

STRATEGIC LAND PARTNERSHIPS

**DEMOLITION OF NURSERY BUILDINGS AND REDEVELOPMENT TO PROVIDE UP TO 113 DWELLINGS, 3121 SQUARE METRES OF EMPLOYMENT LAND CLASS B1 (NON-OFFICE) AND B8, OPEN SPACE, REVISED ACCESS AND ASSOCIATED HIGHWAY IMPROVEMENTS AT RYLANDS NURSERIES AND SUNNYMEAD, BAGLEY ROAD, ROCKWELL GREEN, WELLINGTON AS AMENDED BY ADDITIONAL DRAINAGE INFORMATION RECEIVED 04.09.2009 AND AMENDED SITE LAYOUT PLANS (CD926 SP 10 AND DETAILS OF LINK TO BLACKDOWN ROAD) RECEIVED 19.10.2009.**

312571.119691

Outline Planning Permission

---

**RECOMMENDATION**

That planning permission is **GRANTED** subject to a **Section 106 agreement** requiring:

1. 30% of the development to be 'affordable housing' of which two thirds to be social rented and one third to be an intermediate 'rent-to-buy' product;
2. A contribution of £281,911 (£2,494.79 per dwelling) towards improvements to the capacity of Rockwell Green Primary School;
3. The provision of on-site play facilities catering for 0-17 year olds, plus a commuted sum for maintenance;
4. A contribution of £1,023 per dwelling towards off-site active recreation provision and sports pitches, to be spent within a 2 mile radius of the site;
5. A contribution of £30,000 towards improvements to Rockwell Green Village Halls or other community facilities within a 2 mile radius;
6. The developer to agree a travel plan and implement it, including a payment of £300 per dwelling towards a green travel voucher;
7. The payment of £5000 towards improvements to the strategic cycling network within the vicinity of the development;

and the following **conditions**:

1. No development shall commence until approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority in writing.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the

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

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

2. The industrial buildings shall be limited to uses within Classes B1 (b) and (c) (excluding office uses) and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended and for no other purpose.

Reason: Other uses would have the potential to cause undue noise or disturbance to neighbouring residential properties or lead to a decentralisation of uses that would be more appropriately located in town centre locations, in accordance with Policy S1 of the Taunton Deane Local Plan and advice contained in Planning Policy Statement 6.

3. Prior to the occupation of 50% of the dwellings, Freehold Serviced employment Land shall have been provided in accordance with details which shall have been agreed in writing by the Local Planning Authority prior to the commencement of the development. For the purpose of this permission, Freehold Serviced Employment Land means land that has the benefit of a junction to Bagley Road built to an adoptable standard and which extends into the site at least as far as the turning head indicated in the southwest corner of the site on drawing CD926 SP 10 and that has been cleared and levelled ready for development and has adequate mains electricity/water/surface water drainage and foul drainage available to it at no cost unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the employment land is provided in accordance with the permission, in the interests of facilitating the economic development of the site, in accordance with Planning Policy Statement 1.

4. The Freehold Serviced Employment Land required by condition (3) shall be marketed at market value in accordance with a marketing scheme that shall be agreed in writing by the Local Planning Authority prior to the commencement of the development of the Freehold Serviced Employment Land.

Reason: To ensure that the land is provided at an appropriate tenure to meet the identified needs, in accordance with Planning Policy Statement 1.

5. Noise from any part of the premises or land to which this permission refers shall not exceed background levels by more than 5 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the façade of any residential or noise sensitive boundary.

Monday-Friday 0800-1800  
Saturday 0800-1300

At all other times including Sundays and Public Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics, e.g. hum, drone, whine, etc. Shall not exceed background levels at any time,

when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted 90<sup>th</sup> percentile level measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Reason: To protect residents of the development and existing residents from noise, in accordance with Policy S1 of the Taunton Deane Local Plan.

6. No dwellings shall be occupied until the pedestrian/cycle link has been formed from the site to Blackdown Road, as indicated in drawing 19683/001/010 and in accordance with further details that shall be submitted and approved in respect of condition (1).

Reason: To ensure that adequate facilities are available for pedestrians to access the site, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

7. No other development shall take place until the works to the public highway indicated in Drawings 19683/001/002 revision C and 19683/001/004 revision A submitted as part of the Transport Assessment have been completed, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate and safe access is provided to the site, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy S1 of the Taunton Deane Local Plan and advice contained in Planning Policy Guidance note 13.

8. Prior to the occupation of any dwellings hereby permitted, a removable obstruction shall be installed and thereafter retained as such on the link between the development and Blackdown Road that can only be removed by the emergency services, such that access to the general public is only available via foot or cycle, in accordance with details that shall be submitted in accordance with condition (1).

Reason: To ensure that the link cannot be used as a vehicular access for the general public in the interests of highway safety and the amenities of the residents of Blackdown Road, in accordance with Policy S1 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

9. The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junction, street lighting, sewers, drains, retaining walls, service routes, surface water outfalls, vehicle overhang margins, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details that shall have been submitted to and agreed in writing before their construction begins, or as part of the details submitted in accordance with condition 1. For this purpose the details shall include plans and sections, indicating as appropriate the design, levels gradients, materials and method of construction.

Reason: To ensure that suitable facilities exist for people likely to be attracted to the site, in accordance with Policy S1 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

Reason: To ensure that suitable facilities exist for people likely to be attracted to the site, in accordance with Policy S1 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

11. Prior to the commencement of the development hereby permitted, full details of the treatment of the boundary between the site and Rylands Industrial Estate to the south and west shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to any development (except site clearance) taking place and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the security of the neighbouring industrial estate, in accordance with Policy S1 of the Taunton Deane Local Plan.

12. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Sunflower Ecological Consultancy's submitted report, dated October 2008 and up to date surveys and include:

- a. Details of protective measures to include method statements to avoid impacts on slow worms during all stages of development;
- b. Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance;
- c. Measures for the enhancement of places of rest for wildlife.

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

Reason: To protect wildlife and their habitats from damage and to enhance the wildlife potential of the site, in accordance with Planning Policy Statement 9.

13. No development hereby permitted shall take place until a surface water run-off limitation scheme has been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site.

The approved scheme shall be implemented in accordance with the agreed programme and details.

Reason: In the interests of the preventing an increase in off-site flooding in accordance with Planning Policy Statement 25.

14. No development other than the demolition of the existing buildings and site clearance, or that required to be carried out as part of an approved scheme of remediation, shall commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the

land after remediation.

#### (c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### (d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 01, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 02, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 03.

#### (e) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies S1 and EN32 of the Taunton Deane Local Plan.

15. At least 10% of the energy supply of the development shall be secured from

decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site shall be submitted to and approved in writing as part of the reserved matters submission required by condition 1. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the environmental impact of the development, in accordance with Policy RE5 of the Draft Regional Spatial Strategy for the South West.

16. No development shall commence until the hedges and trees indicated as to be retained on plans submitted in accordance with condition (1) have been protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge or tree canopy and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the hedges so retained shall not be altered unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health, in accordance with Policies EN6 and EN8 of the Taunton Deane Local Plan.

17. The development shall provide public open space and a children's play area in accordance with details that shall be submitted in respect of condition (1). The areas shall be laid out prior to the occupation of 50% of the dwellings hereby permitted and thereafter retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development provides adequate access to recreation and play facilities in accordance with Policy C4 of the Taunton Deane Local Plan.

18. Prior to its installation, details of any street lighting or any exterior lighting to be installed around the industrial buildings shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include the type of lighting, its position and hours of operation. The lighting shall be installed in accordance with the agreed details and the agreed hours of operation shall thereafter be strictly adhered to.

Reason: To prevent light pollution and disturbance to nearby residents in accordance with Policy S1 of the Taunton Deane Local Plan.

19. The hours of working on site during construction shall be restricted to 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturdays and no working shall take place on Sundays or Public Holidays unless otherwise agreed in writing by the Local Planning Authority. The term 'working' shall for the purposes of clarification of this condition include: the use of any plant or machinery, the carrying out of any maintenance/cleaning work on any plant/machinery, deliveries to the site and movement of vehicles within the site.

