

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT ON LAND TO THE EAST OF TUDOR PARK, MAIDENBROOK FARM, TAUNTON

Grid Reference: 324815.126409

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Planning permission be refused for 6 reasons listed below.

In the event that a section 106 is submitted which provides acceptable provisions for affordable housing, highways; education; leisure and recreation refusal reasons 3, 4, 5 and 6 to be withdrawn.

Recommended Decision: Refusal

- 1 The proposal will have a significant detrimental impact on the open character of the Taunton-Monkton Heathfield green wedge and would reduce the effectiveness of the area in its role in separating the settlements of Taunton and Monkton Heathfield and would represent an undesirable contribution towards the coalescence of the two settlements and is considered to be contrary to Somerset and Exmoor National Plan policy STR1 and Taunton Deane Local Plan policies EN13 and regulation 30 Published core strategy policy CP8 furthermore it is considered that the additional 125 dwellings that could be provided as a result of these proposals is not of sufficient weight to outweigh the detrimental impact of the proposals on the above policies.
- 2 The proposed development of this open greenfield site, characterised by hedge enclosed farmland, would be out of character with and detrimental to the landscape character of the area contrary to the requirements of Taunton Deane Local Plan policy EN12 furthermore its development would have a detrimental impact on the character of the Taunton and Bridgwater Canal and approach route into Taunton contrary to the requirements of Taunton Deane Local Plan policies EN25 and T34 and Regulation 30 Published Core Strategy policy CP8.
- 3 Taunton Deane Local Plan policy H9 requires the provision of affordable housing to be provided on sites of over 1ha or 10 dwellings Affordable Housing. The current proposal does not provide for any affordable housing and is considered to be contrary to Somerset and Exmoor National Park policy 35, Taunton Deane Local Plan policy H9 and Planning Policy Statement 3 (paragraphs 27 – 30) and Published Core Strategy policy CP4
- 4 The development is expected to result in a need for an additional primary and secondary school places. The existing primary school and secondary schools have no spare capacity to cater for the additional demand and the developer is not proposing any contributions in order for those facilities to be

provided. As a result the proposal is considered to be contrary to Taunton Deane Local Plan policy C1 and Regulation 30 Published Core Strategy policy CP7

- 5 The proposal does not include the provision of contributions towards adequate recreation space, playing field provision or community hall requirements and does not comply with the requirements of Taunton Deane Local Plan policy C4 and Regulation 30 Published Core Strategy SP2
- 6 The proposal does not include the required package of off site highway work or travel plan contributions as listed in the report and as such does not comply with Taunton Deane Local Plan policy S1, Somerset and Exmoor National Park Structure Plan policy 49 and Core Strategy policy SP2 and SP6

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

This is an outline proposal for residential development of land to the east of Maidenbrook Farmhouse. This proposal differs from the previous proposal (dismissed on appeal in May this year) as the illustrative sketch indicates that the developed area would be restricted to the western corner of the site, approximately 3.43 ha (5.75 ha previously). This would result in the provision of approximately 125 dwellings (233 proposed in the dismissed application) with an anticipated 40 dwellings to the hectare.

The proposed dwellings and access would be located in the north western area of the application site, adjacent to Maidenbrook Farmhouse, the existing playing field and the eastern part of the Waterleaze development. The proposal indicates that the access into the site would be formed to the east of the existing Tudor Park access road redirecting the junction of the Tudor Park road onto the new combined access road. This is 40m to the west of the appeal application which proposed an access located at the mid point of the site adjacent to the A3259. The applicant proposes the use of SUDS to transfer the surface water discharge into the groundwater. It is anticipated that this would involve the use of attenuation ponds, probably located within the green fields to the east and south of the developed area

SITE DESCRIPTION AND HISTORY

The red line site area is the same as that previously dismissed on appeal, once in February 2000 and again on 13 May 2011 (details below).

The site comprises approximately 11 ha of agricultural land which currently forms an undeveloped break between Taunton and Monkton Heathfield. It is located to the north east of the market town of Taunton. It lies to the south of the A3259 which links

Taunton to Monkton Heathfield and Bridgwater. To the south of the site is the Taunton and Bridgwater Canal and to the east of the site is the Allen's Brook and a public footpath, which partially runs along the access track to Aginghills Farm. The land forms part of a gap between the built development of Taunton and Monkton Heathfield and is allocated in the Local Plan as Green Wedge and recreational open space. The site slopes gently down from the A3259 south to the Taunton and Bridgwater canal. It consists of agricultural grassland with hedges forming the field boundaries. Adjacent to the A3259 there is a footpath and cycle way which provides a partial off site route between Maidenbrook Farmhouse and Monkton Heathfield.

Relevant Site History

48/09/0054 - Development of 11ha of land to provide in the region of 233 dwellings, recreation and Play areas, a public house restaurant and car parking on land at Maidenbrook Farm, West Monkton. Appeal against non-determination dismissed on 13 May 2011.

08/99/0006 - Planning permission was refused in April 1999 and a subsequent appeal dismissed in February 2000 for residential development of land and conversion of Maidenbrook Farmhouse and outbuildings to A3, B1, C1 and C3 uses together with associated works and landscaping at site from Maidenbrook Farm eastward to Allen's Brook, Monkton Heathfield.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST MONKTON PARISH COUNCIL - object

The harm to the character and the appearance of the area would be very severe, and would compromise the Green Wedge between Taunton and Monkton Heathfield.

Given the extreme importance of the Monkton Heathfield development of 5000 houses to deliver the Core Strategy, (quote Ralph Willoughby Foster in May 2011, 'there is no plan B') the green necklace designed to encircle the 5000 house development, in order to satisfy Open Space requirements, must be protected in its entirety.

Policy EN13 of the adopted Local Plan states 'Development which would harm the open character of Green Wedges will not be permitted'. The new proposal submitted as application 08/11/0018 will use 3.43 hectares of the hectare site (31%). However, the zoneplan is disingenuous as the widest part of the land remaining is a narrow strip running alongside the A3259, thus seemingly protecting the open space required to separate the two settlements, but in fact narrowing as the land runs down to the canal.

Given the narrowness of the Green Wedge in any event, the Parish Council is of the opinion that any development of the site will be incompatible with its Green Wedge designation.

In terms of community consultation, West Monkton Parish Clerk received a copy of the Planning Consultant's letter dated September 2011, but no supporting maps or

documentation of any kind. So there was no consultation.

The footpath running on the western side of Allen's Brook on the boundary of the site must be protected along its length and retained.

CHEDDON FITZPAINE PARISH COUNCIL - raise objection due to the size of the development and its proximity to Taunton/Monkton Heathfield; The proposal will exacerbate the existing parking issues through Waterleaze. More details should be provided.

SCC - TRANSPORT DEVELOPMENT GROUP - The application is in Outline for the development of approximately 125 dwellings on land to the east of Tudor Park. Access is not however a Reserved Matter.

