

SOUTH WESTERN PROPERTY LTD

DEVELOPMENT OF SITE TO PROVIDE GARDEN CENTRE INCLUDING SALES BUILDING, DISPLAY AREA, ACCESS AND LANDSCAPING ON LAND EAST OF MILVERTON ROAD AND NORTH OF RIVER TONE, WELLINGTON (LANGFORD BUDVILLE PARISH) AS AMPLIFIED BY LETTER DATED 26 OCTOBER 2009 AND AMENDED BY LETTER DATED 8 NOVEMBER 2009 WITH ACCOMPANYING PLAN AND EMAIL DATED 16TH MARCH 2010 WITH ACCOMPANYING DRAWING NUMBER 21985/011/001A

312642.122065

Outline Planning Permission

1 RECOMMENDATION

Subject to the applicants entering into a Section 106 Agreement with the Borough Council and Somerset County Council to secure:-

1. The design, construction and funding of a right turning lane and associated works generally in accordance with a revised and agreed version of Drg No.21985/011/001A and
2. The implementation and monitoring of a Travel Plan for which a fee will be payable to S.C.C.;

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman, and if permission is granted be subject to conditions.

RECOMMENDATION AND REASON(S)

Recommended Decision: Approval

The site is adjacent to the town of Wellington and therefore the principle of a garden centre is considered to be acceptable in accordance with Taunton Deane Local Plan Policy EC20. It is furthermore not considered that the proposed development will have any significant impact on highway safety in the area and that the proposed development can be assimilated into the landscape of the area in line with Taunton Deane Local Plan policies S7 and W14.

RECOMMENDED CONDITION(S) (if applicable)

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

Application for approval of the reserved matters 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. Details of any floodlighting shall be submitted to and approved in writing by the Local Planning Authority before [the use hereby permitted commences] [and] [the building(s) is/are occupied]. Development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To minimise the impact of the development in accordance with Policy S1(E) of the Taunton Deane Local Plan.

3. Before any part of the permitted development is commenced, the hedges to be retained on the site shall be 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 and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policy EN6.

4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

5.
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a

healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

6. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005.

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

7. No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

8. No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.

Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Policies EN6 and EN8.

9. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

10. The use of the building shall be restricted to the sale of plants, gardening tools and other horticultural requisites and sundries and other ancillary uses such as café, or the display of conservatory furniture, ornaments, clothing, cds and books (other than garden / horticultural related) shall be limited in total to no more than 10% of net internal floorspace. The building shall be used for no other purpose within Class A1 of the Use Classes Order.
Reason: The site is in an area where the Local Planning Authority would not wish to see the establishment of a general retail outlet due to its location beyond settlement limits away from established centres.

11. The development hereby permitted shall not be commenced until the additional dormice, bat and badger surveys have been submitted and then 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 CEC Ltd's report; dated August 2009 and up to date surveys and include:

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
 2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.
 3. Measures for the enhancement of the site 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.

Reason: To protect and enhance the site for wildlife in accordance with PPS9 and Taunton Deane Local Plan Policy EN3.

12. No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by the Local Planning Authority (LPA). The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programmed and details.

The surface water drainage scheme details shall include a full engineering cross section through the car park area, soakaway cell, retaining structure, bank slope and the River Tone. All drawings shall include dimensions and levels to Ordnance Datum.

Reason: To prevent the increased risk of flooding in accordance with PPS25.

13. 13. No development whatsoever, including temporary or permanent stockpiling of spoil, or planting, shall be carried out below the 48m contour until such time as a detailed layout plan for this area has been submitted to, and approved in writing by, the LPA.

Reason: To ensure there will be no impedance of flood flows within the

floodplain in accordance with PPS25.

14. Finished Floor Levels of the Garden Centre Building should be set at no lower than 51.5m AOD. The car park and access road should be set to a level no lower than 50m AOD.

Reason: To ensure that the development is subject to minimum risk of flooding in accordance with PPS25.

15. No development shall commence until a scheme has been agreed with the LPA and the Environment Agency for the planting and subsequent management of a 20 metre buffer zone against the River Tone.
Reason: To create a buffer zone and green space against the River Tone as recommended in the Ecological Report and in accordance with PPS 9.

16. During construction, no development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the LPA. The scheme should include details of the following:

1. Site Security
2. Fuel oil storage, bunding, delivery and use
3. How both minor and major spillages will be dealt with
4. Containment of silt/soil contaminated run off.
5. Disposal of contaminated drainage, including water pumped from excavations
6. Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove solids. This Agency must be advised if a discharge to watercourse is proposed.
7. Construction vehicles should not cross or work directly in a watercourse. Temporary bridges should be constructed for vehicles to cross and excavations done from the bank. Any work in or near a watercourse should be done in a dry area e.g. river water should be diverted away from the working area using coffer dams.
8. Site induction for workforce highlighting pollution prevention and awareness

Reason: To prevent pollution of the water environment in accordance with PPS25.

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

- (A1) DrNo CEC1391e-09 Rev B Outline landscape strategy
- (A4) Location Plan
- (A1) DrNo 4171-2D Indicitive Block Plan
- (A0) DrNo 21985/011/001 P! Proposed Access Junction
- (A2) Figure 3-1 Accident Density Blackspots
- (A3) Figure 3-2 Existing Bus Service Route

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

Notes for compliance

1. The condition 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 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 is 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 consent) must comply with the appropriate wildlife legislation.

