the new planting and the wildlife resting places and agreed accesses shall be permanently maintained

Reason: To protect and accommodate wildlife.

10. Before development commences in any particular phase (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained in that phase shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been

erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies S2 and EN8.

11. Prior to the commencement of any other development hereby permitted, the new roundabout access to the site from the A38 shall be fully constructed in accordance with detailed drawings that shall previously have been submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that an adequate means of access to the site is provided.

12. Pedestrian/Cycle access and access for emergency services only shall be provided to Beech Hill and Laburnum Road in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The details shall include the means of preventing access by general motor vehicles.

The link to Beech Hill shall be provided prior to the occupation of 75% of dwellings in phase 2 of the development. The link to Laburnum Road shall be provided prior to the occupation of 75% of dwellings in phase 5 of the development. Once provided the access, including any feature for the prevention of access by general motor vehicles, shall thereafter be retained as such.

Reason: To promote good connectivity and permeability within the resulting urban area of Wellington and to ensure good access to facilities and services by means other than the private car.

13. Any drawings submitted pursuant to condition 1 of this planning permission shall include full details of the proposed Public Open Space and children's play areas for that phase of development to which they relate. The approved Public Open Space and any children's play equipment shall be laid out and brought into use prior to the occupation of 50% of the dwellings on the phase to which it relates.

Reason: To ensure that adequate public open space and children's play facilities are provided to meet the needs of future occupiers of the development.

14. The vehicular access to Cades Farm shall be provided and brought into use in accordance with detailed drawings which shall previously have been submitted

to and approved in writing by the Local Planning Authority insofar as it relates to land within the application site prior to the occupation of 20% of dwellings in phase 8 of the development hereby permitted and shall thereafter be retained as such.

Reason: To ensure good connectivity to surrounding development and to deliver the objectives and requirements of Policy SS4 of the Taunton Deane Core Strategy.

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

The approved roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling/building 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: In the interests of Highway safety and to ensure that all premises are accessed via an appropriate means of access.

16. (i) Any landscaping/planting scheme shown on drawings approved pursuant to condition 2 of this planning permission shall be completely carried out within the first available planting season from the date of commencement of any phase of the development the development unless otherwise agreed in writing by the Local Planning Authority.  
  
(ii) For a period of five years after the completion of the landscaping scheme within the relevant phase, 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.

17. Prior to the occupation of the 150<sup>th</sup> dwelling, the "school land" identified on drawing 1125-004 rev E shall be capable of being accessed by motor

vehicular and pedestrian traffic from within the residential development area and such access shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the primary school site is accessible by residents of the development.

18. The buildings at the neighbourhood centre indicated on drawing 1125-004 rev E hereby permitted are permitted for uses in classes A1, A2, A3, A4, A5, D1 and D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure that the uses in the local centre are flexible to enable it to be viable and attractive to potential future occupiers.

19. There shall be no construction access to the site via Beech Hill, Laburnum Road or Jurston Lane at any time.

Reason: In the interests of highway safety and to protect the amenities of existing nearby residents.

Notes to Applicant

## **PROPOSAL**

This application seeks outline planning permission for a mixed use urban extension to Wellington. The application proposes up to 650 dwellings together with a local centre and primary school. 25% of the dwellings would be affordable. There would be areas of public open space and a community woodland including recreational walking possibilities. This would form a new green wedge to the west of the residential development area.

The northern section of Jurston Lane would be retained within the development in broadly the same form as it currently exists and would be flanked on either side by community orchards.

Approval is sought for access at this stage. The primary vehicular access would be from the A38 to the south. A new roundabout would be formed providing access to the site. A secondary access point at the north would ultimately connect the site to existing development at Cades Farm, but this would occur towards the end of the development.

Pedestrian/cycle access, including access for emergency services is proposed to Beech Hill and Laburnum Road. There would be no access to the general public by motor vehicle at these points.

## **SITE DESCRIPTION**



The application site is formed of agricultural land to the southeast of Wellington. The land is currently divided into relatively small fields, the topography is undulating, although most slopes are gentle.

Jurston Lane runs north-south through the site on a meandering route. At its southern end, it is a paved road that gives access first to The Elms – a detached residential property enclosed by the application site – and then to Jurston Farm, a Grade II listed farmhouse and associated barns (including holiday accommodation). Heading north beyond Jurston Farm, Jurston Lane becomes a track and the most northern section is deeply sunken, flanked by hedgerows, until it once again becomes a paved road at the site boundary, leading up to Sylvan Road to the north.

The northern boundary of the site, where it adjoins Laburnum Road is formed by a weak hedge and the dwellings on Laburnum Road have a close outlook over the application site. From here, the site slopes up to its highest point, which commands distant view across Wellington. This point is broadly on a level with existing development at Beech Hill. A mix of hedges and fences form the boundary with existing properties on Beech Hill, which generally back onto the site.

Further south, along the eastern boundary, are the rear gardens of dwellings on Blackmoor Road and Oldway Park. The boundary here is an old brick wall which encloses the most south western field on the application site – presumably once a walled garden for Oldway House.

To the south of Jurston Farm is a track that descends into a watercourse, and resembles a further sunken lane. The Watercourse re-emerges further north and runs along the eastern site boundary. The eastern part of the site has already been extensively planted with new woodland trees.

To the north is the development site for Cades Farm, which already benefits from planning permission.

## **RECENT PLANNING HISTORY**

The site was allocated in the Taunton Deane Core Strategy for residential development. Policy SS4 of the Taunton Deane Core Strategy jointly allocates Cades to the north and this current application site.

Subsequent to this, the Council has adopted a development brief for the Jurston Farm site. This outlines the form of development that the Council expects to see on the site.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*WELLINGTON TOWN COUNCIL* – Responded as follows:

Over a long period of time the Wellington Town Council has consistently opposed the principle of residential development on this site. In its opinion there are other more appropriate sites available elsewhere.

However, in the event of planning permission being granted by the Local Planning Authority the Town Council wish to make the following points:

(a) further improvement needs to be made to the overall infrastructure of the development and how it would affect the wider area of the town;

(b) TDBC and SCC need to work together to ensure the ability of existing medical and education facilities to cope with the amount of extra persons the development would generate;

(c) further thought should be given to provision of sports pitches and recreation facilities on this and surrounding sites. It appeared to the Council that the town would end up with a series of smaller play areas when what was needed was a more co-ordinated approach;

(d) consideration should be given to installing solar panels on new properties and every effort be made to ensure the development is environmentally sustainable;

(e) it was recognised that that the Environment Agency appeared to be satisfied with the measures proposed to avoid any flood risk and that there would be a minimal risk of flooding on the site. However, in view of recent incidents of flooding, the Town Council would want to be satisfied adequate steps are taken to mitigate any further flooding that might be caused by the development;

(f) the development will inevitably create additional vehicular traffic and consideration should therefore be given to widening and improving the existing junction of the A38 with Chelston roundabout;

(g) use be made of the New Homes Bonus to improve facilities in Wellington.

*WELLINGTON WITHOUT PARISH COUNCIL* – No comments received.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposal relates to the outline application for a mixed use development at Jurston Farm.

The Highway Authority accepts that the principle of development in this location has been identified in the Taunton Deane Local Plan and the subsequent Taunton Deane Adopted Core Strategy. Although having reviewed the submitted information the Highway Authority has the following observations to make.

### Summary

The Highway Authority has reviewed the submission and considered the overall benefits and dis-benefits of this proposal. On balance I can recommend that there is no highway reason why permission could not be granted subject to the S106 obligations and conditions. The reasons for this recommendation are set out below.

## Traffic Impact

A Transport Assessment (TA) was submitted as part of the application and after an initial review further information was required. The applicant's highway consultant provided further information in the form of a technical note. This has now been audited and the Highway Authority's observations are set out below.

The Highway Authority requested that the applicant should adopt the Cades Farm trip rates for robustness. The applicant has now undertaken an assessment of the higher Cades Farm trip rates as a sensitivity test, although no evidence of this has been provided. However the applicants revised trip rates shows there to be only one additional vehicle per minute on the network in the peak hour periods and is therefore not considered to have a significant impact on the conclusions reached in the original TA. The Highway Authority would tend to agree with this assumption.

Regarding the distribution the Highway Authority required a re-calculation of the car driver trips as the NTS data used included school pupils. The applicant has undertaken this request but the revised details have not been provided with the latest submission. The original TA assumes that all pupils would be from within the site but no further evidence has been provided to substantiate this assumption and as a consequence the Highway Authority required the submission of a sensitivity test. This has not been provided, however based on the level of trips generated it is likely to have an impact on the site access junction and the immediate junctions downstream but is unlikely to have an impact on the wider network and as such wouldn't impact upon the overall conclusions of the TA.

When reviewing the previous TA the Highway Authority didn't have sufficient information to provide a detailed assessment of the acceptability of the application. Consequently the following information was required.

- Provide original Chelston Roundabout survey data with ATC data corroborative data shown in Table 3.2 within the TA.
- Rationale for not assessing five local junctions.
- Clarification of the AM & PM network peak hours within modelled highway network.
- Full assessment of North Street/Fore Street junction.
- Existing highway junction models within the TA lack calibration/validation data. It is required to review the accuracy of the models before creating future year assessments.
- Requirement for highway mitigation to be assessed as required.

The technical note has addressed the first four points. In regards to the modelling outputs provided for the North Street/Fore Street junction these have been based on the 2019 base, 2019 base + development and 2019 base + development + committed development. The technical note doesn't provide any evidence of model calibration therefore the validity of the outputs cannot be confirmed. Although it should be noted that 2019 base scenario without committed development is not the correct approach and the base scenario should include committed development traffic. As such it doesn't allow the impact on the junction to be fully understood. However whilst the impact has not been clearly demonstrated at this junction it is

the Highway Authority's opinion that it is unlikely to be severe in National Planning Policy Framework (NPPF) terms, when considered against the existing situation. The North Street/Fore Street junction has been identified as an issue within the local highway network. Therefore the applicant would need to provide a contribution through CIL for mitigation at this junction.

In terms of point 6 the applicant has not provided this information and as such the congestion on the highway network maybe underestimate as the models have not been calibrated against observed conditions at the following locations:

- A38 Chelston Roundabout and A38/Pyles Thorne Road junction.

The Chelston Roundabout has been identified as an issue within the Taunton Deane Infrastructure Delivery Plan update 2014. The impact of the Jurston Farm development has not been demonstrated at this junction, however an appropriate means of mitigation through a CIL contribution would be considered acceptable in this location.

Finally the applicant has indicated that the proposed development traffic will be accommodated on the existing network. However the original TA shows there has been five personal injury collisions recorded at the A38/Pyles Thorne Road junction. Three of these related to collisions involving vehicles waiting to turn right into Pyles Thorne Road. The technical note shows there will be a direct impact on this junction as a result of this development as movements at the junction. Given the collision issue with this junction, the acknowledgement in the technical note and the large increase in traffic, the applicant's assertion about the existing network is not accepted. Therefore the applicant would need to put forward a mitigation scheme to try and offset these concerns and this should be secured in the S106.

### Traffic Impact Conclusion

The applicant has addressed the majority of the issues raised by the Highway Authority after the initial review of the Transport Assessment, however some issues remained outstanding. That being said the Highway Authority is satisfied that the likely increase in traffic is not considered to be severe in terms of the NPPF to warrant an objection on traffic impact grounds. Furthermore the Highway Authority will advise Taunton Deane Borough Council to direct CIL contributions to improve the junctions that have been impacted upon by this proposal.

### Travel Plan

The submitted application was accompanied by a Travel Plan. This was passed to the Travel Plan Team for audit. This has now been completed and a copy of the report has been attached for your records. I would also ask that it be passed to the applicant to action the points raised. Although the main points are:

- Travel Plan should be a standalone document and not a section of the Transport Assessment.
- No Travel Plan fee has been mentioned.
- Full site audit has not been provided.

- No plans/maps of the physical measures to be implemented have been included.
- Travel Plan Co-ordinator has been identified but only the basic responsibilities have been included and committed to.
- Dedicated cycle and motorcycle parking has not been addressed in the Travel Plan
- In sufficient detail in the monitoring strategy.
- Travel Plan targets have not been set.

As a consequence the Highway Authority would require a revised Travel Plan to be submitted taking into account the points raised above and any other points within the report. Furthermore the Travel Plan would need to be secured via S106 agreement.

### Off site Highway works

The off-site works consists of the construction of a new roundabout on the A38 to facilitate vehicular access from the south. The Highway Authority carried out a feasibility audit during the pre-application process. This has resulted in the submission of drawing PHL/01 Rev C, which has been subject to an audit and the report has been attached. Please note that this would need to be secured via a legal agreement.

Other off-site works relates to the amendment to the existing speed limit to extend the 30mph to incorporate the design of the roundabout to the south of the Jurston Farm site. Please note that this would be subject to a Traffic Regulation Order (TRO), which is a separate process outside of the planning system. However the applicant should note that all costs would need to be met by them throughout this process.

Finally after assessing the traffic impact technical note the applicant would also need to look at works to Pyles Thorne Road junction.

### Drainage

The Highway Authority has reviewed the submitted Flood Risk Assessment and has the following comments to make.

Drainage Layout drawing 007-PDL/100 Rev B indicates the requirement to culvert the existing watercourse along the northern boundary to facilitate the proposed internal road layout. Land drainage consents will be required from Somerset County Council for these culverts whilst the ownership of some of these will need to be determined as part of the detailed design process.

Flow control manholes should ideally be located 'off-carriageway' to reduce the impact of future maintenance operation on traffic flows. If possible maintenance bays should be incorporated in the road layout design to accommodate maintenance vehicles.

Finally the surface water management strategy for the proposed roundabout on the

A38 should not increase the burden on the existing highway drainage system serving it or the downstream receiving watercourse. It is anticipated that the majority of the surface water run-off from the new roundabout will drain into the development and be collected by the new surface water drainage network

### Internal Layout

It is noted that this outline application has all matters reserved bar access. As a consequence the following comments on the internal estate road layout are general points that the Highway Authority would require to be addressed prior to the submission of any reserved matters application.