I'm, aware that the site lies outside the development boundary of Taunton however bearing in mind other permitted developments close by, comments made in respect of previous applications on this site and the benefits that would accrue from the provision of infrastructure, I do not propose to object to the principle of development in this location from a Highway and Transport perspective.

The application has been supported by a Transport Assessment which has been carefully scrutinised and it is concluded that whilst it is inevitable that additional development will result in more traffic, the mitigation in terms of sustainable travel initiatives and offsite works proposed will as far as possible dilute the effect.

The current access proposal shown on Drg No P9320/H113/B shows that a right turning lane into the site access which incorporates access to the existing Tudor Park development. That access is closed. Bus Stops are indicated on both sides of the road. Modifications to the existing Footway/Cycleway are also shown.

A plan, Drg No P9320/H114/C, has been submitted which shows land required for future road improvements and the construction of part of the Monkton Heathfield Western Relief Road. This land is required to be dedicated to the Highway Authority as part of a Section 106 Agreement for this development. The application is in Outline but an illustrative layout has been submitted. The plan included is generally acceptable in principle from a layout point of view but I would suggest that the carriageway width should be a minimum of 5 metres serving the furthest housing areas and 5.5 metres going into the site.

In respect of the Drainage Strategy the applicant should be aware that the attenuation of water should not take place within the carriageway or pedestrian areas and any soakaways should be at least 5 metres clear of the carriageway.

The developer has submitted a Travel Plan with the application. The Travel Plan must include appropriate measures and outcomes and include proposals for green travel vouchers to enable the purchase of sustainable travel incentives for 3 tenures over a 5 year period from the first occupation of each dwelling. The Travel Plan must be agreed prior to its inclusion in the Section 106 Agreement.

In consequence I do not propose to object subject to the applicants entering into a Section 106 Agreement to secure the following:

- 1 The access and highway works shown on Drg No P9320/H113/B or any subsequently approved revision.
- 2 The dedication of that area of land required to construct the proposed road linking the land to the east all generally shown on Drg No P9320/H114/C.
- 3 A Travel Plan including appropriate measures and outcomes including green travel vouchers.
- 4 A contribution of £125K towards sustainable travel initiatives in the area.

SOMERSET WATERWAYS ADVISORY COMMITTEE - object to the proposal. In the event that permission is granted we would wish to see improved canal facilities including mooring.

SCC - RIGHTS OF WAY - No recorded rights of way cross the application site. An aspiration of the Draft Core Strategy and Green Infrastructure Strategy is for a Quantocks to Taunton multi-user link with a wider desire to link to the Blackdowns and part of the route crosses this site. The developer is requested to provide pedestrian, cycle and equine use across the land and provides a suitable shared surface. In connection with this the developer should provide for any road crossings required to make a safe crossing of A3259 and bridleway status down to and along the canal to Swingbridge. The walking and cycling link to the existing cycle path at the south of the site is welcomed.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - I refer to the previous response from the Archaeologist :The EIA contains information concerning the potential for significant archaeological remains relating to prehistoric and Roman activity. Therefore this site is a Heritage Asset as defined by PPS 5. However, the EIA contains insufficient information about the significance of these archaeological remains, or the impact of the development on them. The idea put forward within the EIA that evaluation will take place as mitigation is unacceptable and contrary to both local and national policy. PPS 5 is clear in stating that a field evaluation should take place when a desk-based assessment is insufficient to properly assess the archaeological interest. The applicant's archaeological consultant did contact this office and were advised of the requirement to carry out all evaluation phases so that the results could be included within the ES. This requirement is acknowledge (in part) within the ES in statement 9.6.2 which makes it clear that the archaeological consultant agreed that archaeological value of the site can only be assessed through trial trenching . At present it is not possible to assess the impact on the significance of the asset nor is it possible to detail a mitigation.

Therefore, this application does not accord with the requirements of PPS5 or the Local Development Scheme May 2009 Saved Policy of the adopted Local Plan EN 23, Areas of High Archaeological Potential, which states:

"Where a proposal affects a site of archaeological interest or Area of High Archaeological Potential, or it is suspected the development could affect archaeological remains, developers must provide for satisfactory evaluation of the archaeological value of the site, and the likely effects on it, before planning applications are determined."

For this reason I recommend that the this application be refused on the grounds that insufficient information has been submitted to assess the significance of the heritage asset or the impact of the development on the asset as required by PPS5 and saved Local Plan Policies.

ENVIRONMENT AGENCY - No objection subject to conditions

SCC - CHIEF EDUCATION OFFICER - A Section 106 agreement was completed in February 2011, in respect of the previous planning application for the development of this site. Heads of Terms relating to education matters had been agreed with the applicants some months beforehand in June 2010; and these did not at that time require the payment of financial contributions towards additional secondary school accommodation. This is because during the process of negotiation, there was considerable uncertainty over the future the new Taunton Academy and the existing sites of the former Ladymead School and St Augustine's School, the combined capacity of which allowed for sufficient capacity to accommodate new students living in the proposed development. A preceding Government announcement had resulted in the funding stream for the Taunton Academy's new building works on the Ladymead site being withdrawn, but in January 2011; and shortly before the finalised S106 agreement emerged, the Secretary of State confirmed that a limited number of capital projects, including Taunton Academy's, could proceed after all. The Taunton Academy formally opened in September 2010, operating primarily from the former Ladymead site, with ancillary activities on the St Augustine's site; but the Secretary of State's approval of capital funding is dependent on the latter being disposed of and the receipt being spent towards new buildings on the former; the net capacity of the Academy has been confirmed as 1050 places.

The education statistics indicates the anticipated number of additional secondary school students across the four schools in Taunton, based on the Deane's own housing trajectory and the County Council's forecasts of numbers based on demographic factors. It clearly shows that, by 2015, the number of students across the town is expected to exceed the total number of places available. In accordance with the advice in Circular 05/2005, which advocates a pro-rata approach to seeking contributions from a number of developments which collectively require the provision of new infrastructure, it would now be appropriate to seek financial contributions towards new secondary school capacity required as a result of this development proceeding.

The proposed development of 125 dwellings would be expected to generate the need for about 18 secondary school places. The DfE estimate of the capital cost per place is £18,469, so a total contribution of £332,442 should be sought in the event that planning permission is granted, in addition to that already agreed in principle in relation to the earlier application, for primary education facilities.

WESSEX WATER - There is an available foul sewage connection situated to the west of the site and capacity for treatment is available at the Sewage treatment works. A surface water sewer is available to the west for the part of the site that would naturally drain that way by gravity, the main part of the site will drain to the east where new sewers will be required to link to existing watercourses. Surface water disposal shall comply with PPS25 (Development and Flood Risk) subject to

flood risk assessment and any agreed attenuation (soak away to be used where possible). Water supply will require appropriate connections and pipes through the site to the existing trunk main.