2. 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 run-off 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.

3. The following informatives have been requested by the Environment Agency:
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 - a) A flood defence consent from the Environment Agency will be necessary for planting within 7 metres of the top of the bank of the River Tone.
 - b) Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.
 - c) Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 80 metres of the top of the bank of a designated 'main river' (River Tone). The outfall to the river Tone will require Flood Defence Consent.
 - d) Any impediment to flow in an 'ordinary' watercourse will also require consent under Section 23 of the Land Drainage Act 1991.
 - e) 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.
 - f) Provisions must be made to ensure that all existing drainage systems continue to operate effectively.
 - g) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourse, ponds or lakes, or via soakaways/ditches.
 - h) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking area/delivery areas

and hard standings shall be passed through an oil interceptor,

i) Any waste stored on site should be covered by an appropriate exemption or licence. All waste moved off site should be carried by a licenced person and taken to an appropriately licenced waste management facility. If you require further information regarding this please contact us on (01278) 484844.

j) No development approved by this permission shall be commenced until Wessex Water is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

k) Exemptions from the Waste Management Licensing Regulations for moving waste and spoil/subsoil off-site will also be required and developers will need to contact the Environment Agency to apply for such activities.

4. The development is located within a foul sewerage area. It will be necessary for the developer to agree with Wessex Water a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

You should be aware that the site is situated approximately 437 metres away from the Wellington Sewage Treatment Works. Whilst Wessex Water do not believe the proposal will be unduly affected, it should be noted that the proposal could be subject to odours from the normal operation of the works.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. According to Wessex Water records, there is a public water main within the site. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

The developer will need to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the site. We advise that this should be agreed as early as possible and certainly before the developer submits any Building Regulations application. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of Wessex Water infrastructure crossing the site.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

2. APPLICANT

South Western Property Ltd

3. THE SITE

The site comprises 2.9 ha of agricultural land. The site lies immediately to the north of Wellington adjacent to the River Tone with access from the B3187 Wellington to Milverton road. There is an electricity sub-station immediately adjacent to the site in the north-west corner. The site is largely bounded by hedges, with substantial tree cover to the south. A high voltage electricity pylon crosses the site. The site is within Langford Budville parish.

4. THE PROPOSAL

The proposal provides for the development of the site to provide a garden centre including sales building, display area, access and landscaping on land east of Milverton Road, Wellington.

The outline application submission included a Design & Access Statement, Transport Assessment (including Travel Plan Framework), Landscape & Visual Constraints & Opportunities Report, Tree Survey Report, Ecological Assessment, Flood Risk Assessment, Phase 1 Ground Condition Assessment, Baseline Lighting Survey, Site Waste Management Plan and Planning Statement.

The layout, access and landscaping for the proposed development are to be considered at this outline stage, with scale and appearance reserved for future consideration.

The proposed development is for a single storey building to be used as a garden centre, together with associated plant display areas and parking for 100 cars + coaches. The building proposed would have a gross internal area of 2,000 sq m and it is anticipated that it would create up to 80 new jobs. The scale and form of the proposed building will be on two levels, with height to eaves of approximately 4m and to ridge line of approximately 8.75m. There would be an external plant display area of approximately 6,000 sq m.

The access to the site would be by means of a new road junction and footpath from the B3187, approximately 8.5m north of the existing access, giving direct access to the customer parking area and main entrance.

A foul drainage connection will be made to the gravity public sewer which runs along Milverton Road and discharges to the local pumping station to the east of the River Tone.

5. RELEVANT PLANNING HISTORY

There is no planning history related to the site.

6.0 RELEVANT PLANNING POLICIES

Regional Planning Guidance Note 10

Policy VIS2 – Principles for Future Development

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 - requires a sustainable approach to new development, minimising the length of journeys and maximising the use of public transport, cycling and walking; conserving the biodiversity and environmental assets of an area and ensure access to housing employment and services.

STR6 - controls development outside of settlements to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

Policy 5 - safeguards the landscape character of an area with particular attention to distinctive landscape, heritage or nature characteristics.

Policy 49 – Transport Requirements of New Development requires all development proposals to be compatible with the existing transport network and, if not, provision should be made to enable the development to proceed.

Adopted Taunton Deane Local Plan Saved Policies

S1 - General requirements for all development including: - the traffic impact, accessibility of development, protection of wildlife species or habitats, an acceptable impact on the visual amenity and character of the existing environment, levels of pollution should not be unacceptable, the safety of occupants from ground instability is secured, the development should minimize any adverse impact on the environment or existing land uses, encourage recycling, make full and effective use of the site, incorporate public art.

S2 - Requires new development to be of good design.

S7 - New building outside of defined settlement limits will not be allowed unless it maintains or enhances the environmental quality and landscape character of the area and it is for agricultural or forestry and accords with a specific local plan policy.

EC7 – Outside the defined limits of settlements, the development of new small-scale buildings for business, industrial, warehousing, tourism, recreation, community, commercial or other employment generating use, excluding retailing, will be permitted provided that certain criteria are met.

EC20 - Proposals for garden centres will be permitted where they are located on land within or adjacent to towns or rural centres. The range of goods to be sold will be restricted to garden-related products only.