Reason: In the interests of protecting the amenities of nearby residents by reason of undue noise, in accordance with Policy S1 of the Taunton Deane Local

Plan.

**Informative notes:**

1. It is expected that the development will be laid out in accordance with drawing CD926 SP 10 received 19.10.2009, which indicates the means of access hereby approved and the layout principles for the development.
2. The marketing strategy required by condition (4) is expected to demonstrate how the employment sites will be marketed and sold to individual businesses rather than sold as an entity to a speculative developer.
3. Condition (12) relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation should be irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning permission) must comply with the appropriate legislation.
4. It is recommended that the developer investigates and specifies appropriate Sustainable Drainage Systems (SuDs) for surface water disposal from this site, in order to reduce the rate of runoff and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include:
  - (a) Interception and reuse
  - (b) Porous paving/surfaces
  - (c) Infiltration techniques
  - (d) Detention/attenuation
  - (e) Wetlands.A copy of the Agency's leaflet on Sustainable Drainage Systems is available on request.
5. Please note that the surface water drainage required by condition (13) scheme for the proposed development must meet the following criteria:
  - (a) Any outflow from the site must be limited to greenfield run-off
  - (b) The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
  - (c) If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing.
  - (d) Adoption and maintenance of the drainage system must be addressed and stated.Details of the proposed methods to meet these criteria should be submitted in due course for the Agency to recommend the relevant planning condition be discharged.



6. In the event that any new surface water discharges will be made direct to a watercourse, the sewer/pipe should terminate in a properly constructed outfall for which the separate consent of the Environment Agency may be required.
7. Any culverting of a watercourse requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. We resist culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings.
8. There must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.
9. The Environment Agency would like the developer to consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction.
10. In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

Further information can be found at <http://www.netregs-swmco.uk> .

### **Reason for granting permission:**

The proposal provides for a mix of residential and employment development that helps to promote the self-containment of Rockwell Green and Wellington in accordance with Policy B of the emerging Regional Spatial Strategy. It provides a good, well considered use for the existing previously used site, which is within a reasonable walking distance of local schools, shops and bus services. It is considered to be a sustainable development that would have an acceptable impact upon the local highway network, wildlife, local schools and open space, in accordance with Policies SD1, SD3, CSS, D, H3, CS1, SK1 and GI7 of the emerging Regional Spatial Strategy, Policies S1, S2, EN3, M1, M2, M3, M4, C1 and C4 of the Taunton Deane Local Plan, Policies STR1, STR4, 1 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in Planning Policy Statements 1 and 3.

### **APPLICANT**

Strategic Land Partnerships.

### **THE SITE**

The site is located on the western side of Rockwell Green between Exeter Road leading into Wellington and the A38 relief road to the south. Access is gained from Bagley Road to the west.

The site currently comprises a disused plant nursery, two dwellings and a large

garden/orchard area associated with one of the dwellings (Sunnymeade). The majority of the site is covered with disused glass houses that once formed the nursery and to the north are the existing residential areas, vehicular access and processing sheds.

To the north, the site borders existing residential development. This stretches along the northern boundary and wraps around the northeast corner of the site. However, most of the eastern boundary is open to green fields, which are designated in the Taunton Deane Local Plan as the Green Wedge between Rockwell Green and Wellington. The northern and eastern boundaries are formed with hedges and there is some banking adjoining the residential properties of Blackdown Road.

To the south, the site borders Rylands Industrial Estate, a low-key mix of industrial units providing a range of B1, B2 and B8 uses. The boundary with this site is mainly a block wall, around 1.8 – 2 metres in height. The neighbouring industrial estate continues along the southern end of the western site boundary, at its southern end, where the boundary is formed with a post and wire fence. To the north of this, is the detached residential property of Rylands Farmhouse. Boundaries with this property are generally poorly defined. To the north of Rylands farmhouse, the application site widens out to border Bagley Road, where the boundary is formed of a hedge as far as the existing vehicular access, and a wall thereafter.

## **PROPOSAL**

This application seeks outline planning permission for the erection of 113 dwellings and around 3100 square metres of employment land, plus public open space. Approval is sought for access at this stage, with all other matters reserved.

An initial version of the site layout was presented to the Southwest Design Review Panel, operated by CABE in association with 'Creating Excellence'. The panel queried the rationale for providing employment on the site, but strongly encouraged the use of 'homezones' and a layout that was not dominated by cars. They made suggestions about using the existing 'orchard' area in the northeast corner as a focus for public open space. Accordingly, the indicative layout was radically revised and has been subject to further public consultation. The following summarises the amended scheme, now under consideration.

The proposal places residential uses to the north of the site, adjoining the existing residential properties, with the employment land to the south, adjoining the existing industrial estate. It is proposed to provide employment land as freehold serviced plots, which can be purchased by a business to develop the site and buildings to serve their own needs. Uses are to be limited to B1 (non-office) and B8.

Vehicular access is proposed to be gained from Bagley Road, with a new junction into the residential part of the site to the north. To the south, Bagley Road would be realigned, so that the main carriageway would extend into the site. A new 'T-junction' would be formed with the through road at this point. Alterations are also proposed to the junction of Bagley Road with Exeter Road, involving a narrowing and realignment of the junction. An additional pedestrian access is proposed in the northeast corner of the site, providing a pedestrian link to Rockwell Green and Wellington via Blackdown Road.

Although the application is only made in outline, a good indication of the future site

layout has been provided. It is proposed that the residential area is laid out along 'home-zone' principles, where the highway layout is such that high traffic speeds are not possible. The majority of dwellings would front a proposed loop road, with a secondary road cutting across the loop to service parking areas and a handful of other dwellings. Linked from the loop road, a number of courtyards would be provided with additional dwellings served from these areas. Dwellings would be provided fronting Bagley Road, set behind a footpath, which would extend to Exeter Road. Public open space would be provided along the eastern site boundary, adjoining the agricultural fields within the Green Wedge.

The application is accompanied by an Archaeological Report, indicating that there are no implications; an Ecological Report noting the poor ecological potential of the existing site, with the general exception of the Eastern Boundary Hedge; a Transport Assessment that considers there are no significant highway constraints, but makes recommendations for improvements; a Travel Plan for encouraging walking and cycling and the use of public transport; a Noise Assessment finding that the existing industrial estate is the only constraint; a Flood Risk Assessment (FRA) considering that a reduction in run-off may be achievable (the site is not in a flood zone so the FRA only deals with the proposed drainage strategy); a Geo-Environmental Assessment finding that there is some localised ground contamination, requiring remediation.

## **RELEVANT PLANNING HISTORY**

The site is a former plant nursery, which grew in a piecemeal manner through the 20<sup>th</sup> Century. It was established in the 1920s and significantly expanded during the 1960s, 70s and 80s. However, according to the applicant, the reorganisation of the industry saw contracts favouring larger businesses and ultimately the transfer of most trade overseas. It is submitted by the applicant, therefore that this type of business is unlikely to be viable on this site.

There has been no recent planning history in terms of planning applications. The Strategic Housing Land Availability Assessment (SHLAA), a background document informing the Local Development Framework (LDF) has considered that the site may be suitable for a mixed residential/employment use.

## **RELEVANT PLANNING POLICIES**

The following is an indication of the relevant planning policies. Summaries are provided of the relevant text from each policy, but does not cover every single point raised within those policies.

The Development Plan currently comprises Regional Planning Guidance 10 (RPG10), the Somerset and Exmoor National Park Joint Structure Plan Review and the Taunton Deane Local Plan. RPG10 is in the process of being superseded by the Regional Spatial Strategy (RSS). Following public examination, the draft RSS is considered to be at an advanced stage. On the advice of the Government Office for the South West, it carries significant weight. Therefore, it is considered that its policies are more significant to the consideration of this application than those of RPG10 and the relevant RSS policies are outlined below.

**Draft Regional Spatial Strategy** (incorporating the Secretary of State's proposed

changes following the Panel Report).