As previously stated the proposal will tie into the existing highway, which is currently being constructed as part of the Cades Farm development to the north. This tie in would need to consist of a 300mm overlap of the existing carriageway. The applicant has provided details of the street hierarchy and having reviewed this information the Highway Authority considers this to be acceptable. The reserved matters application would need to identify which areas are going to be shared surface (block paved). It is presumed that the square will be block paved. The applicant would also need to have some thought on whether the site would also replicate the Green Lanes that have been constructed on the Cades Farm site i.e. being finished in bit mac.

The applicant should be aware that it is likely that some parts of the internal layout will result in the laying out of a private street, and as such, under Sections 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code (APC).

In terms of the square the Masterplan shows that the school will be accessed from this. Please note that although it is unlikely that the school will be delivered straight away the development should still be future proofed for its delivery. As a consequence the footway links would need to provide a width of 2.5m to 3.0m. Pick up and drop off points in the square would also need to be identified and shown in any future S38 submission.

The applicant has also proposed to provide a footway/cycleway link between the residential development and Westpark. Are these cycle links going to be segregated or un-segregated? In addition at the point where it joins the carriageway visibility splays of 2.5m x 20m would be required in either direction. In terms of the vehicle junctions the applicant would be required to provide visibility of 2.4m x 43m in either direction as per Manual for Streets design guidance. In terms of planting the Highway Authority accepted the principle of this at the pre application stage however any reserved matters application would need to be accompanied by a comprehensive planting schedule, which should also include details of the root protection systems.

Regarding the site drainage it is likely that the Highway Authority will take the gullies and the connections but the applicant will need to confirm who will be maintaining the attenuation ponds.

Finally the ecology report would appear to indicate that there are bats in the vicinity of the site as such it would have an impact on the street lighting design. Therefore the applicant will need to speak to the Highway Authority's lighting engineers as

soon as possible to finalise a way forward.

### Conclusion and recommendation

To conclude the principle of development has been established in Taunton Deane Borough Council's policy documents. The points of access via the existing Cades Farm development and the proposed roundabout off the A38 are both considered to be acceptable in principle although both will be subject to detailed technical design audit. In terms of traffic impact the proposal will result in an increase in trips through some the junctions in Wellington however the increase is not considered to be severe enough to warrant an objection.

The Travel Plan will need revising to take into account the attached audit report. Regarding the off-site highway works the applicant will need to review the attached audit report and provide a revised feasibility layout to address the points raised.

Finally although this is an outline application the applicant should still take note of Highway Authority comments for the internal layout.

Therefore on balance the Highway Authority raises no objection to this proposal and if the Local Planning Authority were minded to grant planning permission the following contributions and conditions would need to be attached.

- S106 including Travel Plan and contributions and works at the Pyles Thorn Junction and site access.
- No development shall commence unless a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
  - Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, junctions street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing. 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.
- The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.
- In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed for the site in accordance with a design and specification to be approved in writing by the Local Planning Authority.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

#### NOTE:

The developer in delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontagers affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant of planning consent and prior to the commencement of said highway works, especially if the design has evolved through the technical approval process. This is not the responsibility of the Highway Authority.

*SCC - RIGHTS OF WAY* - I have not visited the site but have the following comments to make.

Restricted Byway WG 17/24 (as shown on attached plan) is within the development site but appears to be unaffected by the development.

#### Generic Comments

Any proposed works must not encroach on to the width of the restricted byway.



Development, insofar as it affects the right of way should not be started, and the right of way should be kept open for public use until the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

The health and safety of users of the Restricted Byway must be taken into consideration during works to carry out the proposed development. Somerset County

Council (SCC) has maintenance responsibilities for the surface of the Restricted Byway, but only to a standard suitable for non-mechanically propelled vehicles. SCC will not be responsible for putting right any damage occurring to the surface of the way resulting from motorised vehicular use during or after works to carry out the proposal.

It should be noted that it is an offence to drive a motor vehicle along a restricted byway

unless the driver has lawful authority (private rights) to do so. In addition, if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from SCC Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Rights of Way Service [www.somerset.gov.uk/rightsofway](http://www.somerset.gov.uk/rightsofway) .

### Specific Comments

There is potential through this development to provide better off-road links from the expansion of Wellington to the Blackdown Hills. The provision of a linking footpath from the Restricted Byway, through the woodland to the south, to come out on the A38 opposite public footpath WG 17/20. This linking path could be provided through the s38 agreement. The provision of such would need to be subject to a road crossing assessment on the A38 to ensure that any crossing point is as safe as possible.

*DIVERSIONS ORDER OFFICER* – The Restricted Byway WG17/24 Parish of Wellington is affected by this proposal. It is probable that a diversion is necessary under section 257 of the Town and Country Planning Act 1990.

*BIODIVERSITY* - This is an outline application for a mixed use development of up to 650 houses, community and commercial uses, a primary school, open space, community woodland and associated infrastructure at Jurston Farm, Wellington.

The development of the site will take place in 8 phases.

The proposal includes a phased approach to hedgerow clearance across 11 years (2015-2026). Andrew McCarthy Associates carried out an Extended phase 1 Habitat Survey of the site in March 2009. This report has since been updated with SLR carrying out a Protected Species Update Report dated April 2011 and an updated Preliminary Ecological Assessment dated November 2014. A Bird Survey report, a Bat report, an Invertebrate Survey Report, Reptile Survey Report and a Dormouse Survey Report all dated November 2014 have also been submitted in support of this application.

The Dormouse report also contains the draft for Screening documents 1 and 2 EPS Method Statement: Dormice Background Information and Delivery Information dated October 2013, to cover Phase 2 of the development. General findings of all the reports were as follows:

### Habitat Survey

The site comprises a mixture of arable and species poor semi improved grassland, bisected mainly by species rich hedgerows with some mature trees. In addition a number of fields have been planted with broadleaf whips. There were several sections of stream present and a pond. The site has potential to support, bats, dormice, otter, great crested newt, birds, reptiles, invertebrates and badgers.

### Reptiles

Two slow worms were recorded in survey in 2012. Site margins and the newly planted woodland were noted as potential reptile habitat. I support the suggested preliminary mitigation proposed for reptiles.

### Badger

Badger tracks were present on site as well as a probable outlier badger sett. I agree that an up to date survey is required prior to developing the site. A licence will then be needed to disturb any active sett.

### Birds

The combination of habitats present on site are suitable for nesting birds. A total of 40 bird species were recorded during the walkover surveys, most of which were common, urban, garden and farmland species. Of these 16 were considered to have exhibited behaviour indicating that they were holding territory or breeding. Most of the notable bird species observed on site were associated with the network of species rich hedgerows and tree lines.

Two dilapidated sheds were searched, but no signs of barn owl were found. I agree that any vegetation clearance should take place outside of the bird nesting season. I support the erection of a range of nest boxes on site.

## Otters

Otters are likely to use the watercourses on site, although no field signs were found. I support the proposal to buffer these features and to use box type rather than pipe culverts on site.

## Bats

The site contains a diverse bat assemblage with at least 11 bat species present, of which pipistrelle was the most abundant species. Rare species recorded include greater and lesser horseshoe bats, barbastelle and nathusius pipistrelle. The network of hedges as well as the newly planted whip area with ruderal vegetation on site are likely to be used by foraging bats.

No bats were found to be roosting on site although several trees were assessed as having roost potential. The majority of these trees are to be retained within the development. If future tree surgery is recommended then additional survey and possibly an EPS licence will be required. I support the recommended precautionary measure for any tree surgery.

Mitigation for bats includes the planting of woodland, new ponds and grassland areas.

Although the majority of bats (pipistrelle) using the site are not considered to be light sensitive, I agree that a sensitive lighting scheme to ensure that dark corridors (not exceeding 0.5 lux) are retained will be of benefit to wildlife.

I support the recommendation to erect bat boxes on site.

## Invertebrates

Surveys recorded generally low invertebrate interest on site in a regional context, with only one nationally scarce species (cleptoparasitic bee species) and eight species of local importance (three beetles, one moth, one mining bee, two crane fly and one true bug). Most of these species are associated with mature trees, damp meadows and banks on site.

## Great crested Newts

Five ponds of the eight ponds surrounding the site with potential for GCN were surveyed. I agree that mitigation measures should be based on the precautionary assumption that low numbers of GCN are present on site.

## Dormice

Evidence of dormice was widely recorded in the hedgerow habitat on site following nest tube surveys undertaken in 2009 and 2012. It is considered that the population is part of a large and wide ranging population which is likely to be present within all suitable habitat in the local landscape. The surveyor did not consider the A38 to be

a barrier to dispersing dormice. Therefore for the purposes of the impact assessment, mitigation and licencing, the habitat to the south of the Wellington by pass is considered to form part of the wider meta-population which extends into Jurston and also the beyond to the north. The surveyor has estimated that the population on the whole site, (which is viable, stable and breeding) is likely to be made up of no more than 20 adult animals – estimate 10-15.

In order to assure the Council on the likelihood of an EPS licence being granted the developer took advice from Natural England via the European Protected Species Mitigation Licensing: Pre Submission Screening service on a draft EPS licence application. The submission included two detailed method statements for Phase 2 of the development. These documents itemised the mitigation strategy for dormice from 2015 to 2018 which comprise of the following four strands.

- Creation of 6.5 ha of woodland habitat on site in advance of habitat removal to provide a large long term net gain of habitat.
- Sensitive and phased habitat clearance, ensuring availability of habitat for displaced animals.
- Provision of nest tubes.
- Long term management and monitoring of new/retained dormouse habitat on site.

The response from NE with regard to mitigation for the wider site described in the master plan and detail for phase 2 of the development passing the three derogation steps was favourable.

To conclude I have no objection to the development on ecology grounds subject to the proposed mitigation being undertaken and further up to date survey being undertaken as the development progresses.

Recommends a condition for protected species and informative notes.

*LANDSCAPE* – The landscaping treatment of this development has mainly been agreed at pre-planning meetings.

Due to ecological constraints, there is a large area of planting to the east of the proposed houses, which will help to assimilate the development within the landscape. Subject to detail planting plans, I have no objection to the proposal. Queries whether there could be a tree on the roundabout.

*DRAINAGE ENGINEER* – No objection to the application – the FRA is acceptable. Recommends conditions relating surface water discharge.

*WESSEX WATER* – The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's S104 adoption of new sewer guidance - DEV011G for further guidance.

The applicant has indicated that a connection to the public foul sewerage system for the predicated foul flows from the proposed development will be sought upstream

from Wessex Water's existing Mitchell Pool sewage pumping station.

The pumping station has limited spare capacity to accommodate additional flows and it is likely that improvements will be required. Wessex Water is currently completing a Drainage Area Plan for the Wellington drainage area which includes surveys of the aforementioned pumping station. Outline indicative improvements required to accommodate development at Mitchell Pool SPS will be known once the Drainage Area Plan (DAP) is completed in 2015. Detailed appraisal based upon data gathered for the DAP will be required and funded by the developer to confirm arrangements.

As a foul drainage strategy is yet to be agreed please consider the use of the following planning condition should the application be approved:

The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker

- a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing.
- the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority. [FRA indicates that the cost of upgrade will be met by the development]

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

Surface water disposal is proposed via Soakaways which will require the approval of your Authority. There must be no surface water connections to the public foul sewerage system.

There are existing water mains located close to the proposed site. Connection will be subject to application and agreement. Off site reinforcement of the water supply network will be dependent on predicted demand. Wessex Water will continue to engage with the developer should the site achieve planning permission to advise upon arrangements which may be pursued under a Section 41 agreement (Water Industry Act 1991).

*POLICE ARCHITECTURAL LIAISON OFFICER* - Having reviewed the documentation and plans submitted in support of the application, I would make the following comments in relation to 'designing out crime and disorder' in respect of this proposed development:-

#### 1. NPPF

The NPPF states that new developments should aim to create:-

- Safe and accessible environments where crime and disorder and the fear of crime do not undermine
- quality of life or community cohesion (para. 58)

Safe and accessible developments containing clear and legible pedestrian routes and high quality public space which encourage the active and continual use of public areas (para. 69).

## 2. Crime and ASB Statistics

Reported crime in the area of this application (within 500 metres radius of the grid reference) during the period 01/12/2013-30/11/2014 is as follows:-

- Arson - 1 Offence
- Burglary - 1 Offence (Commercial burglary)
- Criminal damage - 11 Offences (incl. 5 criminal damage to dwellings, 3 Criminal damage to vehicles)
- Drug Offences - 2
- Other Offences - 1
- Sexual Offences - 1
- Theft & Handling Stolen Goods - 5 Offences
- Violence Against the Person - 5 Offences ( incl. 2 assault ABH, 2 Common Assault)

Total - 27 Offences

This averages less than 3 offences per month, which are very low crime levels. ASB reports during the same period for the surrounding area total 13, which are also very low levels.

## 3. Layout of Roads & Footpaths

Judging by the masterplan, the proposed layout of roads and footpaths appears to be visually open, direct and likely to be well used. The use of design features such as road surface changes (by colour or texture), rumble strips, narrowing of the carriageway and similar physical or psychological features can help reinforce the defensible space of the development giving the impression that areas beyond are private.

## 4. Orientation of Dwellings

Dwellings should be positioned to face one another allowing neighbours to easily view their surroundings and thus make the potential offender feel more vulnerable to detection. From the masterplan, generally speaking this appears to be the case. Large schemes such as this should also incorporate a mix of dwellings and other properties giving increased opportunities for natural surveillance and community interaction throughout the day, which also appears to be incorporated.