M1 – M3 These policies relate to the Transport, Access and Circulation requirements of new development.

M1 - Non-residential developments will be permitted provided that they cater safely for the expected number of trips generated or attracted by them and meet

certain criteria.

M2 - Outside the settlement limits of Taunton and Wellington, the maximum permitted level of car parking for new non-residential developments will be the standards contained in PPG13 and RPG10.

M3 - Non-residential development will not be permitted unless, taking account of transport and car parking provision proposed in conjunction with the development:
(A) the required level of accessibility by public transport, cycling and walking, can be provided in a manner that is both safe and convenient; and
(B) the highway network will cater safely for the expected number of car trips attracted; and
(C) undesirable parking pressure in nearby residential streets is not significantly increased.

EN3 – relates to Local Wildlife and Geological Interests.

EN6 – Development which would harm trees, woodlands, orchards, historic parklands and hedgerows of value to the area's landscape, character or wildlife will not be permitted unless adequate provision is made for tree cover to compensate for this loss. The good management of such tree cover for nature conservation purposes will be sought.

EN12 - Landscape Character Areas.

EN25 - Development which would harm the landscape, character, wildlife and recreational potential of the water environment will not be permitted. Development proposals near rivers, canals, still waters and watercourses must respect, enhance and maximise the benefits of a waterside location.

W14 - Development which would harm the landscape setting of approach routes into Wellington will not be permitted.

7.0 RELEVANT CENTRAL GOVERNMENT ADVICE

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and PPS1 Supplement on Climate Change.

Planning Policy Statement 4: Planning for Sustainable Economic Development (PPS4).

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7).

Planning Policy Statement 9 : Biodiversity and Geological Conservation (PPS9).

Planning Policy Guidance Note 13 : Transport (PPG13).

Planning Policy Guidance Note 24 : Planning and Noise (PPG24).

Planning Policy Statement 25 : Development and Flood Risk (PPS25).

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

COUNTY HIGHWAYS AUTHORITY - The proposal is for Outline Planning Permission for a Garden centre etc and access onto Milverton Road, Wellington, in the Parish of Langford Budville. The main transport Issues are:-

1. Is the location appropriate in Transport terms?
2. Is the Access proposed suitable to serve the development?
3. The effect of the Traffic generated by the proposal on the Local Highway network.
4. The layout shown on The Indicative Block Plan 4171-2D

The location of the site is very close to the northern Boundary of Wellington. Taunton Deane Local Plan Policy EC 20 states that proposals for Garden Centres will be permitted where they are located within or adjacent to Towns or Rural centres. Further text relates to the necessity to locate close to larger settlements. From a Transport viewpoint, the site is relatively well located for sustainable travel, bearing in mind the likelihood of trips by non car modes to such a use.

The access proposed within the Transport Assessment is a simple T junction. It is felt that for the level of traffic both using the access and travelling on the B3187, a Right Turn Lane is necessary. Amended plans have been submitted & Drawing number 21985/011/001, which subject to alterations to secure a 4.5m x 160m vis splay and other minor issues is acceptable to serve the development. Additional footways and minor alterations to the junction of Lowmoor Road are also proposed. I have forwarded a copy of the technical and Safety audit to the applicants Transport consultant.

The indicative layout shown on Drg no 54171-2D is in a generally acceptable form. I am concerned however that HGV's may not be able to enter and leave the delivery area in forward gear thus creating a potential hazard as turning would be likely to occur close to the main entrance.

The effect of traffic on the Local highway Network is of concern to The Highway Authority and local residents. The main Traffic signal Junctions in Wellington Town Centre are at peak hours at capacity and the surrounding streets suffer from rat-running. The garden centre however does not operate during the morning peak and its maximum likely effect is likely to be at weekends when traffic flows are generally lighter. The transport Assessment has been carefully evaluated and additional checks required from the developer. These have been carried out and as a result I do not consider that the proposed development will have an unacceptable impact on the Local Highway Network.

An Initial Travel Plan has been prepared and reviewed by with The Countywide Travel Plan Coordinator. It requires further improvement which must be agreed prior to the signing of an appropriate Legal Agreement. The Travel Plan will need to be implemented, sustained in perpetuity and monitored.

Consequently I do not propose to object to this application subject to the applicants entering into an appropriate legal agreement to secure the design, construction and funding of a Right Turn lane and associated works generally in accordance with a revised and agreed version of Drg No 21985/011/001A and the implementation and monitoring of a Travel Plan for which a fee will be payable to S.C.C.

Conditions will be required to ensure that no works commence on site until an appropriate access and Travel Plan shall have been approved in detail and then Implemented in accordance with the approved plans.

COUNTY ARCHAEOLOGIST - There are a number of heritage assets recorded on the HER near the site including a milestone and a grease refinery. However, there are no records of any archaeological remains on the site. Aerial photography undertaken in 1989 revealed crop marks in fields some distance to the south east of this field but failed to identify any near to this proposal site. Therefore, as far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

SOMERSET WILDLIFE TRUST - In wildlife terms, the Trust has no objection to this planning application, providing that all ecological mitigation proposed in the ecological assessment report prepared by Cornwall Environmental Consults is undertaken. This will avoid impacts to protected and UK/LBAP species and habitats, and could enhance local biodiversity by creating new habitats and enriching existing ones. The Trust has the following comments to raise:

Consideration of impacts to biodiversity

The scope of the surveys undertaken at this site appears thorough, and thought the ecological assessment report thought has been given to making contributions to the local biodiversity resource. The Trust agrees with the recommendations of the report in terms of the type of on-site ecological mitigation and enhancement that would be suitable.