NATURE CONSERVATION & RESERVES OFFICERS - No new wildlife surveys have been submitted to support this application. The Environmental Statement dated December 2009 was partly updated in October 2010 by further bat and great crested newt surveys. My earlier comments made in connection with species, with the exception of bats, remain unchanged.

Bats - Additional bat surveys were undertaken in 2010 mainly with the aim of quantifying the use of the site by lesser horseshoe bats.

The County Council on behalf of the District Council carried a Test of likely significant effect on a European Site which concluded that if the lesser horseshoe bat came from the Hestercombe house then the development could have an effect on the SAC. The Inspector at the appeal did not support this statement. This application now includes landscaping to the north of the proposed new housing, a new orchard and a 20m wide woodland belt. I concede that this planting would mitigate any effect the development would have on bats.

I am not convinced that, as suggested earlier by the surveyor, if the proposal did not take place the ecological value of the site would deteriorate. I am of the opinion that the development would harm the open character of the Green Wedge that should be retained as green space for wildlife and landscape reasons. For these reasons I support earlier comments made by the Somerset Wildlife Trust.

“The appraisal made in the report that in the absence of the scheme the site’s biodiversity value would decline is highly dubious. It is made with the assumption that one scenario will prevail – that of increased fertiliser application to the grassland with an annual hay cut, and no management to the other habitats – and draws an unsafe conclusion. In fact, there are a number of alternative scenarios that might suggest a more positive outcome for biodiversity: designation and management of the site as a Local Wildlife Site, or entry of the site into a stewardship scheme, for example.

The context of the site in the wider landscape has not been described sufficiently to determine its value for wildlife. Small sites with connecting linear features such as this one often contribute more to the biodiversity of the local landscape than their intrinsic value suggests, and thus their loss can have wider implications. Therefore, the site should be considered in light of surrounding land use and local ecological receptors.”

DIVERSIONS ORDER OFFICER - A public footpath T5/17 runs along the western boundary of Allens Brook and must not be interfered with at any time without having gone through the appropriate legal process.

DRAINAGE ENGINEER - Note should be taken of public footpath T5/17, which runs within the eastern boundary of the application site. This public footpath runs from its junction with the highway (A3259) at Yallands Hill in a generally southern direction to Avinghills Farmhouse. The footpath must not be interfered with other than

through the legal process.

LEISURE DEVELOPMENT MANAGER - detailed views awaited.

LANDSCAPE LEAD – Given the recent appeal decision, where the Inspector had major concerns regarding the impact of housing on the Green Wedge and its functions, I am concerned that the new proposals have done little to address the issue, especially as seen from the A3259, and therefore my assessment is that the proposals are contrary to EN13. In addition the Landscape Lead has concerns relating to the detrimental impact and on (EN6) hedgerows; (EN12) landscape character and that the proposal makes no contribution to the Councils Green Infrastructure strategy

HOUSING ENABLING LEAD - There is an affordable housing requirement of 35% of the total number of units to be split 50% social rent 25% shared ownership and 25% low cost open market (discounted at 70%). The requirement is for houses, predominantly 2, 3, and 4 bed roomed. The houses should be built to code for sustainable homes level 4 and HCA design and quality standards or meet the equivalent standard applicable at the time of development.

NATURAL ENGLAND –

Bats - The proposal will mean the loss of 3.54 ha of foraging territory and hedgerows for bat species including lesser horseshoe bats (LHBs) which have been recorded foraging on the proposed development site. Hestercombe House SAC is within 2.3 km of the proposal. European sites fall within the scope of the Conservation of Habitats and Species Regulations 2010. Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Consequently Taunton Deane Borough Council as the relevant competent authority, will be required to carry out a Habitats Regulation Assessment comprising

- (i) an initial assessment of whether the proposal either alone or in combination with other *plans or projects is likely to have a significant effect on the Hestercombe House Special Area SAC; and,
- (ii) If a likely significant effect cannot be ruled out, an appropriate assessment to determine whether the proposal will adversely affect the integrity of the European site.

To be helpful we suggest that the Habitat Regulation Assessment for the previous application 48/09/0054, prepared by SCC on behalf of Taunton Deane BC, should be revisited and adapted to the new proposal. Natural England is happy to comment on the assessment in due course.

Protected Landscape - Natural England is satisfied that the proposal is unlikely to

have a significant impact on the Quantock Hills Area of Outstanding Natural Beauty (AONB).

Green Infrastructure/Green Wedge - Natural England has been a partner on the steering group for the preparation of Taunton Deane's Green Infrastructure Strategy which has aims to create and enhance the green infrastructure in the District. Within the document we note and fully support the proposal to enhance existing Green Wedges including the one impacted upon by this proposal which is identified as a strategic link from Taunton to Quantock Hills AONB. To date the Green Wedge has been safeguarded by your council and Natural England fully supports this action, if the area remains a Green Wedge this could be of great benefit to the local community, and be the best outcome for Biodiversity.

STRATEGY - The application site was subject to a planning application recently dismissed at appeal by the Planning Inspectorate (appeal reference APP/D3315/A/10/2140103). This follows an earlier appeal also dismissed in 1999. In this latest decision, the Inspector's conclusion noted:

"Whilst there is a marginal shortfall in housing land provision at present, the harm to the character and appearance of the area would be so severe that the proposal should not proceed and for that reason the appeal must fail."

This new proposal would appear to run counter to both the adopted and emerging planning policy framework established by the Taunton Deane Local Plan and Published Plan Core Strategy and specifically policy EN13 of the Local Plan and Core Policy CP8 in the emerging Core Strategy.

The applicant's Planning Statement makes reference to a number of changes to national planning policy direction which it is contended, are strong material considerations in support of the proposal. It should be noted however, that the Appeal decision at Maidenbrook was 13 May 2011, as such post-dating both the Government's Plan for Growth (March 2011) and the letter of the Chief Planner DCLG entitled Planning for Growth.

The Government have published the National Planning Policy Framework for consultation which includes in its current drafting at paragraph 109 an apparent additional allowance of at least 20% on LPAs five year deliverable supply of housing land. This document is in consultation form and has been subject to a significant level of representation (particularly regarding para 109) and therefore despite two iterations of advice note from the Planning Inspectorate, it is considered that this particular potential change to national planning policy should not be afforded significant weight in the determination of this planning application.

With the above in mind, it would appear that the principal issue for consideration in the determination of this planning application would be whether the revised proposed scheme could be accommodated without compromising the Green Wedge between Taunton and Monkton Heathfield.

In all other respects, it is not considered that in planning policy terms, circumstances have changed materially in a way which would make the principle of development on this site more acceptable.

The Core Strategy has now been published for formal representations. Policy CP8 did not attract a significant level of objection and as such can be afforded more weight than would have been the case if there were a large number of outstanding or substantive objections.

The Council is now in the process of updating its Strategic Housing Land Availability Assessment in collaboration with representatives of the house building industry. Whilst the Council did not necessarily fully accept the Maidenbrook Inspectors conclusions on housing land supply, it is important to note that even in anticipating a likely shortfall, he still felt the development of this site unacceptable.

