

SOUTH WESTERN PROPERTY SERVICES

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

Grid Reference: 312322.121938

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

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- 2 The survey and assessment data submitted with the application is insufficient and the survey work is out of date.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

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

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

Travel Plan / Public Transport Contributions;

Off-site highway works;

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

Public Art Provision;

Affordable Housing;

Village Hall;

Children's Play Space;

Off site-playing fields;

Allotments;

Drainage - SuDs – maintenance agreement.

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

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

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

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

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

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

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

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

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

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

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

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

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

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

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

SITE DESCRIPTION AND HISTORY

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

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

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

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

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

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

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

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

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

MILVERTON PARISH COUNCIL – notes the following: -

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

The Parish Council therefore OBJECTS on the following grounds:

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

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

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

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

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

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

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

4) Background evidence

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

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

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

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

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

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

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

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

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

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

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

Summary

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

accorded greater weight.

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

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

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

WELLINGTON TOWN COUNCIL – OBJECTS for the following reasons: -

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

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

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

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

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

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

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

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

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

LANDSCAPE LEAD – My main concerns are:

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

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

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

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

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

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

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

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

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

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

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

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

COUNTY HIGHWAY AUTHORITY

Sustainability

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

Travel Plan

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

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

Shuttle Section of Milverton Road

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

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

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

Other Potential Cycle Routes

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

Transport Assessment

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

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

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

Site Entrance

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

Recommendation

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

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

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

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

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

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

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

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

objects to this proposal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SOMERSET WILDLIFE TRUST –

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

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

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

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

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

ENVIRONMENT AGENCY –

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

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

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

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

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

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

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

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

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

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

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

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

Revised Comments – 24/06/11

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Layout of Roads & Footpaths

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

Communal Areas

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

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

Layout & Orientation of Dwellings

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

Dwelling/Retail Boundaries

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

Car Parking

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

Planting & Landscaping

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

Street Lighting

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

Development Layout & Physical Security

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Representations

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

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

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

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

Principle of Development

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

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

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

Land Supply

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

Character and appearance

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

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

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

Wildlife

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

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

Highways

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

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

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

Other matters

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

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

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

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

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

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

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

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

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

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

PLANNING POLICIES

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

DETERMINING ISSUES AND CONSIDERATIONS

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

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

Principle of Development

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

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

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

Land Supply

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

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

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

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

Paragraph 71 states:

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

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

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

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

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

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

objectives eg addressing housing market renewal issues' ...

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

Character and appearance

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

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

Highway Matters

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

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

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

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

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

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

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

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

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

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

Wildlife

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

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

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

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

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

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

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

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

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

Community Infrastructure & S106 contributions

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

Drainage and flood risk

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

Conclusion

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

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

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