**SD1 – The Ecological Footprint** – Requires the wise use of natural resources and a reduction in the consumption of key resources such as energy, water and minerals. Advocates encouraging sustainable construction and design and minimising the need to travel.

**SD2 – Climate Change** – Sets targets for reducing the region’s contribution to climate change.

**SD3 – The Environment and Natural Resources** – Seeks protection and enhancement of the regions environment and natural resources by ensuring that development respects the landscape and ecological thresholds of settlements, reduces environmental impact.

**SD4 – Sustainable Communities** – Growth should seek to create and maintain Sustainable Communities by linking the provision of homes, jobs and services so that towns have the ability to become more self contained. Adequate provision should be made for affordable housing including a mixture of different housing types to accommodate the requirements of local communities. Development should make the best use of existing infrastructure, should invest and upgrade existing cultural facilities, create healthy, safe and secure places to live, provide adaptable homes, provide networks of accessible green space for people to enjoy and support social and economic progress by enhancing education, skills development and training.

**CSS – The Core Spatial Strategy** – Provision will be made to meet identified housing and community needs, improve connectivity, accessibility and the functional efficiency of places, enhance economic prosperity within environmental limits. Growth should be accommodated and managed in the most sustainable way. Most development should be located at Strategically Significant cities and Towns (SSCTs), which include Taunton, with more limited development at market and coastal towns and in small towns and villages – such as Wellington – where this would increase self-containment and promote stronger communities. The rate of growth of road traffic should be reduced.

**Development Policy B – Development at Market and Coastal Towns** – At Market and Coastal Towns that meet the following criteria:

11. There is an existing concentration of business and employment and realistic potential for employment opportunities to be enhanced,
  - There are shopping, cultural, faith, education ,health and public services that meet the needs of the settlement and the surrounding area,
  - There are sustainable transport modes that can be maintained or developed to meet identified community needs in the settlement and the surrounding area

Provision will be made for housing, employment, shopping and other services that increase their self containment and enhance their roles as service centres.

Supporting text indicates that the RSS intends that towns such as Wellington should be focal points for locally significant development including provision for the bulk of district housing provision outside the SSCTs.

**Development Policy D – Infrastructure** – Development should ensure efficient and

effective use of existing infrastructure and should provide for the delivery of new or improved transport, education, health, culture, sport and recreation and green infrastructure.

**Development Policy E – High Quality Design** – All development should deliver the highest possible standards of design, both in terms of urban form and sustainability criteria.

**Development Policy F – Planning and delivery of major development** – Major developments should be planned on a comprehensive and integrated basis to ensure that they contribute to the delivery of sustainable communities and a high quality of life by providing for high standards of design and access, the lowest practicable levels of energy and car use, public transport, cultural, leisure, retail, health care, education and other services and facilities, sustainable transport links between urban extensions and city/town centres with an emphasis on public transport, cycling and walking, amenity space and green infrastructure that meets community needs and supports improved biodiversity, and a range of housing types and tenures.

**H1 – Housing Affordability** – 35% of new dwellings across the Local Authority and Housing Market area should be affordable housing.

**H2 – Housing Densities** – Local Authorities should aim to achieve a target net density of 40 dwellings per hectare (dph) across all new housing.

**Policies** such as **H3**, **CS1**, **SK1** and **GI1** require the Council to ensure that an appropriate mix of housing is provided along with services and community infrastructure, education and skills and green infrastructure.

**RE5 – Decentralised Energy to Supply New Development** – At least 10% of the energy to be used in new development of more than 10 dwellings should come from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable.

**ES1 – Sustainable Economic Prosperity** – Investment should be guided to locations where it will have maximum benefit and reduce the need to travel. A range and choice of appropriate sites and premises to meet business need, including a quota of smaller sites for micro, small and medium sized enterprises to cater for both organic growth and inward investment should be provided.

**ESS2 – Providing for Employment Land and Premises** – A 20 year supply of employment land should be provided to support a better balance between the location of jobs and housing, the development of more accommodation for smaller businesses, including smaller units and the contribution of mixed-use developments to employment supply.

### **Somerset and Exmoor National Park Joint Structure Plan Review**

**Policy STR1 – Sustainable Development** – Development should be of high quality, good design and reflect local distinctiveness; develop a pattern of land use and transport which minimises the length of journeys and the need to travel and

maximises the potential for the use of public transport, cycling and walking; minimise the use of non renewable resources; give priority to the continued use of previously developed land and buildings.

**Policy STR2 – Towns** – Towns such as Wellington will function as locations for employment and shopping, cultural, community and education services and residential use.

**Policy STR4 – Development in Towns** – New development should be focussed on the Towns where provision for such development should be made in accordance with their role and function. Priority should be given to the re-use of previously developed land and to the encouragement of mixed use development.

**Policy 1 – Nature Conservation** – Biodiversity should be maintained and enhanced.

**Policy 39 – Transport and Development** – Proposals for development should be considered having regard to the management of demand for transport, achieving a shift in transport modes to alternatives to the private car and lorry wherever possible, and the need for improvements to transport infrastructure.

**Policies 42, 43, 44 and 45** – Seek the improvement of access facilities for pedestrians, people with disabilities, cycling and busses.

**Policy 48 – Access and Parking** – Developments which generate significant transport movements should be located where provision may be made for access by walking, cycling and public transport.

**Policy 49 – Transport requirements of new development** – Proposals should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to enable development to proceed. In particular development should provide access for pedestrians, people with disabilities, cyclists and public transport, provide and provide safe access to roads of an adequate standard.

## **Taunton Deane Local Plan**

**S1 – General Requirements** – Proposals for development, taking account of any mitigation measures proposed, must be acceptable in terms of road safety, access by public transport, cycling and pedestrians, wildlife, landscapes and existing buildings, pollution, public health, safety and amenity, potential ground stability and utility services.

**S2 – Design** – Development must be of a good design with regard to local character and distinctiveness, landscape setting, environmental impact, nature conservation, the minimisation of waste, the reduction of crime, the encouragement of recycling, the effective use of the site, the incorporation of public art and energy efficiency.

**H9 – Affordable Housing** – On suitable housing sites, the provision of affordable dwellings will be sought where (in Wellington) the site is at least 1.0 hectare in size or is proposed for at least 25 dwellings. In assessing the level of provision on

individual sites regard will be paid to the need to balance other important planning requirements and to any abnormal costs associated with the development of the site which would threaten its financial viability.

**EC1** – Business, industrial and warehousing development will be permitted within the defined limits of settlements, provided that large-scale office development will only be permitted within the settlement limits of Taunton and Wellington and in the case of industrial or warehousing proposals where freight movements are likely to be high, safe access to the national or county road network is provided.

**EC9 – Loss of Employment Land** – Proposals which lead to the loss of existing business etc. land will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment on the site.

**M1, M2 and M3 – Non-residential developments (transport and access)** – Non-residential developments will be permitted provided that they cater safely for the expected number of trips generated, provide cycle, pedestrian and public transport facilities and cater for people with impaired mobility, adhere to maximum parking standards.

**M4 – Residential developments (transport and access)** – In order to promote sustainable travel, and to reduce the amount of land taken for development, the need for residential car parking will be assessed against the impact on urban design, the location of the development and the type and mix of the proposed dwellings. No more than an average of 1.5 car parking spaces will be permitted on any residential development. All residential developments will be required to make provision for the parking and storage of bicycles.

**C1 – Education Provision for New Housing** – New housing development which generates a significant need for statutory education provision will be permitted provided that the existing statutory education provision within reasonable distance of the development has sufficient spare capacity to meet the additional need generated by the development or new permanent provision within a reasonable distance is firmly programmed in the Local Education Authority capital programme or provided by the development.

**C4 – Provision of open space** – In the event of the increased demand for open space not being met by existing facilities, developers of new housing will provide landscaped and appropriately equipped recreational open space. Where the site is too small for the provision of playing fields or children’s play space on-site or where it is physically unsuitable, off-site provision will be sought and developers will be required to arrange for maintenance of the recreational open space.