In terms of impact on the Green Wedge, clearly this issue will be considered in greater detail by the Council's Landscape Lead but it seems unlikely that development on the scale promoted by this latest application could be consistent with adopted or emerging policy.

Policy EN13 of the Adopted Local Plan states:

"Development which would harm the open character of Green Wedges will not be permitted."

The housing element of the proposal would still result in significant encroachment into the Green Wedge which will take on increased importance over the Core Strategy Plan Period in view of the scale of development planned for the Monkton Heathfield and Priorswood and Nerrols areas. The open character of the site is likely to be diminished as a consequence of the existing gap between the curtilage of the closest existing residential property to the south-westernmost extreme of Yallands Hill and the existing extent of Tudor Park.

It is also noted that during the recent appeal, when questioned by the Planning Inspectorate to what extent the application site could be developed without compromising the Green Wedge function, the Council's Landscape Lead responded that given the narrowness of the Wedge in this location, no development of the site was likely to be compatible with its Green Wedge designation.

For the reasons outlined above and in view of the Landscape Lead's detailed consultation response it is considered that the planning application should be refused.

WASTE SERVICES OFFICER - no response

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - An Environmental Statement has been submitted with this application.

Noise - The assessment concludes that there will be one area of the site that may be affected by noise from traffic. The report does make some recommendations for noise mitigation of traffic on the proposed dwellings (Sec 5.11). This refers to screening to the north of the site, as outlined in Figure 5.2. Fig 5.2 shows a 1.8m close boarded fence to the north west of the site, however, it is not clear whether the green area shown is also part of the proposed screening.

Re Construction noise. - Environmental Health would recommend that any noisy work is limited to 8.00-18.00 Monday to Friday, 8.00-13.00 Saturday and no noisy working on Sundays or Bank Holidays.

Air Quality - The Statement included an assessment of the potential impact of the proposed development on air quality in and around the application site. It identified that the main impact will be from increased road traffic and models air quality for different scenarios. The 2011 report notes that the new application is for fewer dwellings and concludes that the air quality impact is of negligible significance.

Based on the information that has been provided the development should not have a significant impact on noise or air quality. The noise mitigation measures (5.11 and Fig 5.2) would screen some of the proposed dwellings from traffic noise. During construction work the hours of noisy work should be limited and best practice used to minimise disturbance to residents.

SCC - ENVIRONMENT & PROPERTY DEPARTMENT - no response

SOMERSET DRAINAGE BOARDS CONSORTIUM - The Board objects to the proposals. The site is located outside of the Parrett Internal Drainage Board Area however resultant surface water run-off will discharge into the Board's area, within which it has jurisdiction and powers over Ordinary Watercourses. The Boards responsibilities require it to ensure flood risk and surface water drainage are managed effectively. The Board has not been party to or agreed the surface water drainage strategy to serve the development. Within the submitted details the information does not indicate how the water will enter the Board's operational area. The proposals will increase the overall volume of surface water run-off into the Board's area and until such time as an agreed and approved surface water drainage strategy for development has been determined the Board would consider the proposal premature. The details will need to consider the effect of the development onto the receiving land drainage network together with the long term maintenance of the infrastructure to serve the proposals.

Bylaw 3 of the Parrett Internal Drainage Board's Bylaws prohibits the introduction of any water or increase in rate into the Board's area without the consent of the Board. The developer must appreciate all the potential flood risks from the proposals on site receiving courses as well as considering the opportunities for improvements of flood risk downstream. When these details are agreed the drainage plan must be set out, and it is essential that this must be considered as part of an overall drainage and flood risk strategy. The work is not complete until further issues of the future operation, management and ownership of the revised surface water strategy have been agreed. The package of measures will need to be set down in the form of a legal agreement to safeguard the future of the long term drainage operation of the area. All parties who are responsible for the various parts of the surface water drainage system must be in agreement and sign up to the proposed details.

SCC - ECOLOGY - views awaited.

BRITISH WATERWAYS - Objects to the proposal.

Additional usage of the Bridgwater & Taunton Towpath

Our concerns relate to the use of the Bridgwater & Taunton Canal towpath, which runs near the site. The towpath runs from Bridgwater to Taunton which is 2.6 Kilometres to the west of the site.

Use of the towpath - The towpath is already a well-used transport and recreational route. The Sustrans Cycle network Route 3 follows the towpath and many people use it as a direct route all the way into the town centre. Whilst there are no figures to prove the number of users on a day to day basis it is clear that the route is well used for commuter journeys, and for recreational purposes.

We believe that recreational cyclists, dog walkers and families going for a stroll will prefer to not follow an attractive the traffic free towpath rather than use the existing road network, even if enhanced with cycleways and new crossing points.

The towpath serves many leisure activities such as jogging, angling, dog walking, and family outings. It provides a safe and tranquil environment to experience nature. It links the Monkton Heathfield area to the wider countryside. The Swing Bridge at Bathpool provides a quick link to the towpath for all of the above uses as well as an easy route into Taunton Town Centre, the local doctor's surgery and other facilities. on site.

Access is easily available to the towpath from the site and the applicants themselves mention the canal as a green transport route which will be promoted to widen the travel choice of future occupiers of the development.

Our concern - The proposal, due to its scale, will result in an increase in usage of the towpath by the residents of the new houses for both commuting and recreational purposes, with the attendant increase in the need for maintenance and improvements.

British Waterways has a limited budget to carry out maintenance as most of its annual income is needed to maintain the waterway itself and ensure safety of all users. Any additional costs as a result of this development will need to be met from a static budget, thus potentially taking up funding needed for other projects. It is however likely that no additional funding can be made available. The additional usage will therefore reduce the quality of towpath to the detriment of all users over time.

We feel that it is unreasonable for British Waterways to incur additional costs as a result of the development and object in order to protect our land ownership from undue degradation. As mentioned above however we will be willing to remove this objection if we are able to ensure that suitable mitigation measures are put in place to help prevent such degradation.

We note that the accompanying traffic assessment mentions usage of the canal towpath as a sustainable transport route, but does not consider the likely volume of additional usage or the resultant implications. The towpath is approximately 300m from the site.

Mitigating the Impact of the Development - Circular 05/2005, Annex B sets out the circumstances when a proposed development should require a planning obligation. Annex B states that planning obligations might be used, when appropriate, to

compensate for loss or damage caused by a development. It encourages obligations to help offset through regeneration the loss of, or damage to, a feature or resource present or nearby, for example, a landscape feature of biodiversity value, open space or right of way, in other words a feature such as a stretch of canal towpath.

Policy Support for the request - Taunton Deane Local Plan

The following policies are taken from the adopted Taunton Deane Local Plan which forms the detailed part of the Development Plan for Taunton Deane.