## 5. Communal Areas

Such as Public Open Space, playgrounds and similar areas have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. Boundaries between public and private space should be clearly defined and features which prevent unauthorised vehicular access included. In this regard, I have some concerns regarding the location of the areas of Public Open Space adjoining the woodland along the eastern boundary of the development, some of

which appear to be lacking in surveillance opportunities from nearby dwellings. I recommend that the location of these areas of POS be reconsidered with a view to improving surveillance from nearby dwellings. Conversely, the Green Areas A,B, and C proposed in Phase 1 do appear to be fairly well overlooked from nearby dwellings.

## 6. Dwelling Boundaries

It is important that boundaries between public and private areas are clearly defined. Generally speaking, front boundaries should be kept open to view to assist resident surveillance of the street and public spaces, so walls, fences, hedges etc. should be kept low, maximum height 1 metre. More vulnerable side and rear boundaries require more robust defensive boundary treatments, so walls, fences, hedges etc should be minimum height of 1.8 metres. The DAS appears to indicate that this will be the case.

## 7. Car Parking

Ideally, cars should be parked in a locked garage or hard-standing within the dwelling curtilage. Where communal parking areas are necessary, they should be in small groups, close and adjacent to owners' homes and within view of 'active' rooms in owners' homes. Rear parking courtyards are discouraged as they allow access to the vulnerable rear elevations of dwellings where the majority of burglaries occur. Proposed parking areas are not indicated on the masterplan, however, the Phase 1 plan indicates six rear parking courtyards situated amongst the perimeter blocks. However, these parking courtyards do appear to be overlooked to some degree by flats over garages or similar dwellings.

## 8. Planting & Landscaping

Should not impede opportunities for natural surveillance nor create potential hiding places so, in areas where good visibility is required, shrubs should be selected which have a maximum growth height of 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision.

## 9. Street lighting

All street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parking areas should comply with BS 5489:2013.

## 10. Security of Dwellings

If planning permission is granted, the applicant is advised to formulate all physical security specifications of the dwellings i.e. doorsets, windows, security lighting, intruder alarm etc in accordance with the police approved 'Secured by Design (SBD)' award scheme, full details of which are available on the SBD website – [www.securedbydesign.com](http://www.securedbydesign.com).

*HOUSING ENABLING* – The affordable housing requirement for this scheme is 25% of the total number of housing units.

The tenure split is 60% social rented, 40% intermediate housing in the form of

shared ownership.

10% of the total affordable housing provision should be in the form of fully adapted disabled units.

The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, or meet any subsequent standard which may supersede at the date of approval of the full application or reserved matters application.

The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council. The affordable housing should be an integral part of the development and should not be visually distinguishable from the market housing on site. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of affordable housing on site. Additional guidance is available within the Adopted Affordable Housing Supplementary Planning Guidance.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

*PLANNING POLICY* – The planning application 43/14/0130 forms part of the adopted Taunton Deane Borough Council Core Strategy allocation, Policy SS4. With Cades it forms the new urban extension east of Wellington. As such the principle of the development has been accepted and approved through the plan-led process.

The application as proposed broadly accords with the adopted development plan, The Core Strategy. There are two identified departures as defined below.

The evolution of the CS allocation has been guided by extensive community and stakeholder involvement, including Enquiry by Design and Development Brief consultation with TDBC, which informed the masterplan and design brief in the adopted Jurston Development Brief. The masterplan clearly shows how the site could be provided through development.

There is a departure from the CS in the defined boundary line of the Green Wedge and urban form to the east of the site. Although it should be noted that this does accord with the adopted SPD. This evolution is set out in the Development Brief, and is because of additional detailed ecology information since the adoption of the CS.

Policy SS4 of the Core Strategy requires a new local centre with single form primary school, community hall, places of worship, sheltered housing and local convenience shopping. The applicant proposes flexible units in the local centre which can be adapted for a range of commercial or community uses, such as those mentioned above. Land near the local centre is also reserved for a primary schools.

The CS policy ask for sheltered accommodation (accommodation for elderly or disabled people consisting of private independent units with some shared facilities and a warden) as part of the Local Centre. The applicant has proposed a proportion of houses, across both affordable and open market, to be built to DCLG Housing Standards Review accessibility standards - which exceed Part M of the Building



Regulations - for adaptable and suitable homes for the elderly and less mobile. This is a departure from the CS; however the Housing Development and Enabling Manager has had discussions with the applicant, and therefore may be best place to provide more detailed comments on this.

The Council has an adopted SPD for Affordable Housing. The proposals meets the overall amount and mix of type and tenure of affordable housing provision, but not at present, the 10% provision of fully adapted disabled units specified in the Affordable Housing SPD. Policy understand that the Housing Development and Enabling Manager is discussing this with the applicant, and therefore is best placed to provide more detailed comments on this matter.

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

On a development of 650 dwellings, on-site provision of recreational open space of 4.225 hectares should be sought. Of this 4.225 ha,

2.91ha of active recreational space to include playing fields laid out and equipped for formal sports plus recreational open space and

1.31 ha of both equipped and non-equipped play space should be provided. The play equipment and layout of the LEAPs and NEAP to be agreed with the Council's Open Spaces Manager, prior to development.

As stated in the Council's Allotment Strategy, the adopted quantity standard for the borough is 15.4 square metres per dwelling. On a development of 650 dwellings provision of 1 ha. of allotment land should be sought.

650 dwellings should provide an on-site community hall consisting of a main hall with toilets and kitchen, as detailed in the Council's Policy for the provision of community halls in Taunton Deane.

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 costs.

*SCC - CHIEF EDUCATION OFFICER* – The broad location of the proposed school is acceptable; and its inclusion in an early phase of development is supported. However, in order to provide access to the site from the residential areas to the north, it is essential that the pedestrian/cycle link along an upgraded Jurston Lane is also provided within the same timescale.

The application facilitates the allocation of land sufficient for up to a 14-class primary school, with the inclusion of land that would otherwise be used for allotments. The County Council would support this larger site to allow for economies of scale in new school provision for Wellington and to 'future-proof' the new school.

In the event that the application is amended to confirm that the larger school site would be allocated, the link through the site to West Park 26 would need to be relocated so as not to split the school land.

The funding of necessary new school facilities to meet the needs arising from the planned expansion of the town is of significant concern. Development in Wellington is exempt from the obligation to pay Community Infrastructure Levy (CIL) charges and because the Regulation 123 list states that education facilities would be funded by CIL receipts, the County Council is not able to enter into a Section 106 agreement to secure these in respect of the whole site. Limited S106 funds are expected as a result of existing planning permissions, but these would be insufficient of themselves to fund the construction of a new school; or further pre-school and secondary school places. The County Council also has a very restricted capital programme, so would hope that the sums collected through CIL held by the Borough Council accrued from development elsewhere would be able to contribute to these.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - The archaeological evaluation has shown that there are heritage assets within the development area. These assets are of local significance and should be excavated and recorded prior to being impacted by development.

For this reason I recommend that the developer be required to archaeologically excavate the heritage assets and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted.

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

*SCC - FLOOD RISK MANAGER* – Initially confirmed no comments to make. Following request for further clarification, commented as follows:

As this is an outline application I reviewed the FRA to see if it adequately addressed the surface water drainage issues and demonstrated that an acceptable drainage system for a final design at reserved matters stage is possible. As the proposal is for interlinked storage areas I looked in some detail as these are easy to get wrong. The logic used by AWP was sound.

As a non-statutory consultee (at the moment) I consider that we should comment only when there appears to be surface water issues that have not been addressed correctly. In this case the FRA appears thorough. As things stand at the moment I am reluctant to make a statement that could be taken as our approval of a proposal. My no comment meant I couldn't see anything wrong with the proposal.

I am satisfied that at reserved matters stage a drainage system can be designed that will satisfactorily deal with the surface water and not increase flood risk downstream.

I did not have regard to EA standing advice as such, but the requirements of NPPF and guidance, and noted that runoff is proposed to be restricted to 2l/s/ha which is a very stringent requirement that, up to the design event, will reduce flood risk

downstream.

*ENVIRONMENT AGENCY* – Standing advice applies. Standing advice requires:

- Flood risk from all sources should be considered.
- Infiltration of surface flows to be provided where feasible. If not, multifunctional SUDS should be provided to attenuate surface water flows. At least one level of treatment must be included to minimise pollution, two may be necessary in large parking areas.
- Discharge should be attenuated to 2l/s/ha and sufficient attenuation facilities indicated on a concept masterplan.
- Adoption and maintenance should be agreed and secured for all applications.
- Exceedance routes should not adversely affect primary access routes and buildings.
- The discharge point of surface flows should be confirmed.
- Existing drainage routes and proposed exceedance routes should be mapped.

*NATURAL ENGLAND* - This reply comprises our statutory consultation response under provisions of Article 20 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, Regulation 61 (3) of the Conservation of Habitats and Species Regulations 2010, and Section 28(I) of the Wildlife and Countryside Act 1981 (as amended).

#### Nationally and internationally designated sites – no objection

The application site is unlikely to have an impact on any Sites of Special Scientific Interest or internationally designated sites for nature conservation.

#### Soils and Land Quality

Although we consider that this proposal falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, Natural England draws your Authority's attention to the following land quality and soil considerations:

1. Based on the information provided with the planning application, it appears that the proposed development comprises approximately 40 ha of agricultural land, including land classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system). Our records indicate that much of the site is grade 2 and 3a agricultural land that will be lost to development.

2. Government policy is set out in paragraph 112 of the National Planning Policy Framework which states 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.'*

In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

3. Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make best use of the different soils on site. Further guidance is available in Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks)* and we recommend that this is followed.

### Green Infrastructure

Natural England welcomes green infrastructure proposals for this site. Given the size of the development there is significant potential for securing biodiversity enhancement and green infrastructure which can be designed to maximise the benefits needed for this development. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Green infrastructure and the proposed 'green wedge' are outlined in the Jurston Farm SPD and the council should ensure the current proposals are in accordance with this document.

The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

### Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

### Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society) and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at Wildlife and Countryside link.

*THE RAMBLERS ASSOCIATION* – No comments received.

*HIGHWAYS AGENCY SOUTH WEST* – Having examined the information submitted in the Transport Assessment (TA), we have determined that the impact on the M5 is unlikely to be significant and that mitigation will not be required.

The TA does not, however, consider the impact of the development on the junction in a manner that is accepted by the Agency. However, in order to be pragmatic, we have carefully considered the scale of the impact of the development on the strategic road network (given the information in the TA as well as our own considerations) and concluded that as:

M5 Junction 26 does not currently have any operational concerns, and Assessment submitted with consented development demonstrates M5 Junction 26 to operate with spare capacity, even in future year scenarios, any assessment completed by the applicant is likely to result in no requirement for mitigation to support this particular development proposal.

Therefore, under Article 25 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Highways Agency responds with No objections.

*HERITAGE* - This application has benefitted from a well-reasoned Heritage Appraisal and Impact Assessment.

Overall I agree that, in terms of the National Planning Policy Framework, the harm

that would be caused by this proposal should be viewed as 'less than substantial'.

The building was listed because of its architectural and historic interest and there is no physical intervention proposed that would directly impact on this. While the contribution the associated agricultural land undoubtedly makes to the significance of the farm should not be undervalued, it should not be viewed as the overriding factor in assessing the acceptability of the proposal.

Regarding Jurston Lane, it is debatable whether, under the terms of the NPPF, this constitutes an un-designated heritage asset. As with the agricultural land around the farm, it does however, contribute to the significance of the listed farm but again this would not have been a consideration when the farmhouse was listed in 1976 so the alterations cannot be regarded as causing substantial harm.

Accepting that the harm is not substantial, it comes down to balancing whether the benefits of the proposal would outweigh this. To the best of my knowledge the farm buildings are in good condition and therefore their continued optimum viable use is not dependent either way on this scheme. In heritage terms, as there are no benefits to the scheme that outweigh the identified harm I am unable to support it. However, in planning terms Taunton Deane Borough Council may well consider that the wider public benefit of this major scheme does outweigh the less than substantial harm to this listed building and its setting.

*SCC - ECOLOGY* – No comments received.

## **Representations**

A petition signed by 37 people has been submitted under the headline "No more Houses – Save Wellington".

In total there have been 391 individual representations made to this application, detailed below.

1 letter raising no comment.

7 letters of support raising the following points:

- From an aerial view, the development makes sense.
- From the ground it is logical to build out towards the A38 and M5.
- More houses are required.
- The scheme should be held up as a template for further development, it should enhance the town and add to its social and economic life. Without development, towns stagnate.
- More houses will bring new blood to Wellington, it will encourage new businesses and the economy.
- This is good news for Wellington and Somerset.
- Wellington requires good quality homes.

- Wellington should receive its fair share of housing.
- Not everybody in Wellington is opposed to this development.

Some of the letters of support are caveated by comments that there is a need for certain improvements to Wellington's infrastructure if the development can be accommodated, and investment in the region's appearance around the shabby motorway exit at Junction 26.

76 identical letters of objection making the following points:

- The traffic will increase to an unacceptable level. The town centre is gridlocked already. 3000 more cars in and around Wellington each day will bring the already congested town to a standstill. Our narrow roads, some without pavements are not designed to cope with this increased volume of traffic. This will undoubtedly lead to more accidents.
- There is insufficient parking already in the town centre. Car parks are already full by mid-morning on a Saturday, street parking is insufficient.
- The infrastructure of the town is not capable of supporting any more residents. Wellington is basically doubling in size with houses currently being built.

78 identical letters of objection making the following points:

- The doctors' surgeries in Wellington are already full to capacity. Their systems and doctors will not be able to cope with any more patients. People already have to wait a long time to see a doctor.
- Query where new children will go to school. There doesn't seem to be any provision for a new secondary school in the borough, let alone in Wellington.
- The destruction of the green belt around Wellington (first class arable land) will cause problems for the wildlife and residents in their daily life.

132 identical letters of objection combining the points noted in the above two letters with additional reference to a much-increased risk of flooding.