**EN13 – Green Wedges** – Development which would harm the open character of green wedges will not be permitted.

**W1 – Wellington** – Wellington is defined to include the associated settlements of Rockwell Green and Westford.

## **RELEVANT CENTRAL GOVERNMENT GUIDANCE**

**Planning Policy Statement 1: Delivering Sustainable Development – Places**

sustainable development as the core principle underpinning planning. In particular, suitable land should be available for development; the natural environment, character of settlements and the countryside should be provided; development should be of a high quality through good and inclusive design and the efficient use of resources; there should be good access to jobs and services within safe, sustainable, liveable and mixed communities. The PPS outlines the 'plan-led' system and that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise.

Development should seek to reduce the need to travel, promote the efficient use of land, enhance biodiversity and address the causes and impacts of climate change. Good design ensures attractive usable, durable and adaptable places and is key to achieving sustainable development. Good design should address the connections between people and places by considering the needs of people to access jobs and services, be integrated into the existing urban form and natural and built environments.

**Planning Policy Statement: Planning and Climate Change – Supplement to PPS1** – Outlines the role that planning has to play in reducing the impact of development on the environment. Notes the importance of good design and building layout in achieving this, as well as the provision of good quality open space, the use of sustainable drainage systems and the generation of renewable energy from decentralised sources.

**Planning Policy Statement 3: Housing** – Notes that good design is fundamental to the quality of new housing including the extent to which the proposed development is easily accessible and well-connected to public transport and community facilities and services, is well laid out so that all the space is used efficiently, provides good access to community and green spaces (including recreation), is well integrated with neighbouring developments, takes a design-led approach to the provision of car-parking that is well integrated within a high quality public realm, creates a distinctive character, and provides for the retention or re-establishment of biodiversity.

Developments should create balanced mixed communities, with a variety of tenures, including affordable housing. Authorities should strive to achieve high quality housing that reflects the requirements of specific groups, in particular, families and older people, the suitability of a site for housing and ensuring that development meets the Government's objectives for housing.

The PPS goes on to explain how authorities must ensure that there is an adequate supply of land for housing and that, where this does not exist, they should consider applications for housing favourably. Where land comes forward that is not yet in the up-to-date five year supply, it must be considered whether granting permission would undermine achievement of their policy objectives. Applications should not be refused solely on the grounds of prematurity.

**Planning Policy Statement 9: Biodiversity and Geological Conservation** – Encourages the consideration of biodiversity in all decisions and suggests that development should seek to enhance the biodiversity of sites.

**Planning Policy Guidance note 13: Transport** – Encourages the use of public transport and promotes cycling and walking. It Sets out the Government's policy on



transport.

**Planning Policy Statement 25: Development and Flood Risk** – Explains that development should be steered away from areas at risk of flooding. In non-flood risk areas (such as the application site), development should seek to minimise the impact of potential flooding elsewhere through not increasing the amount of water discharged from the site. Therefore, sustainable drainage systems should be employed to adequately dispose of surface water.

## **CONSULTATIONS**

The following summary of consultation responses amalgamates initial comments and those received in respect of the amended layout plans.

**TDBC Economic Development Manager And Strategy Team** – Economic development and the strategy team are happy to support in principle the development of a mixed use site on the basis that the number of dwellings is limited to facilitating this site being brought forward and for employment uses limited to B1 (non-office) and B8. Any proposal to develop B1 office uses would be resisted as detrimental to the future vibrancy of the town centre and no demonstration of local need being submitted. We would also require an element of freehold plots for smaller units.

**TDBC Landscape Officer** – There is no detailed tree survey or assessment. Several of the trees within the farm garden area look as if they have wider amenity value.

The eastern boundary hedgerow needs strengthening to provide a better rural buffer. Private ownership of hedgerows, as is proposed, normally leads to a weakening of its structure. I recommend it be kept in 'public' ownership.

There is no landscape assessment or analysis of the site and its context.

The Bagley Road boundary should have a more rural character to mirror the native hedgerow opposite.

The open space provision needs to have much clearer function. I would prefer to see it more central to the site or possibly linked to the eastern boundary with additional tree planting to show a softer edge to the development.

**TDBC Housing Enabling Manager** – I would be looking for 40% affordable housing on this site which should include a mixed tenure of Social Rented, Rent to Home Buy and low cost/discounted housing. This housing should affect the future market conditions.

The development of affordable housing should include all house/flat sizes to include 2, 3 and 4 bedroom houses. One and two bedroom flats and accommodation suitable for persons with a disability.

**TDBC Environmental Health** – Recommends conditions that further contaminated land assessment is undertaken and that unexpected contamination is reported and

mitigated against. Also recommends a condition to limit the noise emissions from any part of the proposed industrial premises.

**TDBC Leisure Development Team** – The development is not well related to the existing community facilities in Rockwell Green – village hall, playing field, school etc.

Provision of play and active recreation must be made in accordance with TDLP Policy C4. If the development consists entirely of family dwellings then 2,260 square metres of children's play must be provided. In any event all children's play provision must be on site and be well located to allow informal supervision from surrounding houses and streets whilst not creating a noise nuisance. The full age range must be catered for from young children through to teenagers.

Provision for outdoor sport is not feasible on this site, so an off site contribution of £1,023 per dwelling (index linked) is required towards improving or extending facilities for active recreation and playing fields in the locality.

A contribution per dwelling in accordance with the Policy for Provision of Community Halls in Taunton Deane is also required of £831 per dwelling.

The location of the open space is much better in the revised proposal, but there are concerns that the extreme southern end, where it narrows, may create an area that has no surveillance and could cause problems of the adjacent residents.

**TDBC Drainage Officer** – The FRA makes a couple of references to works carried out by TDBC, but this is unlikely. It most likely relates to work carried out by SCC Highways and the FRA should be amended accordingly.

The Ownership of the existing culverted watercourse and ditches adjacent to the development site I believe are in the ownership of either SCC or the site. Ownership of the existing system will need to be established before any works commence on site.

With regard to the formal adoption of soakaways and attenuation systems in parking areas these are not routinely adopted by TDBC. The applicant should contact the Council's Leisure Development team for their comments. It is assumed that apart from all soakaways serving individual properties, that any other disposal/attenuation systems will be adopted by either Wessex Water or Somerset County Council (Highways).

Whilst accepting the SUDS proposals indicated in principle, the long term ownership, operations and maintenance strategy will have to be submitted and approved before any works commence on site and that this should be a condition of any approval given.

**TDBC Diversions Order Officer** – no observations to make on this application.

**TDBC Nature Conservation And Reserves Officer** – Agrees with the surveyor that the hedge on the eastern boundary of the site, along with the oak tree provides nesting habitat and so should be retained. If the landscape officer agrees that the other trees are unworthy of retention, they should be checked for wildlife before removal.

The surveyor does not consider that any of the buildings on site were attractive for bats. However, the oak tree on the eastern boundary could contain roosting opportunities. Lighting issues adjacent to the tree should be carefully considered at detail stage.

There was no standing water on site that could be attractive to frogs, toads or newts. The surveyor concedes that slow worms could be present adjacent to the greenhouses or under areas of black membrane plastic. A destructive search should be undertaken when clearing the area.

Recommends that wildlife should be protected and accommodated in the development and recommends a condition to secure this through the submission of a wildlife strategy.

**SCC Transport And Development Group** – The site is situated adjacent to the development limits of Rockwell Green. The current site has its access via the classified unnumbered road Bagley Road. The site is close to Rockwell Green, which has local shopping facilities and a primary school and is approximately 1.1 kilometres from Courtfields Secondary School. It is therefore in transport terms a relatively sustainable location.

In order to provide suitable access to the residential and commercial sections of the site the developer proposes improvements to Bagley Road in the form of road widening, provision of footways and a change of priority. These are shown in drawing number 1963/01/002 Revision C. These are generally acceptable. Final detailed designs will form part of the requirements for a Section 106 Agreement, which will be necessary in this case.