As recommended in the ecological assessment prepared by Cornwall Environmental Consultancy, the precautionary principle should be applied until the results of the dormouse survey have been collated in 2010; design and decision-making should proceed as if dormouse are present on site, and steps taken to avoid impact. Given the proximity and relatively good connectivity of the sites hedgerows to suitable habitats in the wider area - which are known to hold populations of dormouse - it would constitute a benefit to local biodiversity to take measures to maintain, restore and enhance habitats on site for dormouse where possible, even if the results of the dormouse survey are negative.

The Trust is aware of two significant ecological receptors within 1km of the application site, which the planning authority should be aware of. Firstly, we understand there is an otter holt on the bank of the Tone bordering the application site. This holt has been used for breeding this year. Whilst otters can tolerate disturbance to a point, a breeding female will be more easily disturbed and this should be given due consideration. Habitat buffering of the site along the River Tone could help to minimise human and dog disturbance along the bank. Secondly, there is a barbastelle bat maternity roost within 1km of the application site. It is presently unknown where the bats from this roost are travelling to forage. Whilst no barbastelles have been recorded using the application site this season, their activity pattern across the local landscape is poorly understood. From what is known about barbastelles, they forage over mixed habitats but are particularly associated with wooded river valleys, and are highly sensitive to light disturbance. The river corridor would seem the most likely foraging and commuting corridor for them, and therefore the Trust would strongly recommend a linear habitat corridor — free from light spill

— is maintained and enhanced. Barbastelle's are one of the rarest European bats, and the Trust would urge their presence in the immediate area to be given due consideration — if the planning authority is minded to grant permission, conditions to secure suitable construction and operation mitigation including timing of works, lighting, habitat buffering, stand-offs, etc, should be included.

Opportunities for biodiversity enhancement

With appropriate mitigation for ecological and water management issues, this development could deliver benefits for local biodiversity, enriching and consolidating habitats to buffer and connect the Local (County) Wildlife Sites network. If the local planning authority was minded to grant planning permission for this development, mitigation to avoid impacts to protected and BAP species should be secured, and ecological enhancement sought in line with PPS 9. Specifically, the Trust would strongly recommend a minimum 20 metre buffer of wet woodland planting along the river corridor, to improve functional connectivity of the corridor, to minimise the potential for disturbance to otter and bats, and to protect against any light overspill from the development. This would be in line with requirements within PPS 9 for new development to deliver an ecological enhancement to the site. Buffer planting should comprise a mix of locally appropriate, native species of local provenance, chosen with a view to creating wet woodland, with a comprehensive planting scheme be submitted for agreement to the Nature Conservation Officer at Taunton Deane Borough Council. A programme of monitoring for the created habitats should be followed, and within the first 5 years of planting any damaged, diseased or dead planting should be replaced.

The issue of lighting at the site is significant, given the presence of barbastelles, and lesser and greater horseshoes within the immediate vicinity. A dark corridor along the river valley should be maintained by installing a minimum amount of low level, directional lighting around the development.

ENVIRONMENT AGENCY - The Environment Agency has no objection in principle to the proposed development, providing it is located within the flood zone I part of the site. However, we would, require the inclusion of conditions, which meet the following requirements:

CONDITION:

No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by the Local Planning Authority (LPA). The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site, the approved scheme shall be implemented in accordance with the approved programmed and details.

The surface water drainage scheme details must include a full engineering cross section through the car park area, soakaway cell, retaining structure, bank slope and the River Tone. All drawings must include dimensions and levels to Ordnance Datum.

REASON:

To prevent the increased risk of flooding.

NOTE:

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 run-off 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.

CONDITION:

No development whatsoever, including temporary or permanent stockpiling of spoil, or planting, shall be carried out below the 48m contour until such time as a detailed layout plan for this area has been submitted to, and approved in writing by, the LPA.

REASON:

To ensure there will be no impedance of flood flows within the floodplain

CONDITION:

Finished Floor Levels of the Garden Centre Building should be set at no lower than 51 .5m AOD. The car park and access road should be set to a level no lower than 50m AOD.

REASON:

To ensure that the development is subject to minimum risk of flooding.

CONDITION:

No development shall commence until a scheme has been agreed with the LPA and the Environment Agency for the planting and subsequent management of a 20 metre buffer zone against the River Tone.

REASON:

To create a buffer zone and green space against the River Tone as recommended in the Ecological Report and in accordance with PPS 9. A flood defence consent from the Environment Agency will be necessary for planting within 7 metres of the top of bank of the River Tone.

CONDITION:

During construction, no development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the LPA. The scheme should include details of the following:

1. Site Security
2. Fuel oil storage, bunding, delivery and use
3. How both minor and major spillages will be dealt with
4. Containment of silt/soil contaminated run off.
5. Disposal of contaminated drainage, including water pumped from excavations
6. Discharge of silty or discoloured water from excavations should be irrigated over

grassland or a settlement lagoon be provided to remove solids. This Agency must be advised if a discharge to watercourse is proposed.