93 individually written letters of objection. The main issues raised are as follows:

*Principle of development*

- There are already many homes for sale/rent in Wellington and more in Taunton. There is no need to build more.
- Green belt land should not be used.
- Wellington has already taken its fair share of additional housing.
- The existing brownfield sites should be used first.
- Arable land should be retained in case of food shortage and any problems importing from overseas.
- Jurston farm is surrounded by existing first class arable land.
- There are insufficient jobs available for existing residents, let alone more.
- The new homes may be used to accommodate overflow populations of northern cities.

- The West Deane Plan 1994 mentions a development of between 200-300 – this is over double the amount originally mentioned.
- Somerset and Taunton Deane have increased in population by 7% in each of the last two 10 year periods – Wellington has artificially increased by 40% in the same period.
- Taunton Deane's plan was based upon statistics and data from 2008. In the last 6 years, the economic climate has changed significantly; the number of job opportunities in the County has collapsed.
- Wellington will become a dormitory town to Taunton, Bristol and Exeter.
- The NPPF has been reviewed by a Communities and Local Government Committee, the Core Strategy should also be reviewed in line with these recommendations.
- So much development is affecting the housing market – it is harder to sell existing houses with so many new builds.
- There has been continuous building in Wellington for 6-7 years. There should be a break of 4-5 years to allow buses, trains, traffic, access and GP provision to be addressed.
- Wellington is completely unbalanced with all facilities (sports etc) being situated on the north side of the town. There is nothing to the south.
- Taunton Deane should back its existing residents and find an alternative site for these homes.
- The Fox building at Tonedale has planning permission, is deteriorating and should be developed to its full potential before any greenfield sites are released.

### *Traffic issues*

- No thought has been given to traffic issues.
- The Highway Authority have shown a lack of forethought by not requesting a more comprehensive plan.
- Combined with other development, Wellington will become a no go area.
- The A38 is already gridlocked without a further 1800 – 2000 vehicles per day. Ambulances could not access the town.
- There will be additional traffic on the A38 and this will cause further harm to highway safety at the Pyles Thorne Junction.
- The B3187 should be the primary access with the secondary access onto the A38.
- The roads have not been updated since there were less than 10,000 residents.
- The town centre cannot cope with existing volumes of traffic. The impact of existing permitted developments at Cades and Longforth have yet to be seen.
- The M5 between junctions 26 and 27 is notorious for accidents - the A38 is the diversion rout and causes further gridlock.
- There are insufficient bus services to most parts of Wellington.
- Bus services can be disrupted by snow.
- Emergency access is proposed from Beech Hill and Laburnum Road. It would be difficult to get fire engines through these access points as the roads are too narrow and there are many parked cars. The bollards would cause delays in response times. Query who else would have access at these points.



- The emergency accesses to Beech Hill and Laburnum road are not required. There are other accesses into the development. There should be no vehicular access to the site – emergency or otherwise – from Beech Hill and Laburnum Road.
- The accesses would only be closed by bollards and they may be removed in the future. Assurances are required that they will be permanent.
- If people do walk to town, there would be more footfall through the footpaths around Sylvan Road, already hazardous with speeding cyclists, and more people cutting across private property at the corners.
- It is good to see that the roundabout on the A38 will reduce the speed of traffic at the Pyles Thorne Junction from the east, but nothing is proposed to slow to traffic from the West.
- Query whether there would be sufficient parking for the dwellings.
- There should be two access points for Jurston, but not through Cades Farm as this would worsen the existing traffic in this location.
- An inadequate access to Moonbeams Farm is proposed off the new roundabout.

### *Other infrastructure issues*

- All infrastructure should be in place before development commences.
- There is insufficient school provision in Wellington. Only land is being provided for a primary school and the existing secondary school is past its sell by date and bursting at the seams.
- It is understood that SCC have a legal requirement to provide schools but have insufficient money to do so.
- A school is shown but this will be paid for by the tax payer, not the developer.
- Local health care facilities – doctors' surgeries and the cottage hospital – are already over stretched.
- The police station is part-time and the fire station is only manned by retained firemen. There is no ambulance station, ambulances must come from Taunton and get stuck in traffic.
- Query whether the new school and any potential new medical centre would be built before or after the housing had been completed.
- Musgrove Park Hospital has insufficient capacity to deal with the additional people.

### *Layout issues*

- There is no indication of where on the site affordable housing would be provided.
- There is no indication of what type of housing is proposed, e.g. 2/3 storey.
- Query why hundreds of trees have been planted adjacent to the A38 when they could have been planted between the existing and proposed dwellings. A Green Wedge should be provided between old and new.
- Bungalows would be less obtrusive than 2-storey dwellings as they are adjacent to existing bungalows.

### *Impact on neighbouring residents*

- The development could be as little as 22m from the rear elevations of

adjoining properties, which translates to just 6.8m from the rear fence of Beech Hill properties.

- Properties in Laburnum Road would be overlooked.
- There should be landscaping between existing and proposed dwellings.
- Rights to Light would be interfered with.
- The site is considerably higher than the existing dwellings at Laburnum Road.
- The gradient of the site means that there will be considerable overlooking of Blackmoor Road – the two storey houses proposed would be more like 3 or 4 storey.
- The submitted plans are a con and will breach rights to light on several occasions.
- If development must go ahead, a wall should be built along the boundary of the existing properties.

### *Flood risk and drainage*

- The relief road severely floods where the new roundabout is proposed.
- Water from the fields currently flows onto Jurston Lane. If they are built on then the water would have nowhere to go other than Laburnum Road and existing housing.
- The road connection to Laburnham Road would result in surface water flooding in the existing Laburnham Road cul-de-sac.
- Recent flooding at the Cades and Longforth roundabouts was caused by the drains being overloaded.
- A promised extension to the sewage treatment works 2-3 years ago has never occurred. The sewage treatment works are already at capacity.
- Flooding last year was the worst in living memory, caused by development at Longforth and Cades – this proposal will make the situation even worse.

### *Ecology and landscaping*

- The site is home to abundant wildlife including Dormouse, rare species of newt and many species of bats. More trees have been planted, but these are only saplings and will take years to establish. The wildlife will all die out in the meantime.
- Query who will be maintaining the landscaping. It will be a permanent job to maintain the vast woodland areas, will the cost fall to the tax payer.
- These fields are the stopover place for Redwings and Fieldfares migrating back to Iceland and Scandinavia – query where they would stop.

### *Other matters*

- If the application is approved, all properties must have solar panels.
- There will be a deterioration in air quality.
- Other than the town centre, there is no longer any pavement cleaning in the town. Query who will clean the streets in the new developments.

### *Procedural matters*

- The various applications have been considered independently meaning the developers have been able to avoid considering the infrastructure required to support the housing. Three applications of 700 homes should not be

considered differently from 1 application for 2000. Much further work is required on this basis before any permission is given.

- Public consultation has not been extensive as suggested by the applicants – it only commenced in 2011.
- There has been no local public consultation.
- Taunton Deane Planning Authority are going outside their remit by overruling the Wellington Town Council.

## **PLANNING POLICIES**

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 - CP 8 ENVIRONMENT,  
SP3 - TD CORE STRATEGY REALISING THE VISION FOR WELLINGTON,  
SS4 - TD CORE STRATEGY - WELLINGTON CADES/JURSTON,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,

## **LOCAL FINANCE CONSIDERATIONS**

### Community Infrastructure Levy (CIL)

The majority of the site lies within the CIL charging zone for Wellington where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this the main part of this development. However, part of the site lies outside the zero rated area and will be subject to CIL. It is estimated that this would affect approximately one third of the total residential development and such would be charged at £125 per square metre. Based on current rates, the CIL receipt for this development has been estimated to be approximately £1,300,000.

### New Homes bonus

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)	£747,034
Somerset County Council (Upper Tier Authority)	£186,759

#### *6 Year Payment*

Taunton Deane Borough Council (Lower Tier Authority)	£4,482,206
Somerset County Council (Upper Tier Authority)	£1,120,551

## DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are:

1. The principle of development and planning policy
1. Infrastructure delivery/capacity
2. The Highway impacts of the proposal
3. The impact on wildlife
4. Flood risk and drainage
5. Heritage impacts
6. The impact on neighbouring property
7. Layout and design (including Public Open Space)

### 1. The principle of development and planning policy

Policy SS4 allocates the Cades/Jurston site for residential development. The policy envisages the delivery of around 900 homes at an overall average of 35-40 dwellings per hectare of which 25% should be affordable. It also requires a new local centre with associated community infrastructure including a single form entry primary school, community hall, places of worship, sheltered housing and convenience shopping.

Part of the allocation – Cades Farm – already has planning permission for up to 300 dwellings and proposals were developed for Jurston to deliver the balance and a scheme for 650 dwellings has emerged. Meanwhile, a further application has been made for an additional c.100 dwellings at Cades Farm, but this is as yet undetermined. The fact that the combined Cades/Jurston allocation looks set to deliver over the SS4 proposals of 900, is not considered to be problematic in policy terms given national planning policy that seeks to significantly increase the supply of housing in sustainable locations.

The allocation plan in the Core Strategy proposed a crude line for the eastern extent of the site where it adjoins the proposed new green wedge. This did not respect existing field boundaries or landform features. Subsequent to the adoption of the Core Strategy, a development brief has been prepared based upon the landscape impact of the development and an assessment of the required ecological mitigation works for the site. This has resulted in different line for the eastern edge of the development to that proposed in the allocation plan. In adopting the development brief, the Council has effectively sanctioned the departure from the initial development boundary line and this is now reflected in the current proposals. Regardless of this, the eastern boundary proposed has been informed by sound appraisal of the landscape impact and the ecological mitigation works required and is considered to be acceptable. It is still able to deliver a substantial, accessible, multifunctional green wedge for this part of Wellington, which is a specific requirement of Policy SS4.

In accordance with Policy CP4 of the Core Strategy, 25% of the dwellings will be affordable homes. The precise mix house types and bedroom sizes will be decided at the various reserved matters stages, but the tenure mix would be 60% Social Rented, 40% shared ownership. The applicant is still in discussion with their affordable housing partner regarding the provision of the requested disability

adapted units. This will be dealt with through discussions over the detail of the S106 agreement.

As noted above, policy SS4 requires the site to provide a local centre including community facilities, primary school, community hall, places of worship, sheltered housing and local convenience shopping. The developer has included land for a primary school and has suggested that the commercial units that will be provided in the local centre would be capable of providing any mix of the facilities referred to in the policy. Of these facilities, the school is considered to be the most important and a site for a community hall has already been secured on the land at Cades Farm. In this context the proposals to develop the commercial units and then put them to the market are considered to be a reasonable one, for the best way to test the market in this regard is to construct and then seek to market the shell buildings. The timing of these works will be dealt with in the S106 agreement.

Policy SS4 also requires the provision of a new green wedge to the east of the new residential area. This will be fully provided as far as the land is within the developer's control on this site and will form a new area of woodland that will serve as a wildlife area, surface water attenuation area and include glades for woodland walks and recreation.

The other requirements of Policy SS4 are considered below in the relevant parts of the report, but in general terms the proposal is compliant with the Policy.

Policy SD1 of the Taunton Deane Core Strategy and Paragraph 14 of the NPPF outline the presumption in favour of sustainable development. It states that proposals that accord with the development plan should be granted planning permission without delay. This is a policy compliant scheme and permission should, therefore, be granted provided that there are no overriding technical reasons not to do so in light of the main material considerations set out below.

## 2. Infrastructure delivery and capacity

Other than highways infrastructure (considered below) the provision of new community infrastructure on the development and the capacity of existing community facilities within the town are the greatest area of concern for local people. The most significant local pressures are around school capacity and that of the doctor's surgeries.

This application seeks planning permission for a new primary school. The policy (and scale of development proposed) requires this to be a single form entry (7 class) school. The layout of the development proposed would allow this to be expanded to a two form entry school (14 class) by using land otherwise earmarked for allotments. The County Council are now favouring the 14 class approach in place of providing a second school at the Longforth Farm development to the north of the town. The delivery of a larger school would be more efficient and cost effective for the County Council in the long terms and the proposal is considered to be appropriate in this regard.

Education provision is one of the categories on the Council's "Regulation 123 list" that must be delivered through the Community Infrastructure Levy (CIL) rather than S106 agreements. The site for the school, therefore, cannot be secured by S106,

nor can the building of the school.

The County Council have confirmed that new primary places will be required in the town by the time that the development is first occupied. In the short term, they have suggested that this would have to be in the form of temporary classrooms at an existing school site, but the time will come when the new school must be delivered to accommodate the growing need for pupil places. The developer has agreed to provide the school site within the first phase of development. It will then be for the County Council to deliver the school as soon as it is possible for them to do so.

In terms of secondary education, there is currently capacity at Court Fields Secondary School, but there is a potential long term need for the school to expand. Again, education is a CIL matter and nothing further can be required via a S106 agreement or similar. However, the Council is facilitating the future expansion of Court Fields School by allocating land in the Site Allocations and Development Management Policies Plan.

In terms of provision of doctor's surgeries, this is effectively market driven, with individual surgeries responsible for their own expansion and development needs. It would not be reasonable to seek S106 contributions to build a doctor's surgery for example when there is no known prospect of it being occupied. Furthermore, the Infrastructure Delivery Plan (IDP) 2014, which was prepared in consultation with the health authority identified no need for additional GP provision in Wellington.

At the time of the adoption of the Core Strategy, Wellington was estimated to have a population of around 13,000 people. Taking an average of around 2.3 people per new dwelling, the c.2500 new dwellings proposed in the Core Strategy would result in an overall population of around 19,000. As a rule of thumb, the Health Authority estimate that an acceptable patient to doctor ratio is approximately 1500 per doctor, which would mean that Wellington would require around 13 doctors. The Wellington Medical Centre was designed with 12 consulting rooms as well as other treatment space within the building and there are more at Luson Surgery. The lack of requirement for more primary care facilities in the IDP therefore seems sound. In any case, the 650 dwellings proposed in this application would equate to just short of 1500 people, so 1 additional doctor. It would seem unlikely that a new surgery would set up just for the single doctor requirement, although a branch surgery could be opened in one of the local centre buildings if one of the existing practices considered this to be beneficial.