Cycling – Policy M5

A comprehensive, convenient and safe cycle network is proposed through a combination of measures and works, including the following main elements:

- (A) on- and off-road cycleways as shown on the Proposals Map;*
- (B) traffic calming, traffic management and junction redesign; and*
- (C) convenient and secure cycle parking facilities.*

Cycling is one of the most sustainable forms of transport and has a major role to play in reducing car dependency. However, cycling is currently not regarded as an attractive option by many people, because of the perceived and real dangers of cycling on roads.

The organisation Sustrans is preparing (has prepared) a national cycle network with money from the National Lottery. Part of this route runs through Taunton Deane. The route connects with the cycle networks proposed in Taunton and Wellington, and will be particularly helpful for commuting and other trips between the two towns. Developers of sites within about 1 kilometre of the route, such as Firepool in Taunton, are to be encouraged to provide safe and convenient links to it. Taunton Deane has a significant network of public rights of way, including footpaths, Bridleways (used by pedestrians, horse riders and cyclists), and byways open to all traffic (but used mainly by walkers and horse riders). The Taunton Deane Strategy for Leisure promotes use of footpaths for recreational walking by people of all abilities and interests, and encourages access to bridleways.

We note that cycling in the district is much higher than the national average as a means journeying to work and feel that as many of the residents in the Monkton Heathfield area will work in Taunton it is reasonable to expect a significant proportion of these journeys to use the Canal towpath as direct route into the Town centre.

The impact of development on public rights of way is a material consideration in determining planning applications, and policy C6 reflects this importance. Where permission affecting a public right of way is granted the development, in so far as it affects the right of way, should not be started unless and until the necessary closure or diversion order has been made.

The above paragraphs indicate that the Council should be supportive of increased usage of an existing walking and cycling route, particularly when a development is located close to it. Policy C6 states that the impact of a proposal on a public right of way is a material consideration and therefore we believe that in order to encourage the use of the towpath for the benefit of future residents the Council should consider the need for mitigation to ensure that the right of way is not adversely affected.

Core Strategy - Whilst not yet adopted for Development Management purposes the emerging Core Strategy is also supportive and Policy CP6 states that Development should contribute to Improving accessibility to jobs, services and community facilities, and address climate change. This will be achieved: Improving accessibility by public transport, cycling and walking to key destinations such as Taunton.

Green Infrastructure Strategy - The Canal is shown as a Green Infrastructure Route on Taunton Deane Green Infrastructure Strategy and therefore we feel that the council should seek to support and improve the route by ensuring that the increased wear and tear as a result of the increased usage is mitigated against. British Waterways is actively engaging with the Taunton Deane Council and Somerset County Council to ensure that the canal towpath is properly valued and protected whilst seeking to increase its usage for the benefit of existing and future residents.

The proposed project - We have carried out a detailed survey of the condition of the towpath between Firepool Lock and Bathpool, (approximately 2.6 km). The condition of the towpath varies considerably over this length. The wearing surface has degraded in some locations and requires replacement to remove wet spots, remove trip hazards and allow safer cycling and improved accessibility for all users. There are few dog or litter bins along this stretch and we would suggest that these basic facilities are provided to meet the needs of not only the additional users but existing users as well. We would also suggest a finger post sign or other interpretive panel to advise distance, routes etc. These should be of Sustrans standard.

Due to the large number of dwellings proposed in the area we feel that the development should only be required to fund a proportion of the total cost of the towpath improvements for this stretch. We would therefore request that this development funds a proportion of the cost and we will continue to request that the Council seek contributions from other developments in the area. If necessary the funding could be put into a pot until further monies are available to complete the project.

As part of our response to other applications recently BW made a calculation based on the number of houses planned in the Monkton Heathfield area. The figure did not include this site which is not a strategic site allocation. It would however seem reasonable to base our request for a mitigation figure on the same calculation. This equates to approximately £220 per dwelling to meet the total cost of the towpath refurbishment project.

We are also aware that the County Council Local Sustainable Transport Fund is looking for improvements to the towpath in this area as part of its revised bid and we believe this adds weight not only to our request but highlights the importance of insuring the additional housing does not worsen the situation but in fact supports the bid

The final figure per dwelling is based upon the overall cost of the project and equates to approximately £220 and we believe this should be achieved within travel plan contributions.

We are not requesting that a maintenance charge is incorporated into this figure to help maintain the towpath at this standard once the development is constructed. Annex B of circular 05/2005 states that as a general rule, where an asset is

intended for wider public use, the costs of subsequent maintenance and other recurrent expenditure associated with the developer's contributions should normally be borne by the body or authority in which the asset is to be vested.

In order to ensure that work is carried out in accordance with British Waterways 'Code of Practice for works adjacent to waterways' we would recommend that our own approved contractors carry out the necessary works. This will ensure that administration costs are kept to a minimum thus maximizing the physical benefits available from any contribution.

SOMERSET WILDLIFE TRUST - no response

Representations

17 letters of objection have been received raising the following points:

- The land is allocated in the Taunton Local Plan as Green Wedge and the local plan states that development should avoid important open spaces and Green Wedges between settlements such as Cheddon Fitzpaine;
- Although reduced in size the proposed development would result in a clear demarcation between Taunton and Monkton Heathfield;
- It is important to retain the green gap especially given the proposed development allocated elsewhere in the immediate area;
- The Green Wedge should remain undeveloped to preserve visual amenity and habitat for protected species
- A similar proposal has recently been turned down and dismissed on appeal and although a smaller proposal the issues remain the same;
- There are enough houses planned to be built in the area and it is important to retain the important open spaces;
- David Cameron has recently vowed to protect green belt and this area is similar as it comprises natural habitats, protected species and biodiversity, including Lesser Horseshoe bats;
- It is un-necessary to use up this relatively small piece of land, disturb nature and join Maidenbrook to Monkton Heathfield;
- The culture and landscape of the area would be completely ruined;
- The land is in close proximity to the Taunton Bridgwater canal and marina and houses would ruin that environment;
- The area acts as a pathway for bats and should not be disturbed
- The likely environmental impact outweighs any benefits that might be derived from additional housing in the area;
- The retention of the land, has been reassessed in the Council's new core strategy work and has been identified as land to be retained as undeveloped and to be come part of a country park with community woodland.
- The proposal would result in more traffic using a very busy and congested road;
- The proposal would result in increased traffic and with two schools in close proximity this would result in an increased danger for pupils and members of the public;
- The proposal would be on floodplain and these should not be built on;
- Urbanisation of areas such as this puts the area at risk of flooding;
- The proposed development would result in a loss of amenity and wildlife areas;
- The proposed development would have a detrimental impact on the protected species that use the land for habitat;