7. Construction vehicles should not cross or work directly in a watercourse.

Temporary bridges should be constructed for vehicles to cross and excavations done from the bank. Any work in or near a watercourse should be done in a dry area e.g. river water should be diverted away from the working area using coffer dams.

8. Site induction for workforce highlighting pollution prevention and awareness

REASON:

To prevent pollution of the water environment.

NOTE:

Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

In the event of planning permission being given we request that the Decision Notice contains the following information:

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 80 metres of the top of the bank of a designated 'main river' (River Tone). The outfall to the river Tone will require Flood Defence Consent.

Any impediment to flow in an 'ordinary' watercourse will also require consent under Section 23 of the Land Drainage Act 1991.

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.

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas/delivery areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

No development approved by this permission shall be commenced until the LPA is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

Any waste stored on site should be covered by an appropriate exemption or licence. All Waste moved off site should be carried by a licensed person and taken to an appropriately licensed waste management facility. If you require any further information regarding this please contact us on (01278) 484844.

Exemptions from the Waste Management Licensing Regulations for moving waste •

spoil/subsoil off-site will also be required and developers will need to contact us to apply for such activities.

WESSEX WATER - The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

You should be aware that the site is situated approximately 437 metres away from our Wellington Sewage Treatment Works. Whilst we do not believe the proposal will be unduly affected it should be noted that the proposal could be subject to odours from the normal operation of our works. Odour is covered by the Statutory Nuisance controls laid down in Part III of the Environmental Protection Act 1990 and enforced by Local Authorities by way of abatement notices. We therefore recommend that the views of your Council's Environmental Health Officer should be sought when determining this application.

We do, however, request that the developer is made aware of the possibility of odour nuisance. The proposal must not be seen to set a precedent for future development within close proximity of our Sewage Treatment facilities.

No capacity for trade flow should it be needed.

The developer has proposed to dispose of surface water to a sustainable drainage system. We will not allow storm water to the foul sewers. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

With respect to water supply, there are water mains within the vicinity of the proposal. A connection can be agreed at the design stage. According to our records, there is a public water main within the site. Please find enclosed a copy of our supply records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the site. We advise that this should be agreed as early as possible and certainly before the developer submits to your Council any Building Regulations application. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected,

change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

ENVIRONMENTAL HEALTH OFFICER - no observations to make.

LANDSCAPE OFFICER - Given a supportive policy for garden centres on the edge of settlement limits this would appear to be an appropriate site, especially given the landscape impact of the power lines. However, I am concerned that the landscape mitigation measures do not go far enough. I would want to see stronger landscape buffers along the roadside boundary and boundaries to the north and east. Within the site itself there is potential for additional tree and shrub planting.

DRAINAGE OFFICER - I note that surface water is to eventually be carried to The River Tone after passing through a soakaway cell system. However, the FRA stated that infiltration test results indicate that surface water disposal by soakaways should be possible away from the River Tone.

A requirement of any approval (via condition) should request a full surface water drainage scheme and this should include some form of suitable drainage system (SuDs). This arrangement should be approved before any works commence and include details of how full term maintenance will be achieved and by whom.

NATURE CONSERVATION OFFICER - The proposal is to build a garden centre with associated infrastructure on an arable field to the immediate north of the river Tone to the east of Milverton Road, Wellington.

Cornwall Environmental Consultants Ltd (CEC) have carried out a several surveys of the site between December 2008 and August 2009. Additional surveys are planned for September 2009, November 2009 and May 2010.

The desktop survey revealed that the following Local Wildlife Sites - River Tone, Winsbeer and Laurel Cover are located within 1.5 km of the site.

One of the site boundaries is the river and a small area of scrub, another is a fence covered by a 2-3 m wide strip of bramble and the other two boundaries comprise of hedges. The surveyor considered these hedges to be of local biodiversity value as they are part of a wider network and link areas of scrub and the river corridor.

To date, species findings are as follows

Birds

Several birds were observed during the phase I survey. The river with vegetated banks and hedges are the most important feature on site for birds.

Badgers

No active badger setts were found on site although the surveyor considered foraging badgers could use the site, as there are badger records close by.

Bats

An initial assessment of the trees for bat roosts on site has been made. An additional check will be made in November 2009 when the trees are bare. Bat surveys took place in June and August with a further survey planned for September 2009.

The tree assessment did not record any roost sites but the summer surveys

recorded six species of bats using the roadside boundary as a navigation route. Lighting in this area should be carefully addressed.

Reptiles and amphibians

A reptile survey was not carried out as the surveyor considered the site to be generally unsuitable. However, I do agree with the surveyors assessment that the vegetated river banks provide suitable habitat for grass snakes and amphibians.

Otters

No signs of otters were found although there are numerous records for otters along the River Tone

Dormice

Nest test tubes and nest boxes were set up on site in June 2009. They were checked in August 2009 with further checks planned for September, November 2009 and May 2010

The well-vegetated hedge network in the surrounding area suggests that dormice could be present. Although there is no evidence to date, development design should proceed on the basis of their potential presence. No site operations, including clearance works should be carried out until the dormice survey has been completed

I agree with the surveyor's conclusion that the importance of the site to wildlife is associated with the river corridor and hedges. The proposed works have the potential to impact on wildlife if unmitigated I therefore support the detailed mitigation measures proposed including the completion of bat, dormice and badger surveys.