Similarly, the Police will be responsible for determining whether they wish to staff Wellington Police Station on a more permanent basis, and the ambulance service can choose to deploy ambulances on standby to Wellington if their need arises. Any expansion of Musgrove Park Hospital will have to be planned by the Health Authority based upon the expansion of the entire district that it serves and the Health Authority confirmed in their IDP response that developer contributions are not required for the Hospital, the expansion of which is funded in an entirely different way.

### 3. Highway impacts

The site would be accessed primarily from a new roundabout on the A38, approximately in the location of the existing Jurston Lane junction. The application

is accompanied by initial drawings of the roundabout. These indicate that a new cycleway would be formed on the northern side to tie in to the existing footpath link at Pyles Thorne road and an existing agricultural access to Moonbeams Farm on the southern side of the road would remain. The owner of Moonbeams Farm has raised concern that he would not be left with a safe access to his land. The Highway Authority audit reports on the proposed roundabout have raised queries as to whether a formal fourth arm is required on the roundabout to access Moonbeams and that further discussions are required prior to a full technical submission. However, they are content that an access can be made in this location in the form of a roundabout that would be safe for all highway users. The final design of the proposed roundabout and whether a full fourth arm is required for moonbeams would be picked up by Highways in the detailed design stage.

Coupled with the new roundabout is a proposal to introduce a 30mph speed limit on the A38 across the new junction and extending to the Pyles Thorne Road junction. A great deal of concern has been raised locally about the safety of this junction and indeed accident records to indicate that there have been previous incidents here. The Highway Authority have suggested that the applicant may like to investigate whether additional works can be carried out to improve safety at the Pyles Thorne Junction; the applicant's response is that the proposed 30mph speed limit should have a significant safety benefit over and above the existing situation that would mean that the potential increase in traffic would not have a significant impact on highway safety in this location.

In terms of wider traffic generation, significant concern has been raised regarding the two traffic light controlled junctions in the town centre. The Highway Authority have confirmed that these junctions already operate in excess of their capacity at peak times – i.e. the junction is unable to process the full amount of queued traffic in each phase of the lights' sequence. Having considered the likely traffic generation from the proposed development, the Highway Authority are satisfied that the development is only likely to add 2-3 vehicles per minute to the back of the existing queues and that this is not significant.

Taking this one stage further, the Highway Authority note that there is an existing recognised problem with traffic flow in Wellington Town Centre. They consider that it may be possible to undertake works to the phasing of the two sets of lights to allow them to process traffic more efficiently. However, they also acknowledge that the problem is an existing one and the impacts are generated by existing traffic flow and existing permitted development – the impacts from this proposal alone are not significant and so it would not be reasonable to require specific contributions from this development in order to address the problem.

Ultimately, this site has been allocated for development in the Taunton Deane Core Strategy, and along with Cades and Longforth provides the planned growth of Wellington over the lifetime of the Core Strategy. No further allocations in Wellington are proposed as part of the Site Allocations and Development Management Plan. The principle of this scale of development within Wellington has been approved and so the wider transport impacts could not warrant refusal of this particular application. In any case, the Highway Authority are content that the proposal would not result in a significant impact upon the highway network. The NPPF clarifies that planning permission should only be refused on highway grounds when the highway impacts of the proposal would be severe. There would be some additional queuing at the town centre junctions at peak times, but at the level

proposed, this would certainly not be severe.

The application proposes pedestrian/cycle and emergency access via existing turning heads at Beech Hill and Laburnum Road. From an urban design perspective, your officers consider that the provision of fully integrated vehicular access would provide the best integration of the existing development with the new. However, the public consultation has revealed that this would be deeply unpopular and it is considered that a good relationship between the old and new development can be achieved with the restricted access proposed and such is acceptable.

Some representations have gone so far as to suggest that the accesses should not even be available for emergency access, suggesting that the retention of bollards could not be enforced in perpetuity and that Beech Hill and Laburnum Road are too congested to allow emergency vehicles through in any case. Whilst the routes through Beech Hill and Laburnum Road may be congested at times it is still considered to be preferable to allow access than to make it impossible; a condition can be imposed to require the access to be restricted and for the restriction to remain in perpetuity. Therefore any future proposal to remove the restriction would require planning permission and would be subject to full public consultation.

The northern section of Jurston Lane running through the site still retains its historic character as a sunken lane. The proposals would see this retained, with the surface upgraded and proper drainage installed. The lane would provide a further pedestrian link to the proposed local centre and school site. The County Council's Education Officer has requested that this link is in place before the school site is handed to the County Council in order to facilitate travel to the school. Unfortunately, the phasing of the development required by the ecological mitigation prevents this from occurring and the delivery of the Jurston Lane link will have to wait. The pedestrian/cycle (& emergency) link to Beech Hill will, however, be provided in the first phase.

The application also proposes a pedestrian and cycle link to Westpark 26, which would be a highly beneficial in terms of improving access to this key employment area by means other than the private car. At present, Summerfield – the owners of Westpark, are unable to agree a point of connection, although they are amenable to the concept, so it is not reasonable to secure physical works by condition. However, a route could be safeguarded as part of the S106 agreement, together with an obligation to complete works to the site boundary in the event that the scheme progresses within a given timeframe.

Similarly, the Rights of Way team at SCC indicated that an improved connection to footpaths leading to the Blackdown Hills could be accommodated in the development, but that further work is required to ensure that any crossing of the A38 is safe. It is not considered reasonable to require the developer to put this connection in place as such would not be necessary to enable permission to be granted; however, there is scope for agreeing the works required directly with the County Council as part of their wider highway agreement.

Policy SS4 requires that the development provides a new north-south link road between Taunton Road and the A38 and for a local bus loop to be provided through the development. The masterplan has been designed to link up with the primary site access through Cades Farm and on to Taunton Road and it will be wide enough to accommodate busses.



A framework travel plan has been provided with the application as part of the Transport Statement. The Highway Authority consider that further work is required here in order to achieve an acceptable travel plan, but they are happy for those discussions to take place alongside S106 negotiations subsequent to any resolution to grant planning permission.

#### 4. Wildlife and ecology

Wildlife surveys have identified that the hedgerows on the site provide good habitat for dormouse and nesting birds and foraging habitat for bats. Other wildlife has also been found on the site. The clearance of hedgerows within the site would result in the 'deliberate disturbance' of dormouse habitat and would require a licence from Natural England. The mitigation of any adverse impact on dormouse habitat has been the subject of considerable work by the applicant and has been one of the greatest influences over the form of the development that has been proposed.

In order to mitigate the impact on dormouse, the applicant has already planted around 6.5 ha of broadleaf trees to form a new woodland area within the green wedge to the east of the development site. This provides over 350% more dormouse habitat on the site than previously existed. The phased removal of hedgerow, broadly from west to east across the site is then intended to encourage the dormouse populations to relocate to the newly created habitat areas. Nest tubes would be used within the new habitat areas to improve their ability to receive nesting animals prior to the habitat clearance and long term management proposals would be put in place to manage this habitat to the benefit of the dormouse populations.

The applicant has applied to Natural England for a draft licence (a full licence is not available prior to the grant of planning permission) in order to demonstrate that the mitigation was appropriate. Natural England have confirmed that they are satisfied with the mitigation works and that the Favourable Conservation Status would be retained.

However, before granting planning permission, Taunton Deane Borough Council as a 'competent authority' under the Habitats and Species Regulations (2010) must also be satisfied that the derogation tests for granting a license would be met.

In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

- (viii) 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);
  - (i) That there is no satisfactory alternative;
  - (ii) 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 and well planned sites. The proposal is part of the planned growth of Wellington and will make a significant contribution to Wellington's housing provision and the housing needs of the Borough on the whole. Failure to deliver housing on planned sites such as this would result in pressure to develop housing in less sustainable locations and that would not be in the public interest. The site will also deliver a site for a new primary school and a substantial amount of affordable housing. It is considered that it is in the wider public interest to allow development of this site to proceed.

*(ii) That there is no satisfactory alternative*

The site has been allocated for development so it would not be reasonable to argue that alternative sites should be considered in advance of this one. This particular development has been planned around the concept of habitat removal and re-provision in the new woodland, elsewhere on the application site. This is different to the approach taken on the Cades Farm site to the north, where the existing habitat was retained and buffered with additional planting.

Even if the Cades approach were taken here, it would be necessary to break the hedgerows – which are fairly numerous in the southern part of the site – in order to facilitate access and such would undermine the connectivity of the habitat. It would also make it difficult to deliver a well-designed new housing area along the principles that have been put forward. The proposals tabled here would provide substantial new habitat and there do not appear to be any satisfactory alternatives.

*(iii) That the Favourable Conservation Status (FCS) can be maintained*

The proposed mitigation works will ensure that the FCS can be maintained. Natural England have considered the proposals and stated that if a licence application were made, they would support it and this is considered to be an endorsement of the strategy. The Council's Biodiversity Officer is also content with the proposals and is satisfied that the FCS of dormouse would be maintained.

Bat roosts would only be affected if some of the mature trees on the site were to be removed or pruned. At this stage it is assumed that any bat roosts would be left in situ in these trees and, therefore, a Natural England license would not be required and the derogation tests do not need to be considered in order to grant planning permission. The new habitat areas should also provide good replacement foraging habitat for bats and nesting habitat for birds.

There is other wildlife affected by the development. Your officers are satisfied that the extensive works to provide the new woodland will ensure that these other impacts are also mitigated and it should also provide an overall biodiversity enhancement when compared to the arable fields that are currently on the site.

## 5. Flood risk and drainage

The application proposes to manage surface water via a network of surface water sewers, swales and detention basins. 4 detention basins would be provided within the green wedge area on the eastern side of the site and these would attenuate discharge from the site to 2 l/s/ha of impermeable site. Such accords with the EA's standing advice and the pre-application advice that they gave the developer.

SCC's Flood Risk Manager has reviewed the proposals and considers that they appear to be appropriately designed. The interconnecting detention basins are based upon sound principles and should adequately manage surface water discharge.

Foul drainage would be disposed of under two separate drainage regimes. The northern part of the site would drain via Wessex Water's Mitchell Pool pumping station to the north of the site. Wessex Water considers that there is limited capacity at this pumping station and works are likely to be required to improve this capacity. They are currently undertaking survey work to ascertain the extent of works required and the developer has agreed to contribute towards the cost of these works. Wessex Water have recommended a condition that a detailed drainage strategy is submitted for approval, to include any required capacity improvements. Financial contributions for upgrade works are usually dealt with via S106 agreements, but given that there is no actual requirement to make a payment to the Local Planning Authority in this regard, it is considered that a condition to provide an adequate connection is appropriate.

Conditions should be imposed on any grant of planning permission requiring full details of foul and surface water drainage to be submitted for approval. On this basis it is considered that the development would be acceptably drained and would not lead to an increase in off-site flood risk.

## 6. Heritage impacts

The only designated heritage asset affected by the proposals is Jurston Farm and its range out buildings. The farmhouse is grade II listed and currently has an open setting in a rolling agricultural landscape. As a consequence of the development, the area to the east of it would become distinctly more urbanised and Jurston Farm would no longer be an isolated farmstead.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving the listed building, its setting and any features of historic or architectural interest when deciding whether to grant planning permission. The conservation officer has indicated that Jurston Farm was listed due its architectural and historic interests rather than for any great reference to its setting, but this does not mean that its setting should be overlooked. Jurston Farm has a mature tree boundary to the west and this would help to prevent the farmstead appearing dominated by the new development. There would be no development in an arc from the northeast to southeast around Jurston Farm. Removing the agricultural land from around the farmhouse would undermine the significance of the listed building to some extent, but this is not considered to be substantial.

Paragraph 134 of the NPPF indicates that where the harm to the significance of the asset would be less than substantial, this harm should be weighed against the public benefits of the proposal. The delivery of housing including a substantial amount of affordable housing on this sustainable, allocated site is considered to be a substantial benefit that clearly outweighs the less than substantial harm to the setting of the listed building.

The northern section of Jurston Lane, through the site, is good example of a historic sunken lane and could be considered an undesignated heritage asset in landscape terms. This section of the lane is proposed to be retained more or less as is (some improvements would be made to the surface and drainage as it can become boggy at times) but otherwise it's sunken, hedgerow bound form would be retained. It is also proposed to buffer each side with new planting in a 'community orchard' so that when walking in the lane, much of the existing character and ambiance is retained.

With regard to these matters, the impact upon heritage assets is considered to be acceptable.

## 7. Neighbouring property

The site backs on to existing residential properties at Jurston lane, Laburnum Road, Beech Hill, Blackmoor Road and Oldway Park. At Jurston Lane, the properties are some distance away and there are mature trees on the boundary. At Beech Hill, Blackmoor Road and Oldway Park, the boundary is much more open; at Laburnum Road, the boundary is both open and the application site is at a higher level than the existing dwellings in this location.

The indicative masterplan and design and access statement confirm that it is proposed to site new dwellings on the development a conventional 21m back to back separation distance from the existing residential properties. On the level, this would be sufficient to prevent unacceptable overlooking. The level changes at Laburnum Road will need careful consideration.

Ultimately, the precise detailed layout and the relationship of the proposed residential properties with those existing dwellings will be considered in subsequent reserved matters applications. For the purposes of this outline application, your officers are satisfied that a development can be designed that avoids unacceptable harm to the amenities of existing residential properties.

It has been suggested that the area between Jurston Lane and Beech Hill should be removed from the proposed development area and left as public open space or allotments. Whilst this would leave, to some extent, the existing open outlook from these properties, such would not comply with the adopted development brief. It would also push the development towards the east, eroding the proposed green wedge reducing its recreational and ecological benefits. The extent of the green wedge has been determined following landscape assessment and ecological mitigation requirements and it is considered that it is appropriate. Also, whilst a number of immediately adjoining residents may prefer separation between new and old, this would not be sound planning or urban design, moving the development away from the existing town, its facilities and its existing urban form. The site has been allocated for development and it is considered that the impact on the amenities of existing residential properties can be made acceptable through the design of any

reserved matters layouts.