The developer also proposes an emergency pedestrian cycle access onto Blackdown Road. This will provide a quick and safe route to the facilities in Rockwell Green. In addition, works are proposed at the junction of Bagley Road with Exeter Road in the form of a readjustment of kerb lines to reduce carriageway width in the bellmouth. This will improve pedestrian safety and new bus stops and pedestrian crossing facilities will also be provided. The County Council is independently considering a similar scheme at the junction so these proposals are welcome. The details, however, differ so a combination of the two schemes is likely to be appropriate. Detailed designs can be agreed during the Section 106 Agreement process.

The applicants have produced a travel plan for the site. This will need to be included in the Section 106 Agreement and be approved prior to the commencement of the works on site. The Travel Plan will need to be implemented prior to the occupation of any dwelling or any part of the employment land. As part of the Travel Planning and Sustainable Transport Infrastructure, a Green Travel Voucher of £300 per dwelling for a maximum of three different tenures will be required from the development. This will need to be included in the Section 106 Agreement.

In respect of the internal layout, it is generally a good overall concept which will work well. However, there are a number of items which need to be discussed in more detail if this layout were to be put forward under reserved matters. It has been suggested that the crescent in the northwest corner could be fronted by a

pedestrian/cycle only link, running through from Blackdown Road to the 'square'. This would mean that the garages at the square end would need to be turned around and then accessed off the back court, but this does not seem to cause a problem. Narrowing down the link will also give the ability to shift the whole housing block to the north east, which will give the ability to widen the northern access/egress onto that square slightly – there is no objection to the narrowing in principle, but it may be just a little too narrow.

We will need to look at the provision of parking, whether it is allocated or informal visitor and the details around the levels drainage and adoption of it etc.

Any planting within the highway limits, especially street trees, I would expect to be included within the Section 106 agreement, if they are considered to be fundamental to the scheme. This usually means that they are licensed to the district as part of the landscaping/public open space scheme, albeit with a commuted sum. We will need to look at visibility requirements in detail. There may be a better arrangement for the parking/access of the square to the southeast corner. It is imagined that the parking courts will remain private, but they need to be built to an appropriate, i.e. adoptable standard to achieve an exemption from the Advance Payments Code. The Highway Authority would not want to adopt them. The industrial estate road will need widening on the bend.

There is significant potential to encourage cycling from any new development on this site. Rockwell Green and Courtfields schools are both within easy cycling distance. There is also potential to upgrade existing rights of way from the end of Northside Road across to the leisure centre on Station road. This route would also facilitate movement between the new development and Tonedale, which has quite a lot of business in the area.

We should be aiming to get cycling facilities from the development to Exeter Road, then along Exeter Road to Popes Lane. Facilities should be linked into the existing cycling facilities on Exeter Road (parallel to Hilly head). The area around Mantle Street is more challenging as it is narrow, but as this would be the main route to the secondary school and town centre, we should be looking to provide for people making this short journey.

In conclusion, there is no highway objection in principle to the proposed development, subject to the applicants entering into a Section 106 Agreement to provide for the design construction and funding of the highway works described above, prior to the occupation of any dwelling or commercial unit; and the preparation, approval, implementation and monitoring of a Travel Plan for both residential and commercial areas of the site to include the Green Travel Voucher contribution. The pedestrian link to Blackdown Road must be secured, and conditions should be imposed to secure all estate road details.

**SCC Education** – Writes to express concern that the local catchment primary and secondary schools would not have sufficient capacity to accommodate additional pupils from households moving into the scheme. Therefore, requests that any grant of planning permission is conditional upon a planning obligation being entered into in respect of financial contributions towards education provision, in accordance with Policy C1 of the Taunton Deane Local Plan.

On the County Council's normal expectation that there will be demand for 30 additional primary school places from each 150 new dwellings, the development would be likely to generate the need for 23 places. Rockwell Green Primary School is the nearest school to the site and its catchment includes the proposed development. The School has a net capacity of 163 and whilst it currently has a roll of 151 pupils, this is forecast to increase to 168 by 2012 leaving insufficient capacity for additional places required for this development. The DCSF Basic Need Cost Multiplier for each primary school place is £12,257, so a financial contribution of £281,911 should be required from the developer to meet this need.

In respect of secondary education, 30 places are expected to be required for each 210 new dwellings, so the development could be expected to generate the need for about 16 secondary school places. The net capacity of Wellington Court Fields School is 860 and there are currently 838 students on roll. Whilst there is presently some capacity in the school, the combined impact of several other developments in Wellington in the pipeline means that the School would be likely not to have adequate accommodation to meet all the need generated in addition to that by the present proposal. The Cost Multiplier for each secondary student place is £18,469, so an additional £295,504 should be sought to mitigate the impact of this development.

**Wellington Town Council** – Happy in principle to recommend approval for a development on the site and recommend that permission be granted subject to a further meeting/discussion with the planning department about the details of the application and for further involvement with the section 106 agreement discussion.

Subsequently confirmed that they felt the proposed heads of terms of the Section 106 agreement to be correct. They felt that improvements to village amenities in Rockwell Green should be stipulated rather than any contribution being restricted to village halls. It was felt that there was currently a chronic shortage of sports pitches in Wellington and members hoped that a contribution could be made to address this problem. Also, as most new residential developments contained their own play areas it was suggested that some thought be given to investing in the improvement of facilities at the Recreation Ground. The proposal would be likely to generate additional traffic and traffic calming measures were needed along Bagley Road to improve road safety. Taunton Deane had recently been doing some work on the future provision of allotment land and it was hoped that this development would be able to provide land to meet the need in Wellington.

**Environment Agency** – In light of additional information received 21<sup>st</sup> September 2009, no objection is raised to the development, subject to conditions and notes covering the following:

Flood Risk – Recommends a condition that No development should be commenced until a surface water run-off limitation scheme has been submitted and agreed. The details should clarify the intended future ownership and maintenance provision for all drainage works serving the site. Recommends notes surrounding surface water drainage, and details that must be covered in the drainage scheme. Also notes separate Environment Agency consenting requirements.

Land Contamination – The submitted report notes a number of potential ground contamination issues and concurs with the need for further investigation. There are shortcomings in the information submitted at present so a condition should be imposed to require further ground contamination assessment to be undertaken.

Also advises the applicant to consider waste reduction, reuse and recovery in preference to off-site incineration during construction.

**Devon And Somerset Fire And Rescue Service** – Notes that premises are to be demolished.

**Somerset Wildlife Trust** – (Note that these comments relate to the original submission, not the amended plan). The Trust is not satisfied that the development will deliver a net biodiversity gain in line with Planning Policy Statement 9. The site presently has limited value for wildlife, which could be greatly enhanced through appropriate provision of naturalistic green spaces, planting and site management. The Local Planning Authority has a statutory duty to have regard to the conservation of biodiversity whilst undertaking its function through the Natural Environment and Rural Communities (NERC) Act 2006 – for the purposes of the Act, conservation is taken to mean both protection and enhancement. Therefore, the Trust would strongly support Taunton Deane Borough Council in seeking suitable and proportionate habitat creation measures on site as part of the development, providing space for wildlife, and the valuable opportunity for residents to have access to nature on their doorstep. The Trust would particularly expect to see enhancements made to contribute towards targets of the Local Biodiversity Action Plan (LBAP). Habitat creation and enhancement opportunities exist within the site that would be simple to integrate into the site layout design; these could and should be explored by the applicant.

The mature tree on site which has been identified as having potential to support a bat roost should be surveyed for the presence of bats prior to the determination of this application. If bats are using the tree as a roost, and the wider site as a foraging area, the potential impacts arising through development of the site must be assessed, with or without mitigation, and given due consideration in the planning process. I would disagree with the statement made in the ecological survey that there are no bat issues at this site; this is for the Local Planning Authority to decide and they can only make this decision once they are in possession of relevant data. Not all bats are tolerant of lighting, and given the wide variety of bats resident within the Wellington area, it would be prudent to establish what, if any, species of bats are using the features of the proposed development site.

**Western Power Distribution** – Western Power Distribution have high and low voltage overhead lines and underground cables within the vicinity of the development and these may require deviating. A new ground mounted substation will be required to supply the development.