- Movement of the Tudor Park access further east would mean residents having to cross the cycle and walking routes twice which would be dangerous and is obviously badly thought out;
- Moving the road away from the blind bend is positive but the new location relocates it closer to the blind brow of Yallands ill thereby replacing one problem with another;
- The proposal would have a detrimental impact on the stature of Maidenbrook Farmhouse, a listed building where strict control has been exercised in the past over development that may have a detrimental impact;
- Residents has installed solar panels on the understanding that there would be no development of the Green Wedge area adjacent;
- In the current economic climate the council and appeal system should not have to look at the same proposal yet again and should be refused once and for all to prevent companies from profiteering against the wishes of the council and residents making a mockery of their costly, existing and approved plans governing development of Taunton;
- If local wishes are taken into account then this application would be refused the area is already looking to an additional 4000 homes which will have a detrimental impact on the status of Monkton Heathfield as a village more development would be intolerable;
- There is a lack of parking in Waterleaze which causes extreme problems if larger lorries and emergency vehicles need access and this should be taken into account if planning permission is granted here

PLANNING POLICIES

EN24 - TDBCLP - Urban Open Space,
 T1 - TDBCLP - Extent of Taunton,
 STR2 - Towns,
 STR4 - Development in Towns,
 T38 - TDBCLP - Maidenbrook Playing Field Allocation,
 T8 - TDBCLP - Monkton Heathfield Major Development Site,
 M5 - TDBCLP - Cycling,
 T10 - TDBCLP - Housing Allocation (Aginghill's Farm, M Heathfield),
 H9 - TDBCLP - Affordable Housing within General Market Housing,
 C4 - TDBCLP - Standards of Provision of Recreational Open Space,
 EN14 - TDBCLP - Conservation Areas,
 F1 - TTCAAP - Developments within the Floodplain,
 BWC - BritWater Consult Zone,
 EN21 - TDBCLP - Nationally Important Archaeological Remains,
 EN12 - TDBCLP - Landscape Character Areas,
 ROW - Rights of Way,
 EN13 - TDBCLP - Green Wedges,
 EN28 - TDBCLP - Development and Flood Risk,
 EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importce,

DETERMINING ISSUES AND CONSIDERATIONS

A planning application was submitted in 2009 for the development of 11ha of land to provide in the region of 233 dwellings, recreation and play areas, a public house restaurant and car parking. A non-determination appeal was subsequently dismissed due to the impact on the Green Wedge. The current application covers a reduced

site area 3.43ha and limits the proposal to a residential development for 125 dwellings, children's play areas and associated works. This assessment will briefly review the acceptable technical elements of the proposal, reiterate the Inspector's reason for dismissing the appeal and assess the reduced proposal in terms of its proposed housing numbers against the detrimental impact on the Green Wedge's function in separating the settlements off Taunton and Monkton Heathfield.

Green Wedge and Landscape

The function of the Maidenbrook Green Wedge is primarily for the avoidance of coalescence between settlements and to extend the countryside into the town. It avoids coalescence by providing a significant countryside gap along the northern boundary of the site between Maidenbrook, as a suburb of Taunton, and Monkton Heathfield. The gap of approx 300m is relatively narrow for a Green Wedge but is considered to be a critical distance in order to link the countryside to the north of the A3259 to the deprived area of Halcon to the south of the River Tone in Taunton via the Priorswood landfill site to the south of the canal. The impact of the loss of approx 125m at the south of the site and approx 300m to the north on the Green Wedge, EN13, would be unacceptable and result in the gap between the proposed new housing and Monkton Heathfield being dramatically reduced from 340m, as existing, to 140m to the north and, at its narrowest point from the existing 260m adjacent to Avinghill's Farmhouse to 136m.

In 2005 the Borough undertook a 'Landscape Character Assessment of Taunton's Urban Fringe' which clearly sets out the constraints regarding the proposed site and it is considered that development in these areas should not threaten the open, undeveloped land that ascends from the Bridgwater to Taunton Canal. These fields provide an attractive, open backdrop to the much used recreational resource of the canal and towpath." It is considered that the proposed development has a detrimental impact on the area and is not considered acceptable.

The applicant has undertaken a landscape appraisal that concludes that significant effects would be experienced by viewers of the landscape, through a change in perception, to a distance of up to 300m from the proposed development and for visual receptors up to a distance of 500m and that the threshold of significance has consistently been moderate to substantial.

Given the landscape assessment and the recent appeal decision, where the Inspector had major concerns regarding the impact of housing on the Green Wedge and its functions, I am concerned that the new proposals have done little to address the issue, especially as seen from the A3259, and therefore my assessment is that the proposals are contrary to EN13, (EN6) hedgerows and (EN12) landscape character and that the proposal makes no contribution to the Council's Green Infrastructure strategy.

Ecology

The application site is currently open pasture agricultural land. Wildlife surveys were undertaken from 2005 with an update survey looking solely at Lesser Horseshoe Bats (LHB) in 2010 and informed the Planning Inspector in his consideration of the recent appeal. Following detailed examination of the evidence in relation to LHB and other protected species on the site the Inspector concluded that the proposal would not have a significant effect on the Hestercombe SAC and that habitat protection,

protected species and biodiversity would not be endangered. The current proposal includes the same survey information as that considered by the Inspector and this establishes that protected species are known to be on the site. As a result of both a wildlife strategy and management plan, based on up to date surveys would be essential if permission was granted contrary to the recommendation.

Highways

Whilst this is an outline application the access into the site from the A3259 is not a reserved matter but is a full proposal. As the application covers a reduced area of land an alternative access has been proposed. This is in the form of a T-junction located to the east of the existing access into Tudor Park (Maidenbrook farmhouse development). The proposal would close the existing access and link it into the new highway junction. The proposed details are acceptable. In addition the application proposes two new bus shelters on the A3259 in the vicinity of the site entrance, new foot and cycleway links to the Waterleaze development (via Tudor Park) and a proposed travel plan to improve the accessibility of the site by public transport. The County Highway Authority raise no objection to the proposals subject to a section 106 agreement to secure:

1. The access and highway works shown on drawing number P9320/H113/B or any subsequent approved revision;
2. The dedication of that area of land required to construct the proposed road linking the land to the east all generally shown on Drawing number P9320/H114C;
3. A travel Plan including appropriate measures and outcomes including "green" travel vouchers;
4. A contribution of £125K towards sustainable travel initiatives in the area.

Drainage

The site is within a flood zone 1 area which does not prohibit new development from a flood risk perspective. The proposed drainage scheme would aim to use sustainable urban drainage methods to

- control surface water run-off to avoid localised surface pounding and water logging;
- utilise permeable surfacing to assist in creating infiltration systems where possible;
- provide a pond to provide a restriction of surface water discharges and volumes to an agreed rate to protect the site and downstream areas from any increased flood risk due to development now or from climate change in the future.
- include water quality protection through the uses of a treatment storage volume within the proposed attenuation pond;
- enable the maintenance or provision of flood escape routes for excess surface water run-off in residual risk conditions at locations which mimic or improve existing conditions, having regard to potential offsite impacts and consequences; and the provision of safe access and escape routes for persons during extreme surface water run-off events.