## 8. Design and layout

Although this is an outline planning application, a considerable amount of work has gone into the master planning of the site. It has evolved from work started at a 4 day long Enquiry by Design session in 2011, facilitated by the Princes Trust.

Policy SS4 requires the eastern part of the site to be a green wedge; whilst the woodland nature of the proposed area has been largely driven by the ecological mitigation work required, it also adjoins the main public open space areas in the northern part of the site and provides the surface water attenuation features for the entire development.

In general terms, the masterplanning of the western side of the site is very urban in its approach. In catering for all surface water attenuation within the green wedge, and providing a consolidated strategic approach to ecological mitigation has allowed the applicant to remove many of the hedgerows within the site and develop a higher density urban form. The approach means that the resultant neighbourhoods would be highly walkable and well connected, encouraging travel by modes other than the private car. Removing existing constraints, such as hedgerows, means that the development can focus on bringing a high quality urban form, rather than the design having to be compromised in any way. This is not to say that the development would be unsympathetic to the existing features on the site: The main mature tree groups would be retained and would become the focus of the main areas of public open space that are set throughout the site. This is particularly true of the area to the north of The Elms, an existing dwelling that would become surrounded by new development, where substantial mature trees exist just off the existing line of Jurston Lane.

The historic alignment of Jurston Lane, too, would be retained throughout the development and the sunken part of the northern section of this lane would be retained in its current form – as described in section 3 of this report.

The design and access statement includes a thorough design code that will seek to guide the development. It outlines that the development would be constructed on perimeter blocks such that the fronts of dwellings generally fronted the public roads thorough the site. Rear access roads would run through the blocks, removing parking and garages from dwelling frontages and ensuring that parking does not dominate the final development. These rear access roads would include some dwellings within them on a 'mews' type basis so as to ensure that they are well overlooked and safe.

The main route through the site would be a wider road and would be tree lined, and parking could occur between the trees where these are planted within the carriageway. Across the site, parking would accord with the County Council's current parking standards.

The development would provide children's play facilities, with 1 NEAP and 2 LEAPs. With the associated neighbourhood parks providing informal play space, the standards required by Community Leisure are easily met in terms of Children's play facilities. In addition the development provides formal and informal active recreation

opportunities – there would be a Junior football pitch as well extensive walking opportunities through the glades in the newly planted woodland.

The submitted masterplan includes land for allotments. However, the applicant has agreed that this land could alternatively be used as additional playing field land for the school should the County Council wish to provide a 14 class school on the site. It now seems almost certain that the County Council will proceed with the 14 class school option, so the site is unlikely to deliver allotments. Your offices consider that whilst this is regrettable, the benefits of providing a 14 class school outweigh the need to provide allotments.

Broadly in the centre of the development would be a neighbourhood square which would contain a number of community uses with residential accommodation over. Such uses could include a small convenience retail shop, other small retail space or community facilities such as a public hall or doctor's surgery. The school would sit behind some of the buildings, accessed via an arch from the main square and this would ensure footfall to the square on a daily basis. The design code outlines how the square would be a 'shared surface' area with pedestrians and vehicles sharing the space in order to slow traffic speeds. The area would also include car parking.

Overall, the submitted masterplan, the design and access statement and the design code within it give sufficient comfort that the development can be carried out in such a way that would lead to a high quality residential environment, together with the necessary open space that is required to meet the needs of the future residents as well as providing additional accessible green infrastructure for the enjoyment of others.

### Conclusions

The proposed development accords with Policy SS4 of the Taunton Deane Core Strategy which allocates this site for development. It is true that it does not strictly follow the eastern boundary line identified on the proposals map, but that line was somewhat arbitrary, whereas the proposal has been arrived at through full consideration of constraints and opportunities. It is fully compliant with the Council's adopted design brief for the site, which identifies eastern extent of development as set out in the current application.

The development will clearly have some impact upon traffic within the town, but this is not considered to be severe and does not warrant refusal of the application. The proposal adequately mitigates any impact upon dormouse habitat and is considered to provide an overall biodiversity enhancement as a consequence of the substantial areas of woodland that have already been planted. Surface water will be adequately dealt with so as not to increase flood risk off-site and your officers are satisfied that it will be possible to have detailed designs at subsequent reserved matters stages that do not impact unacceptably upon existing adjoining residents.

Overall, the development has been well conceived and is considered to provide a high quality sustainable urban extension to Wellington. 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**

38/14/0394

MR B RICHMOND

**ERECTION OF 2 No DETACHED BUNGALOWS WITH GARAGES AND THE  
ERECTION OF 1 No GARAGE TO SERVE THE EXISTING PROPERTY IN THE  
GROUNDS OF 1 WHEATLEIGH CLOSE, TAUNTON**

Location: 1 WHEATLEIGH CLOSE, TAUNTON, TA1 4QE

Grid Reference: 322132.123797

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The proposed dwelling to plot 2, by virtue of its prominent position and proposed elevated boundary treatment, exacerbated by the design and mix of materials, is considered to result in an incongruous addition to the street scene, to the detriment of the character and appearance of the surrounding area and the setting of the adjacent grade II\* listed building. The proposed dwellings are furthermore deemed to appear cramped and out of character with surrounding properties, with limited amenity space available for future occupiers. The proposal is therefore deemed contrary to Policies DM1 (d) (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy.
- 2 The proposed development, by reason of its close proximity to the protected trees is considered to lead to harm to the long term health of the trees and a likely pressure from future occupants to either prune or fell them due to daylight shading and perceived oppressive outlook, which would result in an adverse impact upon the character and amenity of the area. The proposal would therefore be contrary to Policy DM1 (d) (General Requirements) and CP8 (Environment) of Taunton Deane Core Strategy.

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

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

**PROPOSAL**



1 Wheatleigh Close is a brick and tile bungalow set in a cul-de-sac of similar style properties. The site is set within a large plot, with garden area to the front and rear. It lies on a higher level than Trull Road, separated by a belt of trees, which are the subject of a Tree Preservation Order. A further line of trees, also subject to a Tree Preservation Order lies to the north of the site. To the west is Wheatleigh House, a grade II\* listed building, which has been converted to flats. Works have been undertaken in recent months to remove trees from the site.

This application seeks planning permission to erect two bungalows, one to the rear of the existing property (Plot 1) and one to the front (Plot 2). Plot 1 would comprise of a three bedroom bungalow of render and tile with brick detailing and a small element of timber boarding to the front. A detached single garage would be positioned to the side of matching materials, with a parking space to the front and a turning area to the south of the bungalow. The property would be accessed via a driveway, which would pass directly to the east of the existing property.

Plot 2 lies to the front of the bungalow and is of an irregular shape, being positioned between Wheatleigh Close and Trull Road. The bungalow would be of three bedrooms with an attached garage. This has been designed in an angular shape, which reflects the shape of the plot. The bungalow would be render to the main part, with a substantial amount of timber boarding and large elements of glazing to the south-west elevation, with further timber boarding to the garage. Again, the roof would be of tile. A further parking space is proposed to the front of the garage. It is proposed to erect a 1.8 metre high fence around the site, which would sit above the existing wall fronting Trull Road.

To the north of plot 2, it is proposed to erect a further single garage, to serve Wheatleigh Close, which would serve the existing bungalow. A parking space is also proposed to the front and side of this garage.

The application is accompanied by an Arboricultural Constraints Report and a Heritage Statement.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*WARD CLLR* – Supports on the grounds of:

- Applicant has indicated willingness to address concerns by planting screening and providing further response to Heritage Officer.
- Do not agree with Heritage Officer that it will have deleterious impact on Wheatleigh House as distance to plots is considerable.
- Belmont Drive and Belmont House have a successful layout, which is comparable to Wheatleigh Close.
- Believe there to be a need for bungalows in Taunton. Existing bungalows are built on land sold to raise money to repair the dilapidated house.
- Considers conditions should be imposed to reinstate screening and the street scene

## SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice

### PARKING

- 1) The parking provision for developments should be in accordance with the adopted SCC parking strategy (Appendix 11.6).
- 2) The requirements for parking space and garage dimensions are also contained within the adopted SCC parking strategy and should where possible be adhered to (Appendix 11.7).

### VISIBILITY SPLAYS

Where accesses and junctions are to be formed, this advice considers that Manual for Streets is the appropriate guidance for visibility splays. (Appendix 11.1 & 11.3) unless otherwise stated.

Visibility splays should be determined by the posted speed limit, unless physical measures, speeds or change is agreed by the Local Planning Authority. There may be occasions where the Highway Authority recommends that standing advice applies to an application, but that an alternate (Design Manual for Roads and Bridges) visibility splay is more appropriate. Under these circumstances, the visibility splay requirements will be clearly defined with the initial consultation response.

### PEDESTRIAN VISIBILITY

Where a new pedestrian access is proposed, it is necessary to ensure that adequate visibility splays are provided. These will be 2.0m x 2.0m and will be provided to the rear of the footway, or where the access meets the carriageway edge. (Appendix 11.2)

### SURFACING AND DRAINAGE

Adequate provision shall be made to ensure that surface water does not drain onto the public highway. Equally any new access shall be designed to ensure that highway water does not drain onto the development site.

### CREATION/ALTERATION OF A DRIVEWAY - REQUIREMENTS

- 1) In Somerset up to two dwellings may be served by a driveway. This advice will therefore apply, provided that the proposal does not constitute the laying out of a street. As defined within the Highways Act 1980.
- 2) Visibility splays shall be in accordance with Manual for Streets visibility splay criteria (Appendix 11.3) unless otherwise stated. The visibility splays will be required to be provided within the control of the applicant, which is allocated within the red/blue lines of the applicants' boundary or highway land.
- 3) Any access for a single residential unit should have a minimum width of 3.0 metres. Where an access serves more than one unit, adequate width to pass two vehicles should be secured. Recommend a minimum width of 5.0 metres over a minimum of 6.0 metre length.
- 4) The gradient of any driveway shall not exceed 1 in 10, for at least the first 6.0 metres from the edge of the adopted highway.
- 5) Any new or altered access, must be consolidated or surfaced for at least the first 5.0 metres of its length, as measured from the edge of the adjoining carriageway, (not loose stone or gravel).
- 6) Positive drainage shall be provided, to prevent the discharge of water from private land to the adopted highway. It may also be considered necessary to take

measures to prevent the 'run off' of water from the adopted highway onto private land. Details of such an arrangement should be approved by the Highway Authority prior to implementation.

7) Any entrance gates shall be hung to open inwards and shall be set back a minimum distance of 5.0 metres from the carriageway edge. Gates for pedestrian only access should be hung to open inwards.

8) Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation or alteration of an access to the highway will require a Section 184 Permit. This must be obtained from the Highway Service Manager at the Area Highway offices - Taunton Deane Area Highways Office - Burton Place, Taunton. The Area Highways Office, is contactable on the following telephone number No. 0845 345 9155. Applications for such a permit should be made at least four weeks before access works are intended to commence.

*WESSEX WATER* - New water supply and waste water connections will be required from Wessex Water to serve this development. Suggest note regarding application forms guidance and further information, sewer connections signed adoption agreement and statutory easement.

*DRAINAGE ENGINEER* - No observations

*LANDSCAPE* - Consider plot too small to accommodate two extra dwellings, especially considering proximity of proposed dwellings to TPO tree belt along Trull Road. Due to daylight shading and perceived oppressive outlook, there will always be pressure from future homeowners to fell or carry out tree surgery. Driveway for plot 1 within root protection area of Yew Tree and several other trees.

The house on plot 2 with its elevated position and close boarded fence will dominate the entrance to the close and I consider it will be detrimental to the street scene.

*COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER* - Measurements taken from plans currently held on file. Total liability £16,590.

*HERITAGE* - Wheatleigh House, is a Grade 2\* Listed Building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that, when determining planning applications which affect a listed building, special regard shall be paid to the desirability of preserving the building, its setting and any features of architectural or historic interest it possesses.

Paragraph 128 of the National Planning Policy Framework, states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Whilst a "Heritage Statement" has now been submitted, it does not address the

specific requirements of Paragraph 128 ie to describe the significance of the heritage asset and assess the impact of the proposal on the significance. Policy CP8 of the Taunton Deane Core Strategy (environment), is also relevant.

It is acknowledged that the existing bungalows in Wheatleigh Close, have had a detrimental impact on the setting of Wheatleigh House, which was listed on 4 July 1974 and which the bungalows pre-date.

As plot 2 will to all intents and purposes be opposite the principle aspect of Wheatleigh House, the presence of a bungalow, will clearly have a very different effect on its setting, than the previously greened site or indeed the current cleared site.

*ENGLISH HERITAGE (ALL CONSULTATIONS)* - No comments received

## **Representations**

11 letters of OBJECTION received from 7 households on the grounds of:

- Wheatleigh House is Grade II\* listed building. Bungalow built on land to front would impact upon beauty of Wheatleigh House and its setting.
- Applicant has not provided assessment of impact upon the Grade II\* listed building.
- Site was a wildlife haven before cleared. Two bungalows would prevent this recovering.
- Clearance of site has changed natural character, setting and outlook from Wheatleigh House, creating an eyesore from Trull Road. Noise from Trull Road has also increased. Should be re-instated. Bungalow in elevated position would be conspicuous, dominate view and completely change character of Trull Road. Detrimental to street scene of Trull Road.
- Overdevelopment of the site, given constraint of tree belt.
- Bungalows will threaten long term health of trees.
- Proposed wooden fence would be different from low brick/stone walls in front of other bungalows in Wheatleigh Close, would create alien boundary treatment.
- Design of plot 2 contrived, simply to fit tapering site. Appears incongruous with remainder of scheme.
- Impact of driveway upon occupiers of existing bungalow
- Loss of privacy and visual impact to flats at Wheatleigh House facing site, reducing value of flats, particularly no.1. Bungalows were previously sited out of view of main house for a good reason.
- Existing bungalows around Wheatleigh House were built to facilitate upkeep of the house.
- Access onto Trull Road dangerous. Wheatleigh Close is narrow. Increase in traffic hazardous to drivers and pedestrians, especially large construction vehicles. No available parking on private road, concerns regarding parking during construction.
- No representation has been made to gain access across private road, access for construction vehicles would not be permitted. Concerns regarding increased maintenance and upkeep of road.