Please liaise with the landscape officer on proposed mitigation planting.

In accordance with PPS9, I would like to see wildlife protected and accommodated in this development

I suggest the following condition

Condition for protected species:

The development hereby permitted shall not be commenced until the additional dormice, bat and badger surveys have been submitted and then 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 CEC Ltd's report; dated August 2009 and up to date surveys and include:

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.
3. Measures for the enhancement of the site 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.

Reason: to protect and enhance the site for wildlife.

Informative Note

The condition 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 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 is 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 consent) must comply with the appropriate wildlife legislation.

CONSERVATION OFFICER - The development is outside of the Conservation Area but close to the listed Tone Mill. Given the topography and the low-level of the development, this proposal will not affect the setting of the listed buildings and is therefore acceptable in conservation terms.

FOOTPATHS DIVERSIONS OFFICER -The public footpath WG 6/21 (Parish of Langford Budville) runs along the track adjacent to the western edge of the proposed development site.

STRATEGY LEAD - I have two issues of concern:

Impact on countryside and impact on nearby town centres.

Impact on countryside: Under the current Local Plan policy EC20, a garden centre in this location would be an acceptable use, being adjacent to the settlement limit of Wellington.

The policy is however quite dated and will be reviewed through the Core Strategy, in light of establishing a 'need' in order to prevent a potentially unlimited number of permissions being granted for which there is limited capacity, thus, in effect establishing a development value on countryside land where a planning permission may not otherwise have been forthcoming.

Impact on Wellington town centre: Whilst I recognise that a 'garden centre' may constitute a sui generis use, many of the goods perhaps associated are and should be sold in a town centre. Wellington town centre is already suffering greatly due to the effects of recession. Thus a limit of no more than 10% of net internal floorspace should be for ancillary uses and these should be conditioned appropriately to ensure they do have a genuine relationship with a garden (rather than uses that are generally accepted as the mainstay of town centre viability).

Any change in the nature of the property boundary abutting on to the public way must not alter the width of that way at any point along its length.

LANGFORD BUDVILLE PARISH COUNCIL – The parish council strongly object to the planning application on the following grounds –

- The proposed development is breaking the settlement boundary of Wellington
- There will be significant increase in traffic movements from this development, adding more pressure to the already over crowded streets on the North side of Wellington.
- There will be a major environmental effect on the area with the change from agricultural land to industrial development.
- The development would set a strong precedent for further industrial and residential development into open countryside.

WELLINGTON TOWN COUNCIL (Adjoining parish) - The proposal would be an unacceptable intrusion into open countryside and would adversely affect the approach into and out of town. However, the main point of concern was the highway situation. The proposal would undermine any plans for a northern distributor road and brown field sites. The amount of vehicular movements generated by the proposal would have a detrimental impact on the town and the surrounding settlements. It would add to existing congestion and traffic problems in an area where the existing infrastructure for traffic was already inadequate. For this reason, it was recommended that permission be refused.

MILVERTON PARISH COUNCIL (Adjoining parish) - Milverton Parish Council objects to the above application on the following grounds:

- 1) The application does not meet the general requirements of Policy 51 in the Taunton Deane Local Plan 2004. In particular, the requirement in paragraph A that development should not lead to 'overloading of access roads' or 'environmental degradation by fumes, noise, vibrations and visual impact.' This development will lead to a significant increase in traffic in Milverton which will be exacerbated by the mid-afternoon school run peak.
- 2) The application conflicts with Policy S8 which states that development outside the limits of a settlement which involves the permanent loss of the best and most versatile agricultural land (grades 1, 2 and 3a) will only be permitted if the development is 'unavoidable' in the absence of other suitable previously developed sites or sites within settlements and the sustainability benefits of developing such land outweigh the benefits of developing lesser quality land. This site is Grade 2 land and there is no evidence in the application that alternative sites have been considered nor is there any discussion about the sustainability of this site relative to others.
- 3) The application does not meet the requirements of Policy EC20 which, whilst supporting the development of garden centres 'adjacent to towns' does acknowledge the potential generation of 'significant levels of traffic' which runs counter to national policy. Therefore to address these concerns Policy EC20 requires new garden centre proposals to be on 'appropriate' sites. Since this site conflicts with or breaches of Policies S1 and S8 above Milverton Parish Council considers that this site is inappropriate for the development of a garden centre.

Background Evidence

As evidence to support the objections above, the transport assessment provided by the applicant has been studied in some detail. It includes a methodology for calculating the number of trips by basing the figures on a garden centre in Shepton Mallet. This analysis is seriously flawed because

The potential catchments of Wellington (5 miles west of Taunton) and Shepton Mallet (no large population within 25 miles) cannot be regarded as direct comparators. In fact, the only criteria put forward for using the Shepton Mallet example was because it was in Somerset!

The methodology fails to discuss the number of garden centres in either town in relation to anticipated demand

- The methodology fails to assess the relative siting of the Dobbies garden centre and this proposal; for example is the Dobbies centre on a B road severed away from

main transport routes?