## **REPRESENTATIONS**

In total, 24 letters were received in respect of the original proposal. 12 of those letters either clarify that they raise no objection to the principle of the development but wish to comment on more detailed aspects, or read as though they are merely

providing a constructive comment. The main issues raised in these letters (where they are not covered by the specific 'objections' below) are:

- Most dwellings have at least two cars;
- One of the dwellings is very close to 'Elmbank' to the north and it would be desirable to re-site it.
- The trees between the new development and the existing dwellings are required to prevent the dwellings to the north being overlooked. Careful consideration should be given to the density of housing and the retention of existing trees.
- The use of 2 ½ storey dwellings are inappropriate for the area.
- There is inadequate provision for additional safe pedestrian access in the immediate area of the proposed development or Bagley Road in general;
- There appears to have been insufficient forethought to the trafficking problems that the development will create;
- Further development in Wellington will increase transport requirements – a railway station should be provided for Wellington.
- The development may prejudice adjoining land to the east. In light of the submitted statement that Wellington does not have sufficient allocations or potential allocations to supply sufficient residential and commercial development, the presence of this land is pertinent.
- A comprehensive approach is necessary to ensure that the development potential of both the current application site and others are achieved through efficient use of land.
- The access roads must be truly capable of delivering access to the adjoining land (to the east) without the need for additional works to this application site or ransom being exercised by the landowners. Advice should be sought from the Highway Authority to ensure that such development could subsequently occur.

In addition to the above 12 letters of specific OBJECTION have been received raising the following issues:

- Questions the need for more dwellings in Rockwell Green and feels that there seems to be an excessive amount of dwellings proposed. Notes that the site is outside the settlement limit and questions why the employment area is required as there are empty units at Rylands, Foxmoor Business Park and Chelston. It is felt that the site is within the greenbelt and should be refused and that the proposal will be the beginning of the end of the green wedge between Rockwell Green and Wellington.
- The site is not eco friendly as trees and a green area will be lost to provide 113 dwellings with no employment opportunities nearby;
- The footpath to Blackdown Road would lead to more disturbance, accidents, noise and pollution in this existing residential area. The additional traffic would be detrimental to road safety and children's safety. There are queries over why it is necessary to have an additional access through Blackdown Road and Popes Lane as Blackdown Road cannot cope with current traffic levels, let alone more.
- 38-42 Blackdown Road are accessed by a private drive and no single party has rights over it. Access for oil tankers is required as well as space for refuse collection. As such, there should be no obstruction to the private drive giving access to 40 and 42 Blackdown Road.
- In respect of the proposed works to Bagley Road, it is important to ensure that

Bagley Road is maintained as the principle road and access to the site is subservient – it forms a link between the A38 and Rockwell Green.

- The proposed industrial access should be moved at least 50m to the north where visibility splays could be incorporated and the width of Bagley Road is greater. There should be no more lorries parked on Bagley Road and the industrial access needs to be at least similar to Rylands Industrial Estate to prevent destruction of the hedgerows by lorries. Sufficient turning space must be allowed for the industrial development.
- Bagley Road is not wide enough for more traffic and there will be more traffic heading south down the A38. Bagley Road should have traffic calming introduced, such as a priority system introduced over the narrow section. Improvements are also required to the southern section of Bagley Road.
- Road improvements should be carried out prior to any other work starting on site.
- Does not feel that the 'orchard' area, which is currently grazed by sheep to the northeast of the site should be considered in the same terms as the remainder of the site, which has never been used for any form of development.
- Question whether the hedge to Bagley Road should be retained so that the houses do not front Bagley Road, retaining its character. It is felt that housing styles should be in keeping – e.g. red brick and not more than 2 storeys in height. It is questioned whether the density is too great.
- Question where visitors will park as residents will have at least one car per household
- Play spaces should be open and in view of the houses;
- The proposed 2 ½ storey buildings could overlook Rylands Farmhouse and the privacy of 28 Blackdown Road will be eroded;
- There are concerns regarding the security of Rylands Farmhouse and the Rylands Industrial estate – banking and a 2.4m high security fence should be provided. The area adjacent to Rylands Farmhouse should not be used for 'artic' parking as this will cause disturbance and overlooking of that property.
- There are concerned about light pollution from security lighting at the industrial premises and it is felt that industrial areas should not be floodlit outside working hours. A buffer zone should be provided around the industrial estate to reduce the impact on neighbouring dwellings. Industrial buildings should be green or grey to blend in and not corporate colours.
- There are insufficient parking facilities at the shop and Post Office in Rockwell Green.
- Restrictions to working hours should be placed on construction and on any B1 units.
- Surface water must be attenuated as the area is prone to flash flooding.

A petition of 54 names has been received to prevent any access to Blackdown Road during or after development including public footpath/cycle path or emergency vehicle access. The development of Dobree Park has led to increased vandalism, parking, noise at night, taxi activity and a fall in property values in Greenway Road due to the pedestrian access from that estate. The petition confirms it does not oppose the development as a whole, just the access to Blackdown Road.

In response to the amended plans a further 7 letters were received. The proposal has not changed significantly so all of the above points continue to apply. However, the following additional comments have been made:



- Feels that the amendments are a significant improvement. Pleased that more of the orchard area has been retained but more of the established trees should be retained.
- Presume that only the emergency services will be able to access the site from Blackdown Road.
- It would be preferable for the industrial estate access road to carry the secondary emergency access.
- Concerned that the emergency access should not become a regular vehicle access through future amendments and a covenant should be in place.
- There is greater landscaping around the industrial estate, but still no detail of the type of planting. No information is given regarding the boundary between the site and the existing industrial estate and further detail is required.
- The revised layout shows a 2.5 storey building overlooking the Ryelands Farmhouse garden, which would be inappropriate unless further planting and banking was proposed to the east.

## **PRINCIPAL ISSUES FOR CONSIDERATION**

- Does the proposed development accord with planning policy or are there other material considerations that weigh against the policy? Is it appropriate for the site at the present time? **Principle of development**
- A. Is the highway network capable of accommodating the increase in traffic that would result? Does the development provide a safe and convenient access for vehicles, pedestrians and cycles? **Highways**
  - B. Would the development be well designed on a coherent, safe and accessible layout? **Design and layout**
  - C. Would the development have an acceptable impact on neighbouring residential and industrial development? **Neighbours**
  - D. Does the proposed development make adequate provision of affordable housing? **Affordable housing**
  - E. Does the development provide for adequate education provision, leisure, play and community facilities? Are the proposed planning obligations and contributions appropriate? **Contributions and obligations**
  - F. Is the landscape impact of the development acceptable? Would the development be acceptable in terms of its impact on wildlife? **Landscape and wildlife**
  - G. Are adequate foul and surface water drainage measures incorporated into the proposal? **Drainage**
  - H. Is the development a sustainable one? **Sustainability**
  - I. **Principle of Development**

Rockwell Green is classified in the Taunton Deane Local Plan as an associated settlement to Wellington. As such, in planning policy terms, it is considered as part

of Wellington, having a strong functional link. The site is situated outside, but adjoining the settlement limit for Rockwell Green, and as such, the proposed development is currently contrary to adopted planning policy.

Planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The acceptability of this proposal, therefore, depends upon whether there are material considerations that outweigh the conflict with the plan.

The draft Regional Spatial Strategy (RSS) for the south west identifies Taunton as a strategically significant town. As such, accounting for the Secretary of State's proposed modifications, the town should provide a further 18,000 dwellings in the period 2006–2026. It is accepted by the strategy team that there is not an adequate 5 year supply of housing land in the context of the emerging RSS for Taunton. Therefore, in accordance with PPS3, applications for development of non-allocated sites should be considered favourably. However, the RSS makes very clear that majority of new housing for Taunton Deane should be provided in Taunton, being a strategically significant town and growth point. Whilst there is likely to be a significant allocation for Wellington, the overall distribution across Wellington and the rural area has not yet been determined. Given the clarity given in the RSS regarding the distribution (that most new housing should be provided in Taunton) your officers do not accept that there is a shortfall of housing land in Wellington.