- Noise and disturbance of building works

7 letters of SUPPORT from 6 households on the grounds of:

- Site suitable and in keeping with existing building in the Close. Site poorly managed in recent years. Proposed dwelling on plot 2 would improve visual appearance of area, a fantastic addition to Taunton architecture.
- Difficult to find new bungalows close to town centre.
- New bungalows will benefit area and the elderly. Feel they will be greatly and widely appreciated.
- Land is far oversized for the existing property. Land being used in sympathetic way to provide bungalows rather than houses.
- Arboricultural report has been undertaken to ensure that trees under TPO are not affected.
- Plan provided showing maintenance responsibility of private road.
- Land at Wheatleigh Close was infested with vermin and full of rubbish, almost anything would be an improvement.

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 CP1 - TD CORE STRAT. CLIMATE CHANGE,  
 CP8 - CP 8 ENVIRONMENT,

## **LOCAL FINANCE CONSIDERATIONS**

The application is for residential development within the settlement limits of Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £16,500.

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) £2,158

Somerset County Council (Upper Tier Authority) £540

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £12,948

Somerset County Council (Upper Tier Authority) £3,238

## **DETERMINING ISSUES AND CONSIDERATIONS**

## Principle

The site lies within the settlement boundary for Taunton where the principle of residential development is acceptable, subject to the relevant planning criteria being met. The matter for consideration is therefore whether the proposed scheme is acceptable in terms of the design and impact upon the surrounding area, setting of the adjacent listed building, the amenities of neighbouring properties and highway safety.

## Design and impact on surrounding area

Wheatleigh Close is currently open in nature, with Wheatleigh House being the prominent view when entering the Close and the existing bungalows set beyond it. Whilst it is acknowledged that the bungalows have had an impact upon the setting of Wheatleigh House, due to their positioning there is no development to the front, maintaining clear views both towards and out of the listed building. The siting of the dwelling on plot 2 would be directly opposite the principle aspect of Wheatleigh House, resulting in a very different relationship than that of the current cleared site and the formerly green site. The proposed scheme is therefore deemed to detract from the grand appearance of the grade II\* listed building, to the detriment of its setting.

It is acknowledged that 1 Wheatleigh Close lies in a substantially larger plot than the adjacent bungalows, however, by virtue of the positioning of the existing building, the site does not lend itself to the erection of a further two dwellings. The size of plot 1 itself appears reasonable and a dwelling on this site would not be considered to result in a plot size that is cramped or out of character with the surrounding pattern of development. However, it is important to note that a large proportion of the site is occupied by the protected tree belt, leaving limited amenity space available to the proposed dwelling. Plot 2 is even smaller than plot 1, again with part of the site taken up by trees and the dwelling has been designed in a shape to fit the plot. The dwelling therefore occupies a large proportion of the site, resulting in a very limited amount of amenity space being available to the property and consequently resulting in a cramped appearance, out of character with the surrounding area.

The existing bungalows within Wheatleigh Close are of gabled roof design, constructed of brick and tile. The proposed bungalows and garages, in the main would reflect the gabled roof design, with the exception of the south-west elevation of the dwelling on plot 2. The proposed dwellings would be constructed of render with elements of timber boarding, particularly on plot 2. Plot 2 also incorporates a very large section of glazing. Whilst there is no objection to the use of some timber boarding within the scheme, the concern is raised over the complicated design and extensive use of timber cladding and glazing, exacerbated by the angular design on the south-west end elevation. This would result in a design and mix of materials that are out of character with the appearance of nearby properties. Whilst the use of render on plot 1 is not reflective of nearby properties, in view of its inconspicuous position, this element alone is not considered to result in harm to the appearance of the surrounding area.

Plot 2 lies in a prominent location between Wheatleigh Close and Trull Road, on a significantly higher level than the latter. It is therefore clearly in the direct line of site on the approach along Trull Road towards Taunton Town Centre. In the past,

mature trees have softened this view but these have recently been removed. In view of the prominence of the site, a dwelling of any design would appear particularly prominent, however, by virtue of the incorporation of materials and design features that are not typical of the area, this is deemed to exacerbate the situation significantly. In addition, the existing boundary wall to Trull Road is just over 1.5 metres in height. The addition of a further 1.8 metre high close boarded fence above this, in such an elevated position, would also appear very prominent and stark within the street scene, to the detriment of its character. It is noted that there is evidence of a close boarded fence above a wall on the opposite side of Trull Road. This is however considered to be in a position that is not as elevated, prominent or clearly visible from wider views.

As such, the proposed bungalow on plot 2 and its associated boundary treatment is deemed to result in an incongruous addition to the street scene, out of character with the simple, traditional design of surrounding properties, to the detriment of the character and appearance of the street scene and the setting of the adjacent Grade II\* listed building.

#### Impact on neighbouring property

The proposed bungalow on plot 1 is considered to be set a sufficient distance from the boundary with 2 Wheatleigh Close to avoid harm to the amenities of the occupiers of that property and there are no windows above ground level to result in any overlooking. The proposed access to plot 1 would pass in very close proximity to the existing dwelling, which can often lead to increased noise and disturbance to the occupiers, however it is acknowledged that this dwelling is within the ownership of the applicant and this is deemed to be a material consideration.

In terms of plot 2, concerns are raised regarding the loss of privacy. Whilst it is acknowledged that there are windows in the side elevation of the proposed dwelling that would face Wheatleigh House, this is over 27 metres away, which is considered to be a sufficient separation distance to avoid any significant overlooking. In addition, it is considered to be positioned a sufficient distance to avoid any loss of light or overbearing impact upon the occupiers of the apartments.

The proposed dwellings are not therefore considered to lead to a level of harm to the living conditions of the occupiers of those properties that would warrant refusal.

#### Impact upon highway safety

The proposed scheme would involve alterations to widen the existing access to facilitate access to the two new plots, as well as the garage proposed to serve the existing property. These alterations would take place on a curve in the cul-de-sac, which would enable clear views in both directions. It is acknowledged that the scheme would involve reversing out onto the highway, however this is an existing situation for other properties within Wheatleigh Close. The scheme incorporates two car parking spaces for each of the proposed properties and the existing dwelling, which is deemed an acceptable level of car parking for three bedroom properties.

Objectors raise concern regarding the road being narrow with no parking and concerns regarding access of construction vehicles. Whilst it is acknowledged that there may be limited on road parking, it is important to note that adequate off road

parking is provided and as such, the scheme is not deemed to result in significant additional pressure on parking in the area. On the above basis, the scheme is not considered to result in such detriment to highway safety that would warrant refusal.

The site lies in an area with a network of footpaths and cycle ways connecting to the town centre and other more local facilities and amenities, along with bus services and bus stops within easy reach along Trull Road. Taking this into account, along with there being ample space within the sites for the storage of cycles, the scheme is considered to provide alternative sustainable modes of travel.

### Other matters

The dwellings would be positioned in very close proximity to the protected trees, with the driveway to plot 1 lying within the root protection area of a mature Yew tree, along with other nearby trees. As such, the development on plot 1 would impact upon the roots of the protected trees, to the detriment of their long term health. In addition to this direct impact, in view of the close proximity of the bungalows to the protected trees, there are concerns regarding future pressure of occupants of those dwellings to either prune or fell them due to daylight shading and perceived oppressive outlook. This highlights how close the trees are to the new dwellings and the consequent cramped appearance of the site. The impact and potential impact upon the protected trees is therefore considered to be a further reason for refusal.

The receipt of the New Homes Bonus and Community Infrastructure Levy is noted, however, it is considered that this matter carries very limited weight in this case.

Concerns are raised regarding construction traffic and noise/disturbance of building works. In processing the planning application, the local planning authority must give consideration to the impact of the end development on neighbouring properties, the local planning authority cannot get involved with how the development is constructed. As such, these issues are civil matters to be agreed between the relevant parties, rather than planning matters and limited weight can be attributed to these issues in determining the application.

Several concerns have been raised that no consent has been sought to gain access across the private road, the proposal would lead to increased maintenance and upkeep of road and that construction vehicles would not be permitted. As the road is privately owned, the right of way across it is a civil/legal matters, to be agreed between the relevant parties. These issues raised are not planning matters and are unfortunately not issues that the local planning authority can become involved with or take into account in the processing of this planning application. As such, no weight can be attributed to this aspect in determining the application.

### Conclusion

Whilst the scheme is not deemed to result in a material increased impact upon the residential amenity of neighbouring properties or to highway safety, there are significant concerns regarding the elevated and prominent appearance of the dwelling and boundary treatment to plot 2, exacerbated by the design and mix of materials. This is considered to result in a dominating impact to the street scene and harm to the setting of the adjacent grade II\* listed building. Furthermore, the close proximity of the dwellings/driveways to the tree belt, which is subject to a Tree Preservation Order, is deemed to result in harm to the long term health of the trees, by directly impacting upon the tree roots in the case of plot 1 and by future pressure



to prune or fell them, which is deemed relevant to both plots. As such, it is recommended that planning permission is refused.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mrs K Walker Tel: 01823 356468**

# TAUNTON DEANE BOROUGH COUNCIL

Planning Committee - 12 March 2015

E/0015/10/15

UNAUTHORISED CHANGE OF USE OF LAND FROM AGRICULTURAL / NIL USE TO B8 STORAGE OF ROAD MAKING MATERIALS AND ASSOCIATED VEHICLES.

**OCCUPIER:** MRS KATHLEEN MARY MCSTAY

**OWNER:** MR RUPERT PHILLIPS  
BURNWORTHY MANOR, CHURCHSTANTON, TAUNTON  
TA3 7DR

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## PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the unauthorised B8 business use of part of the land, at Culmhead Business Park, for the storage and distribution of aggregate (road stone), to cease.

## RECOMMENDATION

The Solicitor to the Council be authorised to issue an Enforcement Notice and instigate Court proceedings should the notice not be complied with, in order to secure the cessation of the unauthorised use of the land for the storage and distribution of aggregate (road stone).

The requirements of the Enforcement Notice shall be to:-

1. Cease the use of the land for the storage and distribution of aggregate; and
2. Remove the stored aggregate from the land.

Time for compliance: 3 months from the date the notice comes into effect.

## SITE DESCRIPTION

The site is located off the Royston Road at the Culmhead Business Park (formerly Culmhead Radio Station), approximately two miles north of Churchinford in the Blackdown Hills AONB. Royston Road at the is point is a relatively straight seven metre wide single carriageway, bordered on either side by a narrow grass verge and a low managed hedgerow, thereby providing visitors to the area a relatively uninterrupted view across the grassland on either side of the carriageway. Access to the Culmhead Business Park is via a tarmacked service road off the Royston Road, which is delineated by two low curved brick walls and gate piers. The service road into the site from Royston Road to the fenced compound and buildings, now used for business purposes, is approximately five hundred metres in length.

## **BACKGROUND**

Two businesses, operating within Culmhead Business Park, brought to Councils attention that land, close to the site entrance, had been apparently leased to a company described as, 'possibly road builders.' Enquiries with the owner of the site revealed that a parcel of land had been leased to a company based in Birmingham called Kiely Bros Limited. On his initial visit to the site, the planning enforcement officer saw two eight wheeled tipper lorries depositing road stone onto an area that contained stored road stone. The area of stored road stone at that time measuring approximately 3.5 metres high by approximately 30 metres in diameter. Three smaller lorry loads had been deposited within an adjacent car park. At an onsite meeting, two weeks later, with the business manager, the enforcement officer was told that the road stone was to be used to fill pot holes and surface dress roads in the Somerset area. Kiely Bros business manager appeared to be apologetic, understanding how the stored road stone, which had increased in size and now measured approximately 7m high by 50m in diameter, detracted from the amenity of the Blackdown Hills AONB. The business manager estimated that the road stone would all be used and the site cleared by August, possibly the end of July 2015. Consequently, the manager was advised that it would be recommended that an enforcement notice would be issued to ensure the AONB was protected from further deposits of road stone.

## **DESCRIPTION OF BREACH OF PLANNING CONTROL**

On the left hand side of the service road, approximately one hundred metres from the site entrance, is a tarmacked area approximately 20m wide by 100m in length, marked out as a car park. This car park is delineated by a 2m high gated chain linked fence. To the left of the service road, between the Royston Road and this car park is grass land. Stored on this grass land, close the car park, is a mountain of aggregate measuring approximately 7m high and 50m in diameter. Deposited in neat rows within the car park are several smaller 'lorry' loads. As a consequence of the low hedgerow and its close proximity to Royston Road, the mountain of stored aggregate is clearly visible to users of Royston Road from a distance of a least 500 metres and adversely affects visual amenity to the detriment of the Black Down Hills Area of Outstanding Natural Beauty.

## **RELEVANT PLANNING HISTORY**

10/11/0010 Change of Use of land to B8 (storage) for the siting of 17 Containers, approved 25/07/11.

## **RELEVANT PLANNING POLICES**

National Planning Policy Framework

Paragraphs 109 & 115.

Taunton Deane Borough Council Core Strategy 2011-2028

SP1 - Sustainable Development Locations  
DM1 - General Requirements  
DM2 - Development in the Countryside  
CP8 - Environment

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is in open countryside and within the Blackdown Hills Area of Outstanding Natural Beauty. The pile of stored 20mm black road stone, is visible to users of the Royston Road, the occupiers and visitors to Business Park and other land users within at least 500 metres of the site and is considered to adversely detract from visual amenity. The NPPF has guidance on the promotion of Natural Environment, opining that “The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.” And that; “Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.” In terms of Taunton Deane Core Strategy, Policies SP1, CP8 and DM2 restricts new developments in open countryside.