- The assessment has studied traffic flows in Wellington but not in Milverton.
- Given the proximity of Taunton, and its large population relative to Wellington, a 20 minute proposed journey time is unrealistic and will under-represent the likely demand.

If the assessment had been carried out accurately and competently it would have recognised that Taunton lies east of Wellington and has two main routes running west towards the Wellington area. These are the A38 and the B3227. Despite the opening of the Silk Mills road it is highly likely that traffic from north Taunton would travel to this development along the B3227 (which was formerly the A361 and is of a good standard) and through Milverton on the B3187. This is because potential customers from the north of Taunton are likely to perceive that a route that avoids the Silk Mills Road traffic lights, the congested Wellington Road roundabout and Wellington town centre will be quicker and easier. Unfortunately, this scenario has not been considered and as a result there has been no definitive study of this route and in particular no study of the traffic loading in Milverton. This is a major omission and needs to be corrected before this proposal is considered further.

In detail the assessment assumes that 51% of visitors will come from Taunton and that they will all travel along the A38 and down the B3187 from Wellington town centre. Traffic from the Milverton direction is only acknowledged as one of several 'other' origins, which will generate 12%. There is no figure for customers from Taunton using the B3187 from the north. As stated above, the Parish Council considers this to be an unrealistic assumption and is of the view that up to 50% of the Taunton traffic is likely to use the B3227/B3187 route via Milverton. This, when added to the 12% already calculated, actually means that 37% of the traffic generated by this development will pass through Milverton on its way to and from the proposed garden centre.

Based on the figures provided by the applicant the development is expected to generate an extra 524 weekday and 843 weekend trips, which need to be doubled to reflect the outward and inward component. Thus on a typical weekday this development will generate 1048 journeys and 1686 at weekends. This for Milverton this will represent an extra 388 vehicles on weekdays and extra 624 at weekend with the afternoon weekday peak coinciding with the end of the school day for about 40 weeks of the year. It should be noted that the school run in the morning and afternoon make the B3187 extremely busy with 'traffic frequently grinding to a halt as it seeks to pass through very narrow streets.

The Milverton Traffic Action Group (MTAG) has recent survey data for the 7am to 7pm weekday period, which indicates that daily traffic flows through Milverton on the B3187 are in the region of 2300 movements. Using these figures it is clear that this development will increase weekday traffic flow through Milverton by 17%, which cannot be regarded as sustainable in an Outstanding Heritage Settlement where the road narrows to 3.5m wide.

Summary

To summarise Milverton Parish Council objects to the development of this site as a garden centre. The applicant's case is riddled with inappropriate assumptions and contains no Milverton specific data. Until this is rectified their data cannot be regarded as reliable. On the other hand the Parish Council's bases its objection on the data in the applicant's assessment, actual

local figures and local knowledge which therefore should be accorded greater weight.

Accordingly the Parish Council has demonstrated that the proposal will not meet the requirement of Policy S 1 because the excess traffic will overload local roads causing congestion, noise, fumes and general disruption.

The applicant has not demonstrated why this Grade 2 agricultural land should be used for this development ahead of any other sites in Wellington or beyond.

Given the forgoing it is clear that a garden centre on this site does not meet the criteria of being 'appropriate' as set out in the guidance accompanying Policy EC20 and therefore should be refused.

The agent responded to these points and the following subsequent response was received from the Parish Council:-

Milverton Parish Council Original Comment

1) The application does not meet the general requirements of Policy S1 in the Taunton Deane Local Plan 2004. In particular the requirement in paragraph A that development should not lead to 'overloading of access roads' or 'environmental degradation by fumes, noise, vibrations and visual impact.' This development will lead to a significant increase in traffic in Milverton which will be exacerbated by the mid-afternoon school run peak.

D W Alder Response to MPC Point 1

It is not accepted that the application proposals conflict with Policy S1 of the Taunton Deane Local Plan. The Transport Assessment has been compiled by experienced traffic engineers PBA and the conclusion reached by them is that the level of traffic generated by the proposal will be within the capacity of the exiting road network. Experience shows that most traffic to garden centres occurs at off peak times and accordingly it will not be exacerbated by mid afternoon school rush which is in any event is of limited duration.

Milverton Parish Council Response to DWA re Point 1

1) Unfortunately this response proves that the applicant has not carried out any studies of the impact of this proposal on the village of Milverton and its road infrastructure. The applicant does not dispute that there has been no study done and can only back his case based on the subjective 'experience' of his retained engineers. I have no doubt that if the objectors to this proposal had access to the resources available to the applicant they could engage traffic experts who could use their 'experience' to argue that there would be a greater impact! The fact is that this evidence is unacceptable as it is only based on 'experience' and not hard data. The Parish Council therefore maintains its view that without hard evidence to the contrary this development cannot meet the general requirements of Policy S1.

The community of Milverton, through the Parish Council and the Traffic Action Group has spent many years working closely with Somerset County Highways to reduce traffic through Milverton and to have all this good work undone on the basis of subjective judgements is simply unacceptable.

Milverton Parish Council Original Comment

2) The application conflicts with Policy S8 which states that development outside the

limits of a settlement which involves the permanent loss of the best and most versatile agricultural land (grades 1, 2 and 3a) will only be permitted if the development is 'unavoidable' in the absence of other suitable previously developed sites or sites within settlements and the sustainability benefits of developing such land outweigh the benefits of developing lesser quality land. This site is Grade 2 land and there is no evidence in the application that alternative sites have been considered nor is there any discussion about the sustainability of this site relative to others.