The Rylands Nursery site is currently covered by greenhouses and other ancillary structures. Visually, it is not an appealing site and is becoming increasingly prone to damage and vandalism. The applicants claim that it is unlikely to be brought back into economic use as a nursery, due to its limited size, aging infrastructure and poor orientation. This is accepted, so an alternative use for the site must be found, to prevent visual and physical decay and increased danger to public safety should the buildings be allowed to deteriorate. The site is some distance from Junction 26 of the M5, so redevelopment of the site for industrial/business use is unlikely to be viable, given the lower rents and values compared with alternative sites at Chelston. However, there is a general requirement in the Borough for small freehold employment sites that individual businesses can develop for their own needs. The application provides the opportunity for such sites that should help smaller-scale businesses to grow in their own premises. PPS3 and the RSS encourage mixed uses for urban extensions. The site sits between existing residential development to the north and existing industrial development to the south. It seems logical that a mixed of these uses should be provided across the site.

The Strategic Housing Land Availability Assessment (SHLAA) identifies future development sites for housing across the borough. In addition to sites at Longforth, Cades and Jurston Farms in Wellington, the SHLAA identifies the current application site as suitable for residential development. It seems likely, therefore, that it will be considered for allocation through the Local Development Framework (LDF). The South West Design Review Panel also commented on the suitability of the site for housing, given its proximity to existing facilities, services and bus routes. PPS3 indicates that planning applications on suitable sites should not be refused simply on the basis of prematurity, (being submitted ahead of the LDF) provided that they are sustainable (see below) and would not prejudice the future housing distribution strategy.

It is considered that the application site is well located in relation to the existing

urban form and surrounding uses. Although it is not a 'brownfield' site within the PPS3 definition (having a horticultural use), it is visually an intensively developed site, being covered in glass houses and concrete. The proposal would provide an alternative use for the redundant site, providing a mix of housing and much needed freehold employment land. In doing so, it would improve employment opportunities in the immediate area, improving the self containment of Rockwell Green specifically and the greater Wellington area in general, compliant with RSS development policy B. Although 113 dwellings is a significant number, it is not so great in the context of the RSS targets that it would prejudice the outcome of the overall distribution strategy for Taunton Deane to such an extent as to warrant refusal. Taking the SHLAA as an evidence base, it seems likely that the site could be allocated for development through the LDF and, in this context, it is not expedient to withhold permission at this time.

Taking the above considerations in the round, it is considered that the principle of the development is acceptable.

## **A. Highways**

The development would gain vehicular access from Bagley Road, with a pedestrian link provided into Blackdown Road. Works are proposed for improvements to Bagley Road in the form of road widening, provision of footways and change of priority, which will provide for suitable access to the residential and commercial sections of the development. The Highway Authority are satisfied that these works are acceptable.

The proposed realignment of Bagley Road will ensure that the priorities along Bagley Road will favour the industrial units. It will make it illogical for heavy vehicles to turn left out of the site and head down Bagley Road to the poorer junction at the south with the A38. Whilst driver behaviour cannot be guaranteed, it is considered that the proposal offered is the best solution. The alterations will also mean that vehicles travelling along Bagley Road will have to slow or stop to negotiate the new junction. This will have a traffic calming effect in terms of the through traffic.

The application is also proposing alterations to the junction of Bagley Road and Exeter Road in the form of a readjustment of kerb lines to reduce the carriageway width in the bellmouth of the junction. The Highway Authority believe that this will improve pedestrian safety and new bus stops and pedestrian crossing facilities will also be provided.

At the time of writing, the basic principles of the above alterations have been agreed although final details are still being prepared. Members will be updated at committee. The Highway Authority have requested that the details are subject to the Section 106 agreement, but this is not considered necessary, since all of the land required is identified within the application site. A Grampian condition preventing any development until the work has been carried out is considered to be suitable in this instance.

The pedestrian link to Blackdown Road will provide a quick and safe route to shops, community facilities and other amenities in Rockwell Green. Interestingly, the route is not significantly shorter than the alternative around Bagley Road and Exeter road for much of the site. However, it reflects the psychological desire line and would provide a significantly quieter, safer and more pleasant walking route. Feedback

from the South West Design Review Panel reiterated the importance of the route in providing good pedestrian access to the site.

The County Council have also suggested that improvements could be made to the strategic cycle network within the vicinity of the site. They have suggested that dedicated facilities could be provided along Exeter Road from Bagley Road to Popes Lane, but this would not reflect the natural desire line using the development via Blackdown Road. Their comments regarding enhancements to a link from the north of Rockwell Green to the Leisure Centre on Station Road are less well related to the development and it is felt that improvements could not be insisted upon. However, there may be scope for extending the existing cycle lane on Exeter Road (which currently starts opposite Hilly Head) to the traffic light controlled junction at Popes Lane. The County Council have been unable to provide specific comment on this matter at the time of writing this report, however the developer has agreed to make a contribution of £5000 towards the general improvements to the strategic cycle network in the vicinity. This is considered to be reasonable.

The Town Council and a number of local residents have suggested that traffic calming is required on Bagley Road. It not considered that the development would, by itself, require traffic calming to be provided given that the highway network is capable of accommodating the traffic. However, the development will alter the priority on Bagley Road that will provide some traffic calming effect and hopefully go some way to addressing the concerns.

Provided that the relevant links are formed and the highway improvements carried out, it is considered that the highway network is capable of accommodating the development and providing safe and convenient access to the site by a variety of modes of travel.

## **B. Design and Layout**

Although the application is only in outline, a detailed layout plan has been submitted. This gives a good indication of how the development can be laid out to accommodate the proposed development. The application proposes the use of 'homezones' where the highway layout is informal, dwellings have a close relationship with the street and the highway design is such that high traffic speeds are impossible.

It has been suggested that an informal loop road system would be constructed, with the majority of dwellings served directly from this road. Additional service roads would be provided within the loop to give access to parking and garaging facilities. Further courtyards would be provided on the edges of the site, to accommodate parking and to serve the dwellings. There would be a high proportion of on-street parking, which would further slow traffic speeds and reduce the need for car-dominated parking courts within the development.

In general, the proposed layout principles are sound and should produce a high-quality residential layout that favours the built form and pedestrian movement over highways.

The Design Review exercise indicated that the open space should be properly integrated into the development and that this should incorporate the existing open space and orchard area, allowing the retention of as many trees as possible.

Although this will be the subject of a detailed landscaping scheme at reserved matters stage, the indicative layout has been amended to account for this and provide a well integrated public space. A heavily planted area would provide an acoustic screen between the residential and industrial uses.

The development includes a significant amount of public open space. The indicative layout shows this in excess of the minimum required by the Leisure Development Team. Children's play facilities would also be provided on the site and this should be in the form of an integrated facility for 0-17 year old children rather than distinct provision of LEAPs and NEAPs accommodating different age groups. The applicant is in agreement with this approach and a commuted sum will be paid towards maintenance.

The Leisure Development Team has commented that the proposed location of the open space is good, although improvements could be made to its southern end. The final layout and treatment would be subject to a reserved matters application.

Local residents have raised some concern about the density of the proposed development and the proposal for 2 ½ storey dwellings. The density accords with government guidance and the policies of the RSS and is considered to be appropriate. The scale of dwellings is generally commensurate with those in the local area, and whilst 2 ½ storey dwellings are not common in Rockwell Green, they do exist in places and their successful integration into the development will depend on the detailed design and reserved matters submission.

Concern has also been raised about the colour of the industrial units. This would be subject to the detailed design proposals and any relevant reserved matters submissions.

### **C. Neighbours**

The main residential neighbours are to the north and northeast, although there is a further property (Rylands Farmhouse) to the southwest. The site is bordered to the south by an existing industrial estate.

The revised indicative layout suggests that the dwellings could easily be sited so that they are not overbearing and do not overlook existing dwellings, although a detailed assessment would be undertaken in consideration of a reserved matters application. Heavy planting would be provided around the existing dwelling, Rylands Farmhouse, which would help to screen it from the noise and disturbance associated with the proposed industrial access road.