The stored aggregate, being large and close to the highway is in prominent position within the Blackdown Hills Area of Outstanding Natural Beauty, without any justification. No application has been submitted for determination, nor has the Local Planning Authority been consulted this particular land use. The continued use of the site for the storage and distribution is an unacceptable intrusion to visual amenity and for that reason enforcement notice proceedings are considered necessary to ensure its cessation for the following reasons:

The storage of aggregate in the open countryside within the Blackdown Hills Area of Outstanding Natural Beauty is detrimental to visual amenities and contrary to the Taunton Deane Core Strategy Policies SP1, CP8, DM1 and DM2.

It is recommended that the requirements of the Enforcement Notice shall be to:-

1. Cease the use of the land for the storage and distribution of aggregate; and
2. Remove the stored aggregate from the land.

That the time for compliance is three months from the date on which the notice takes place.

(The company – Kiely Bros Ltd – is repairing and surface dressing the roads in the area and the company believe it will take three months to remove / use the stored aggregate.)

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

**PLANNING ENFORCEMENT OFFICER: Keith Palmer**

**CONTACT OFFICER: Keith Palmer, tel 01823 356466**

## **Planning Committee – 12 March 2015**

Present: - Councillor Bowrah (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Denington, Miss Durdan, Hayward, C Hill,  
Mrs Hill, Horsley, Miss James, Morrell, Watson, A Wedderkopp and  
D Wedderkopp

Officers: - Matt Bale (Development Management Lead), Gareth Clifford (Principal  
Planning Officer), Tim Burton (Assistant Director of Planning and  
Environment), Roy Pinney (Legal Services Manager), Maria Casey  
(Planning and Litigation Solicitor) and Tracey Meadows (Democratic  
Services Officer)

Also present: Councillors Henley and Hunt in connection with application No.  
43/14/0130. Councillor Hall in connection with application No.  
38/14/0394. Helen Vittery from Somerset County Council Highways in  
connection with application No. 48/14/0130 and Mrs A Elder, a  
Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### **26. Apologies/Substitutions**

Apologies : Councillors Bishop, Gaines, Mrs Reed, Tooze and Wren

Substitutions : Councillor Denington for Councillor Mrs Reed;  
Councillor Miss Durdan for Councillor Wren;  
Councillor Hayward for Councillor Bishop; and  
Councillor Horsley for Councillor Tooze

### **27. Minutes**

The minutes of the meeting of the Planning Committee held on the 25  
February 2015 were taken and read and were signed.

### **28. Declarations of Interest**

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal  
interests as Members of Somerset County Council. Councillor Mrs Hill  
declared a personal interest as an employee of Somerset County Council. All  
Members declared that they had received copies of a letter from the  
applicant's agent together with an artistic impression of the proposed  
development for application No. 38/14/0394

### **29. Applications for Planning Permission**

The Committee received the report of the Area Planning Manager on  
applications for planning permission and it was **resolved** that they be dealt

with as follows:-

- (1) That **planning permission be granted** for the under-mentioned development:-

**38/14/0394**

**Erection of 2 No. detached bungalows with garages and the erection of 1 No. garage to serve the existing property in the grounds of 1 Wheatleigh Close, Taunton**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A1) DrNo 08 Rev A Proposed Plans and Elevations ;
  - (A1) DrNo 07 Rev A Proposed Plans and Elevations ;
  - (A1) DrNo 06 Rev A Proposed Site Plan;
  - (A4) DrNo 02 Block Plan;
  - (A4) DrNo 01 Location Plan;
- (c) Prior to the commencement of the erection of any part of the dwellings, samples of the materials to be used in the construction of the external surface of the development hereby permitted shall have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) Prior to their installation, details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved by the Local Planning Authority and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority;
- (e) The parking area shall be hard surfaced before it is brought into use, in accordance with details which shall have been submitted to, and agreed in writing with the Local Planning Authority shown on Drawing Number 3 and shall thereafter remain as such unless otherwise agreed in writing with the Local Planning Authority;
- (f) The area allocated for parking shall be provided to each dwelling before that dwelling is brought into use. The parking area in its entirety shall thereafter be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted;

- (g) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before occupation and thereafter maintained at all times;
- (h) Prior to the occupation of the dwelling hereby permitted, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted;
- (i) All services shall be placed underground;
- (j) (i) Prior to the dwelling hereby permitted being brought into use, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each 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 the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (k) Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (l) Bin storage shall be made available prior to the occupation of the dwellings hereby permitted in accordance with details which shall have been submitted to, and approved in writing with the Local Planning Authority. This bin storage shall thereafter remain available and not be used for any purpose, other than for the storage of bins in connection with the development hereby permitted;
- (m) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities

whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. The protective fencing shall be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012;

- (n) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority;
- (o) Prior to the commencement of any part of the development hereby permitted, an arboriculture method statement, in accordance with the recommendations of BS 5837:2012 shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall be undertaken in accordance with the agreed method statement, unless otherwise agreed in writing by the Local Planning Authority;
- (p) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), no extensions, other alterations (including balconies, windows, chimneys, flues, antennae) or curtilage structures shall be carried out without the further grant of planning permission;

**30. Outline application with all matters, except the access, reserved for future approval on land at Jurston Farm, Wellington for a mixed use development of up to 650 houses, community and commercial uses, a Primary School, equipped and informal public open space, community woodland and associated infrastructure with the development to be served by a new primary vehicular access at West Buckland Road (A38) and secondary vehicular access connecting to Cades Farm development along with pedestrian, cycle and emergency access connecting to Beech Hill and Laburnum Road and pedestrian and cycle access to Jurston Lane on land at Jurston Farm, Wellington (43/14/0130)**

Reported this application.

**Resolved** that subject to the applicant entering into a Section 106 Agreement to secure the following:-

- (a) 25% affordable housing, of which 60% Social Rented, 40% intermediate housing including a proportion of disabled adapted units;
- (b) The introduction of a 30mph speed limit around the site access and the Pyles Thorne/A38 junction;
- (c) A travel plan;
- (d) Management of public open space and woodland areas;
- (e) Provision and construction of a Local Centre;
- (f) Maintenance of Surface Water Drainage infrastructure;
- (g) Safeguarding (and delivery to site boundary) of pedestrian/cycle route to Westpark 26;



the Assistant Director for Planning and Environment 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) (i)The development hereby permitted shall be carried out in phases. In this permission any reference to a phase of development refers to the phases defined on drawing A076969drg.06C unless otherwise agreed in writing by the Local Planning Authority; (ii)Approval of the details of the layout, scale, appearance, and landscaping of the site (hereinafter called “the reserved matters”) for each phase of development shall be obtained from the Local Planning Authority in writing before that phase of development is commenced; Application for approval of the reserved matters for each phase of development shall be made to the Local Planning Authority not later than the expiration of ten years from the date of this permission. Each phase of the development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters 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 accordance with the following approved plans:-

- (A3) DrNo 1125-004 Rev F Land Use Plan Colour;
- (A2) DrNo PE-LP-A2 Rev 4 Location Plan;
- (A3) DrNo PHL-04 Rev B Northern Access to Spine Road via Cades Farm Development;
- (A3) DrNo PHL/05 Rev D A38 Access Roundabout Preliminary Layout;
- (A3) DrNo PHL/06 Rev A Potential Pedestrian / Cycle Link Connecting to Beech Hill;
- (A3) DrNo PHL/07 Rev A Potential Pedestrian / Cycle Link Connecting to Laburnum Road;
- (A3) DrNo PHL/08 Rev A Potential Pedestrian / Cycle Links Connecting to Jurston Lane;
- (A3) DrNo A076969drg.06C Outline Phasing;

(c) Prior to any reserved matters approval, details of a site-wide surface water drainage strategy shall be submitted to, and agreed in writing by, the Local Planning Authority. The strategy shall ensure that surface water run-off from the site is limited to no more than two litres per second per hectare of impermeable area unless otherwise agreed in writing by the Local Planning Authority and shall set out the principles of any attenuation required for each plot, phase or parcel of land. The development shall be implemented in accordance with the details of the approved strategy. The use of Sustainable Drainage Systems will be required as stated in the FRA in order to reduce the rate of run-off and pollution risks etc. These techniques involve controlling the sources of increased surface water and include:-

- Interception and reuse;

- Porous paving/surfacing;
- Infiltration techniques;
- Detention/attenuation facilities; and
- Wetlands;

- (d) No development shall take place on the part of the land to which separate reserved matters relate until the detailed drainage design for that plot, phase or parcel of land, incorporating sustainable drainage principles, has been submitted to, and approved in writing by, the Local Planning Authority. The design shall be in accordance with the principles of the site-wide surface water drainage strategy approved under condition (c). The scheme shall subsequently be implemented so as to ensure that each part of the site is not occupied/brought into use prior to being drained in accordance with the details so approved;
- (e) No part of the development hereby permitted shall be brought into use until a full operation and maintenance strategy for the surface water drainage mechanisms which relates to that part of the development has been submitted to, and approved in writing by, the Local Planning Authority in accordance with the FRA produced by AWP dated 26 November 2014. The strategy shall identify all future land use limitation and identify the ownership, operation and maintenance arrangements for the works over the lifetime of the scheme;
- (f) Prior to the commencement of the development of any buildings, a foul water drainage scheme shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. The drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing; The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the Local Planning Authority and shall thereafter be maintained as such;
- (g) No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority;
- (h) No phase of the development hereby permitted shall be commenced until details of a strategy to protect and enhance that phase of the development for wildlife had been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of all the submitted reports to date (Andrew McCarthy Associate's Extended Phase 1 Habitat Survey dated March 2009, SLR's Protected Species Updated Report dated April 2011, Updated Preliminary Ecological Assessment dated November 2014, Bird Survey report, Bat report, Invertebrate Survey Report, Reptile Survey Report and Dormouse Survey Report all dated November 2014 as well the draft for Screening documents 1 and 2 –EPS Method

Statement; Dormice Background Information and Delivery Information dated October 2013) and up to date surveys and include:-

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when protected species could be harmed by disturbance;
3. Measures for the enhancement of places of rest for protected species;
4. A 25 year Landscape and Ecological Management Plan; and
5. Details of Dormouse monitoring over a period agreed with the Local Planning Authority;

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 mitigation planting and maintenance of the bat, dormice and bird boxes and related accesses have been fully implemented. Thereafter the new planting and the wildlife resting places and agreed accesses shall be permanently maintained;

- (i) Before development commences in any particular phase (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained in that phase shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. The protective fencing shall be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012;
- (j) Prior to the commencement of any other development hereby permitted, the new roundabout access to the site from the A38 shall be fully constructed in accordance with detailed drawings that shall previously have been submitted to, and approved in writing by, the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority;
- (k) Pedestrian/cycle access and access for emergency services only shall be provided to Beech Hill and Laburnum Road in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. The details shall include the means of preventing access by general motor vehicles. The link to Beech Hill shall be provided prior to the occupation of 75% of dwellings in phase 2 of the development. The link to Laburnum Road shall be provided prior to the occupation of 75% of dwellings in phase 5 of the development. Once provided the access,

including any feature for the prevention of access by general motor vehicles, shall thereafter be retained as such;

- (l) Any drawings submitted pursuant to condition (b) of this planning permission shall include full details of the proposed Public Open Space and children's play areas for that phase of development to which they relate. The approved Public Open Space and any children's play equipment shall be laid out and brought into use prior to the occupation of 50% of the dwellings on the phase to which it relates;
- (m) The vehicular access to Cades Farm shall be provided and capable of use by the general public in accordance with detailed drawings which shall previously have been submitted to, and approved in writing by, the Local Planning Authority insofar as it relates to land within the application site prior to the occupation of 20% of dwellings in phase 8 of the development hereby permitted and shall thereafter be retained as such;
- (n) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, junctions street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to, and approved in writing by, the Local Planning Authority before their construction begins. The street lighting shall ensure that the favourable conservation status of dormice is maintained; The approved roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling/building 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;
- (o) (i) Any landscaping/planting scheme shown on drawings approved pursuant to condition (b) of this planning permission shall be completely carried out within the first available planting season from the date of commencement of the phase of the development to which it relates unless otherwise agreed in writing by the Local Planning Authority; (ii) For a period of five years after the completion of the landscaping scheme within the relevant phase, 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) Prior to the occupation of the 150th dwelling, hereby permitted, the "school land" identified on drawing 1125-004 rev F shall be capable of being accessed by motor vehicular and pedestrian traffic from within the residential development area and such access shall thereafter be

maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

- (q) The buildings at the Local Centre indicated on drawing 1125-004 rev F hereby permitted are permitted for uses in Classes A1, A2, A3, A4, A5, D1 and D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended);
- (r) There shall be no construction access to the site via Beech Hill, Laburnum Road or the northern section of Jurston Lane (between the proposed local centre and Sylvan Road) at any time;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of outline planning permission).

**31. E/0015/10/15 – Unauthorised change of use of land from agricultural/Nil use to B8 storage of road making materials and associated vehicles**

Reported that it had come to the attention of the Council that two businesses operating within Culmhead Business Park had leased land to a company described as 'possible road builders'.

On a site visit, two eight wheeled tipper lorries were observed depositing road stone onto an area that contained stored road stone.

The road stone was being used to fill pot holes and surface dress roads in the Somerset area. A representative of the businesses had been approached and understood how the storage of the road stone detracted from the amenity of the Blackdown Hills Area of Outstanding Natural Beauty (ANOB) and confirmed that the road stone would be used and the site cleared possibly by the end of July 2015.

The representative was advised that an enforcement notice was likely to be issued to ensure the ANOB was protected from further deposits of road stone.

**Resolved that:-**

- (1) An enforcement notice be served to stop the land at Culmhead Business Park being used for the storage and distribution of aggregate and requiring the removal of the stored aggregate from the land;
- (2) Any enforcement notice served should have three month compliance period; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

(The meeting ended at 8.10 p.m.)