The Environment Agency are in agreement with the principle of this approach and do not raise an objection to the proposal subject to conditions for the detailed drainage to be provided and agreed at reserved matters stage.

Affordable housing .

The proposal is for the erection of 125 houses on the site. A section 106 unilateral undertaking was submitted with the previous appeal offering the provision of to be split 50% social rented, 25 % discounted open market housing (Discounted by 80%) or intermediate (depending on the applicants offer at the time) and 25% intermediate affordable housing all to comprise two, three and possibly four-bedroom dwellings. The applicants propose to submit similar undertakings in association with this development .

The Housing Enabling Lead considers that the provision of 35% affordable housing is appropriate for this development to be split 50% social rented, 25% discounted open market (at 70% value not 80% as previously proposed by the developer) and 25% intermediate. All affordable housing should be built to Code level 4 and HCA design and quality standards (or equivalent). These requirements are not the same as offered in the previous Unilateral Undertaking which did not specify the overall percentage of dwellings on the site to be affordable and specified 80% discounted market value rather than 70% .

In the absence of the submission of any Section 106 undertakings regarding affordable housing the proposal is considered to be unacceptable. In the event that a suitable S106 undertaking/agreement is submitted then this matter would be agreed.

Leisure and recreation.

Leisure and recreation requirements of development are outlined in Taunton Deane Local Plan policy C4 which is being retained for the purposes of the Core Strategy . With a development of this size there is likely to be a requirement for adequate on site Children's play areas (LEAP and NEAP) public open space and public art; with playing field; and community hall contributions in accordance with the policy. Whilst this application is in outline only the illustrative masterplan proposes two LEAPS but no other open space provision is shown or referred to in the design and access statement and clarification of this matter is being sought from the applicant. Whilst it would be possible to condition the requirement of some of these facilities on site require off site contributions which can only be achieved by a Section 106 Unilateral undertaking or agreement. As no such agreement has been submitted I consider that the proposal does not make adequate provision for leisure and recreation provision.

Archaeology/Heritage assets

An assessment of the impact of the proposal on archaeological and cultural heritage has been submitted with this application. It establishes that the application site is of significance from an archaeological point of view. In order to mitigate for these impacts the developer has agreed with the County Archaeologist that the area would be excavated prior to any development of the site and any findings duly reported.

Noise and air quality

A noise assessment was submitted with the planning application which identifies that the levels of existing traffic noise on the proposed homes may reach unacceptable levels in certain places without adequate mitigation measures. It is suggested that acoustic fencing could be erected at the north west corner of the site to overcome these concerns. These details have not been shown on the masterplan and details would need to be submitted and agreed as part of reserved matters if permission was granted. In addition it is anticipated that levels of noise from on site

traffic would also have an impact on dwellings. It is suggested that the use of standard double glazed units would be achieve acceptable levels of noise. These would need to be secured by use of a planning condition in the event that planning permission is granted contrary to recommendation.

Air Quality.

The submitted statement included an assessment of the potential impact of the proposed development on air quality in and around the application site. It identified that the main impact will be from increased road traffic and models air quality for different scenarios. The 2011 report notes that the new application is for fewer dwellings and concludes that the air quality impact is of negligible significance.

Education

This proposal will be likely to create a demand for primary and secondary school places. At present the applicants have suggested that such monies can be secured through a section 106 agreement but no such agreement has been supplied at the current time and therefore the proposal is contrary to Taunton Deane Local Plan policy C1.

Policy Considerations

The application site lies to the east of the settlement limit of Taunton in open countryside where it is the policy of the Local Planning Authority to resist any new development unless it maintains or enhances the environmental quality and landscape character of the area and

- (A) is for the purposes of agriculture or forestry;
- (B) accords with a specific Development Plan policy or proposal;
- (C) is necessary to meet a requirement of environmental or other legislation; or
- (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

The proposed development does not comply with any of the required criteria and would not maintain or enhance the environmental quality or landscape character of the area and is therefore considered contrary to that policy.

In addition the site is located within a well established allocated "Green Wedge". That area separates the market town of Taunton from the neighbouring village of Monkton Heathfield. Taunton Deane Local Plan states that Green Wedges are important to avoid the coalescence of settlements in order to preserve their identity; to act as air conduits, flushing pollutants from the urban system; act as valuable wildlife corridors; allow views of the countryside beyond and provide an opportunity for playing fields in a good position for the growing town. In this case Policy EN13 does not permit development that would harm the open character of the Green Wedge area.

The proposed development would introduce an urban form, comprising mainly residential development and associated infrastructure, onto a 250m - 660m wide part of the Green Wedge. It also proposes the provision of a new road "T" junction onto the A3259 and bus stops which would serve that development. It is considered that

the proposal would result in the reduction of the ability of the remaining Green Wedge to act as a separation between the settlements of Taunton and Monkton Heathfield, resulting in a loss of the open character of the Green Wedge and is clearly contrary to the development plan for the area.

There have been two previous applications, for a larger area on this site which have been dismissed on appeal the latest being on 13th May this year. In his appeal decision the Inspector assessed the impact of the larger proposal on the Green Wedge as follows:

"Character and Appearance

17. The site is designated as part of a Green Wedge in Policy EN13 of the Taunton Deane Local Plan. It occupies the whole of the area between Tudor Park and the recent housing development accessed by Waterleaze and the western limit of the ribbon development along the A3259 in West Monkton. The illustrative plan shows built development occupying something over half of the area, leaving a narrower open strip on the eastern side. Whilst the exact boundaries of the housing element are not before me, the scale of the proposal envisaged in the description of the scheme ('in the region of 233 dwellings') would clearly require a substantial proportion of the appellants' land to be developed.

18. In terms of the formal analysis of the landscape impact of the scheme, there was a measure of agreement between the evidence presented by the principal parties, the key difference being the width of open area which would be sufficient to comprise an effective Green Wedge. The Council felt that it could not be reduced significantly below the present distance, about 340m along the northern edge, whilst the appellants argued that a properly landscaped area along the eastern side would still serve the purpose envisaged in the development plan in a much narrower area. In practice, a judgement has to be made about the perception of the area of those travelling past it, whether in vehicles, on cycles or on foot.

19. The principal viewpoints are obtained along the northern edge of the site where the A3259 forms a well defined boundary. At present there is a clear transition at Allen's Brook where the ribbon development in West Monkton ends abruptly and the road is then flanked by hedgerows. There is a cycleway on the south side of the A3259 but this is relatively inconspicuous and its lighting columns, which are only about 5m high, do not to my mind intrude unduly into the landscape. Even to the west of Tudor Park the group of buildings around the former farmstead at Maidenbrook appears distinctly rural and the trees and fields on the north of the road help retain that appearance well to the west of the appeal site. The development would result in an access point being formed about mid-way between Tudor Park and West Monkton and, whilst I acknowledge that this boundary of the site could be landscaped, it is unlikely that the present open feel would be retained. Walkers, cyclists and motorists would all experience a much reduced open gap between the settlements. In coming to this view I am conscious that the proposed western bypass for West Monkton would affect the eastern part of the Green Wedge to a degree, including the removal of the existing hedgerow, but there is no reason why replacement landscaping could not be effective. Indeed, the present hedgerow itself was planted relatively recently and is now an effective landscape feature.