The most contentious aspect is the formation of the link through to Blackdown Road. A large number of objections relate to this aspect, raising concerns about increased disturbance and potential for vandalism. It cannot be denied that the proposals will alter the characteristics of Blackdown Road, hitherto a quiet cul-de-sac. However, it is considered essential for the development to provide good, attractive pedestrian links to the centre of Rockwell Green and that this significantly outweighs any detriment that may be caused to the existing residents. The proposed access will be for pedestrians and emergency services only. Therefore, there should not be a significant impact in terms of additional vehicle movements and parking in the road. Access for the emergency services will be controlled by a removable bollard, so it would not be able to be 'abused' by the general public wishing to make a shortcut.

Concern has been raised by the neighbouring industrial estate that further development of the site could cause a security risk. This may be a valid concern, especially if no fencing is provided and the adjoining site is a long time being developed. It is, therefore considered reasonable to impose a condition requiring the agreement and implementation of boundary treatment along the southern boundaries.

With regard to these factors, and bearing in mind that the application is only in outline, it is considered that the proposed development would have an acceptable impact upon neighbouring residents and businesses.

#### **D. Affordable Housing**

The applicant has agreed to provide 30% of the development as affordable housing. It is considered that there are extraordinary development costs in terms of the site clearance, contamination remediation and alterations to the highway which justify this figure, slightly below the RSS target of 35%. The provision of serviced but undeveloped employment land is also likely to affect viability due to the low return but extensive outlay in terms of providing a wide road and services into the site.

The affordable housing would be provided so that two thirds would be social rented and one third would be rent-to-buy. Both would be managed by a registered social landlord. Despite her initial request for discount market housing, the Housing Enabling Manager is now happy with this proposed mix, which will contribute to the identified housing need for Wellington. As such, the provision of affordable housing is considered to be appropriate.

#### **E. Contributions and obligations**

Somerset County Council, as Local Education Authority, have commented that the development will result in the capacity of Rockwell Green Primary School being exceeded. As such, the developer has agreed to pay the requested contribution to fund improvements to capacity at the school. SCC also requested a contribution to Courtfields Secondary school, but examination of their response indicates that the development would not result in the school's capacity being exceeded. It is therefore considered that such a payment is unjustified and could not be insisted upon.

Occupiers of the development are likely to require larger scale sports/recreation facilities and playing pitches. There are a number of facilities within Wellington and Rockwell Green that would benefit from investment and improvement to facilities. Given the increase in use that would result from the development, payment is considered to be justified. The applicant has agreed to pay the Leisure Development Team's requested contribution of £1,023 per dwelling.

The development would also put pressure on existing community facilities and the village hall. Rockwell Green Village Hall has confirmed that there are areas that would benefit from investment to increase capacity and usability of the facilities. As such, the applicant has agreed to make a payment towards these improvements and the Leisure Development Manager considers that £30,000 should be sufficient to cover a significant proportion of their suggested works.

#### **F. Landscape and wildlife**

The site forms the western edge of built development for Rockwell Green and also borders the Green Wedge that separates Rockwell Green and Wellington to the east. Good integration into the landscape is, therefore, considered to be essential. However, it is equally important to ensure that the development has a good relationship with the public realm and, therefore, the removal of the hedgerow along Bagley Road is considered to be acceptable. This will allow a continuous footway to be provided along the highway edge and allow for the dwellings to relate well to the street. The hedge on the western side of Bagley Road would be retained, helping to soften the development against the surrounding countryside.

To the east, the site is open to agricultural fields, separated by only a mediocre hedgerow a few small trees and one larger oak tree. Indeed, the glass houses are readily visible when viewing the site from the east. This adjoining land is within the green wedge, and it is considered imperative that a 'soft' boundary is formed on this side of the development. The indicative layout proposes that the public open space and play facilities would be provided along the eastern side of the site. This will provide a good landscaped boundary to the Green Wedge and allow the boundary hedgerow to be retained in single public ownership, preserving its integrity. A hornbeam, subject to a Tree Preservation Order, in the northeast corner would be retained within the proposed public open space.

In terms of the wider landscape setting, the site is already covered with buildings and it is not considered that there would be a significant impact on the visual amenities of the area. Indeed, the development will allow the tidying of the site, and a general improvement in visual amenity.

The site has been shown to be of generally poor ecological interest, with the possible exception of the oak tree in the eastern boundary which could provide a suitable habitat for bats. The provision of the landscaped open space and further tree planting has the potential to enhance the ecological interest of the site, and this accords with PPS9. A detailed strategy for enhancement and long term maintenance of wildlife habitats should be required by condition.

## **G. Drainage**

The application proposes that foul drainage will be connected to the mains sewer. The flood risk assessment indicates that a variety of sustainable drainage measures will be introduced to mimic the existing run-off rates. There will be some use of infiltration and soakaways and some attenuation, such that the development should not produce an increase in flood-risk off site and may cause a reduction. This is welcomed, as comments have been received that there are localised flooding issues in Bagley Road.

The Environment Agency have considered that the proposal is acceptable, subject to a condition that a surface water run-off limitation scheme is submitted. As such, the proposed drainage methods are considered to be appropriate.

## **H. Sustainability**

Planning Policy Statement 1 and the RSS put sustainable development at the heart of the planning system. In general, development should not be allowed unless it can be shown to be 'sustainable', although the concept is difficult to define. The primary

considerations in this case are considered to be the energy efficiency of the development, its ability to function properly and provide a good sense of community in the short, medium and long term, supported by good estate design, and its ability to reduce reliance on the private car.

The applicant has confirmed that, in accordance with policy RE5 of the RSS, 10% of the energy used by the development will be generated from decentralised and renewable or low-carbon energy sources. This should be subject to a condition and details should be submitted with a reserved matters application. It is considered that this approach will reduce the carbon emissions from the development and reduce its reliance on remote energy sources, making it more sustainable in the long term.

The site is reasonably well related in respect of basic facilities. The primary and secondary schools are within walking distance, although the primary school is outside the target distances set in RPG10 they are not considered to be unreasonable to the point that would warrant the refusal of the application. The primary school is around 800m from the site, and the secondary school is around 1.1km. A food shop and post office are available under the RPG maximum distances of 600m and bus stops with an hourly service to Taunton within 400m. Accordingly, it is considered reasonably likely that people will walk to these basic facilities and consider that public transport is a realistic option. The provision of the pedestrian link to Blackdown Road is considered essential to encouraging walking from the site, along the natural desire lines to the local facilities.

The application is accompanied by a travel plan setting out measures to promote walking, cycling, car sharing and the use of public transport. The final details and measures for implementation would be secured through the Section 106 agreement, together with the provision of a green travel voucher to the value of £300 for each dwelling.

With regard to the above measures and factors, the proposal is considered to be sustainable development.

### **Other issues**

The submitted details indicate that the previous uses have led to some minor contamination. Detailed investigations have not been possible due to the extent of buildings and structures on the site. However, sufficient evidence is available that remediation can be undertaken. A condition should be imposed to ensure that full investigations and remediation is carried out.

A couple of submissions have been made stating that the proposal should not prejudice the development of adjoining land to the east, which may rely on the development for access. However, that adjoining land is within the designated Green Wedge, designated to prevent the coalescence of Rockwell Green and Wellington. As such, it is not considered strategically important to ensure that access to the east is allowed by the development and little weight should be attributed to these comments.

### **CONCLUSION**

The proposed development is considered to be a well conceived use for the existing disused nursery site. The development is considered to be suitable for residential



and light industrial development, having been identified as suitably available housing land in the SHLAA. The development of the site would benefit the visual amenities of the area and reclaim contaminated land, without prejudicing the overall distribution strategy that will be developed through the LDF. With the planned improvements and agreed contributions, the development would have an acceptable impact on the local highway network, schools and community facilities, whilst providing adequate leisure and recreation opportunities. There would be no unacceptable impact on other nearby property, the landscape or wildlife interests.

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