20. To the south of the site there are hard-surfaced routes on either side of the canal, lit by street lamps and evidently well used by cyclists and pedestrians. The path on the northern side runs round a small boatyard with moorings and some

modest buildings and then passes between the canal and a large electricity pylon. Nevertheless, the view into the site from this path is of large open field and I was not convinced that the reduction of the open length of the field by some 50% would result in an effective gap. Looking north from the path the gap would be further narrowed to only 70m or so in the vicinity of Avinghills Farm and it is hard to conceive of landscaping or other measures which would give the perception of a substantial gap between the settlements.

21. On the west side public access to the boundaries of the site is limited save for the large playing field to the north-east of Waterleaze. This area is bounded by a comparatively narrow hedge and to my mind contributes significantly to the openness of the Green Wedge. From the A3259 and the land further to the north the upper parts of the houses at the southern end of Waterleaze can be seen above the hedgerows, but the proposal would surround the playing field with built development and I consider that this would emphasise the urbanising effect of the scheme.

22. There is a largely unsurfaced public footpath along the Allens Brook and views into the site are available from this, particularly from its northern end. As the area immediately to the west of this would remain undeveloped, the impact of the proposal on this side of the Green Wedge would not be so pronounced, but at present relatively little of the edge of Taunton can be seen from this direction so there would still be an appreciable change to the largely rural view which presents itself currently.

23. The proposal would also have an impact in views from areas beyond the immediate vicinity of the site, notably from the north and south. The Quantock Hills rise gently to the north and the site can be seen from the vicinity of Volis Farm, although only at a considerable distance, and I judge that the proposal would not significantly alter this view as the present houses at the southern end of Waterleaze already appear close to the dwellings beyond the canal around Acacia Avenue and the industrial buildings of the Crown Estate are quite prominent. I also looked northwards from Creech Barrow Hill but from publicly accessible viewpoints the site is largely obscured by trees and the Green Wedge is not especially prominent. However, there is a large open area to the south of the canal on the former Priorswood landfill site much of which is intended to be laid out as a country park and which forms a southerly extension of the Green Wedge. Although the southern part of Waterleaze is also a significant feature in the view from this area, the openness of the undeveloped area is an attractive feature of the landscape and forms a foreground to more distant views of the Quantocks. The scheme would appreciably close the present open gap and I give this viewpoint significant weight as it will have public access close to the town and is likely to be well used.

24. Although no detailed proposals have been put forward, the Council's intention for the appeal site is for playing field and other open uses and I acknowledge that these in themselves would have some impact on the Green Wedge. However, there was no evidence that significant built development, such as grandstands or enclosed sports facilities, is being promoted by the Council. I also acknowledge that the management of the undeveloped land which would remain on the east side of the site could be carried out in such a way as to achieve improvements to the existing footpath route and aid the implementation of the Council's Green Infrastructure Strategy and I have weighed these factors in the balance.

25. The depiction of land as a Green Wedge in the development plan is not intended

to prevent development being carried out on any part of the designated land and the Council acknowledges that some areas within the existing Green Wedges will need to be developed to meet housing and other needs. Indeed, the development now being considered by the Council at Nerrols Farm to the north of the appeal site is a case in point. However, the purpose of the designation is essentially to prevent the coalescence of settlements which it is desirable to keep separate for townscape and landscape reasons. Extensive areas of land around West Monkton are allocated for development in the Local Plan; it is a village which has grown considerably in recent years and will continue to do so. At the same time Taunton has expanded eastwards so that there is a comparatively narrow gap in the Maidenbrook Area. The appeal scheme would fill more than half of the width of the present gap and, for the reasons set out above, I conclude that it would reduce the Green Wedge to an unacceptable degree. The proposal would thus harm the character and appearance of the area and run contrary to Local Plan Policy EN13."

The inspector balanced this impact against the housing land supply and in dismissing the appeal he concluded :

"34. Since an up-to-date five year supply of housing land has not been demonstrated, the provisions of paragraph 71 of Planning Policy Statement 3 – Housing (PPS3) apply so that favourable consideration should be given to the proposal having regard to advice in the PPS as a whole and, in particular, to the considerations in paragraph 69. As the application was in outline, I have no reason to doubt that high quality housing with a good mix of types could be designed in such a way as to use the land effectively and efficiently, so most of the criteria in paragraph 69 would be met.

35. However, the advice also requires the site to be environmentally sustainable. Although I have found that the interests of habitat protection, protected species and biodiversity would not be endangered, I have also come to the view that the Green Wedge between Taunton and West Monkton would be so eroded by the proposal as to render it ineffective in separating the settlements. Whilst there is a marginal shortfall in housing land provision at present, the harm to the character and appearance of the area would be so severe that the proposal should not proceed and for that reason the appeal must fail. I have taken into account all other matters raised in the representations but I have not found any evidence to outweigh the main considerations which have led to my decision."

In the current submission the applicant

- has reduced the size of the development and altered the access arrangements and considers that this enables the retention of an effective width of Green Wedge to maintain a separation between the settlements of Taunton and Monkton Heathfield .
- considers that the Council does not have a sufficient 5 supply of housing land and that the benefits of granting permission for an additional 125 dwellings would outweigh the loss of Green Wedge and the moderate to significant landscape impact.

I disagree with the applicant. The two previous appeal decisions have given considerable weight to the retention of sufficient gap between Taunton and Monkton Heathfield to enable a separation to be maintained between the two and the impact on the character of the area.

Currently, the Taunton Deane Local Plan is the approved document for the area and its policies including EN6, EN12 and EN13 are used to guide new development. In addition the Regulation 30 published Core Strategy for Taunton Deane has now been published and contains the strategic policies to guide development up to 2028. Whilst it has not been approved it is a material consideration in the determination of planning applications. In the Core Strategy, Green Wedge and Landscape Character area policies EN13 and EN12 would be replaced with CP8. This maintains the need for Green Wedges and green infrastructure in protecting the open character of areas and open breaks between settlements.

I consider that the proposal is contrary to the development plan for the area and that the harm to the Green Wedge and landscape character of the area outweighs the additional housing that could be provided on the site.

Conclusion.

Development on the Taunton and Monkton Heathfield Green Wedge was dismissed on appeal in May 2011 and it is considered that the reduced size of the site and the alterations to the access are not sufficient to overcome those objections. In addition the proposal does not currently provide for the required education contributions, highway contributions or leisure and recreation contributions that are considered to be necessary.

Therefore the proposal is considered unacceptable.

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

CONTACT OFFICER: Mrs J Moore Tel: 01823 356467