D W Alder Response to MPC Point 2 -

The bulk of the site will be retained in horticultural use which is consistent with Policy 58.

Milverton Parish Council Response to DWA re Point 2

This response misses the point of the policy which is to protect from permanent loss, the best agricultural land. How can the large building, car parking and access areas required be said to avoid permanent loss? Once development takes place on a green field site it will, even if cleared at some future date, forever be classed as 'brown field' land and not be considered for agriculture. As for 'horticultural use' this may sit within the planning Use Class definitions but the primary practical purpose of the development is as a garden centre not a market garden. Therefore the Parish Council's objection under Policy S8 is valid.

Milverton Parish Council Original Comment

3) The application does not meet the requirements of Policy EC20 which, whilst supporting the development of garden centres 'adjacent to towns' does acknowledge the potential generation of 'significant levels of traffic' which runs counter to national policy. Therefore to address these concerns Policy EC20 requires new garden centre proposals to be on 'appropriate' sites. Since this site conflicts with or breaches of Policies S1 and S8 above Milverton Parish Council considers that this site is inappropriate for the development of a garden centre.

DW Alder Response to MPC Point 3 -

3) Policy 20 does contain the wording inserted into it by the Parish Council. In any event you will recall that in your response to the pre-application proforma dated 30th June 2009 you stated that "The principle of the proposed development is therefore considered acceptable". This comment was made specifically in relation to Policy EC20 but no doubt also took into account Policies S1 and S8.

Milverton Parish Council Response to DWA re Point 3

This response is verging on the disingenuous. The purpose of pre-application discussions is to sound out the Planning Authority as to the generality of a proposal and any reading of Policy EC 20 would see that TDBC supports garden centres adjacent to towns. It would have been extraordinary therefore if Mr Hamer had made any other response – he was simply repeating the principle behind the policy. However as the applicant has conceded the policy does come with caveats and there is no doubt that it was those caveats that prompted the requirement for traffic analysis and other assessments that accompanied the full application.

These assessments have failed to prove that the proposal will not generate significant levels of traffic from the Milverton direction which is, as acknowledged by

the applicant, an inadequate route (see Additional Comments Point d below). Therefore this development does not meet the requirements of Policy EC20.

Milverton Parish Council Original Comment

Background Evidence

As evidence to support the objections above, the transport assessment provided by the applicant has been studied in some detail. It includes a methodology for calculating the number of trips by basing the figures on a garden centre in Shepton Mallet. This analysis is seriously flawed because

The potential catchments of Wellington (5 miles west of Taunton) and Shepton Mallet (no large population within 25 miles) cannot be regarded as direct comparators. In fact the only criteria put forward for using the Shepton Mallet example was because it was in Somerset!

D W Alder Response to MPC bullet point 1

Bullet Point 1 The town of Shepton Mallet is located in the local authority of Mendip and close to the border of Bath and North East Somerset, The combined population is 272,909 based on the total population in KS02 of the 2001 census.

The Site is location north of Wellington in the local authority of Taunton Deane and close to the border of Mid Devon. The combined population is 172,073 based on the total population in KS02 of the 2001 census.

Although there are many ways to create a catchment for both sites and so calculate a population, the above data indicates that the potential catchment for Shepton Mallet is in theory greater than that of Wellington. However, the size of Taunton relevant to its distance to the site means that the two catchments may be considered comparable.

Milverton Parish Council Response to DWA re Bullet point 1

Shepton Mallet is 17 miles from Bath and 20 from Bristol and linked by A roads, so neither can be regarded as being within a 20 minute drive.

If 17 to 20 miles by A road is considered to be in the catchment then why has Exeter been excluded from this analysis? Exeter is about 23 miles from Wellington and is accessed by the M5 with a journey time of less than 25 minutes. Plainly it does not suit the applicant's case to include Exeter in the traffic calculations because the projected traffic flow would potentially increase significantly. However, this is something that TDBC and SCC must give considerable thought to whilst considering this application.

Milverton Parish Council Original bullet point 2

- The methodology fails to discuss the number of garden centres in either town in relation to anticipated demand

D W Alder Response to MPC bullet point 2 -

Bullet Point 2 Para 2.8.5 discusses the location of two other garden centres in Wellington and points out that this site is closer to the urban settlements than the existing sites.

Milverton Parish Council Response to DWA re Bullet point 2

There are several garden centres in the vicinity which may be located further from the town boundary than this. However, two are on the A38 so, if the traffic analysis is to be believed, a significant proportion of the Taunton based customers would drive past these them before trying to negotiate the narrow and labyrinthine B3187 or the adjacent rat runs through Wellington.

In actual fact the key point is that the vast majority of customers will arrive by road (a factor clearly recognised by Policy EC 20) so relative proximity to the urban settlements is irrelevant.

It is also pertinent to note the location of the competing garden centres on the A38 which are likely to be the destinations of choice for most using that road from the Taunton direction. This means that the primary route for the proposal is likely to be from the north.

Milverton Parish Council Response to DWA re Bullet points 3 -5

The Parish Council has nothing to add other than to note

- a) that the admission that no data for Milverton was submitted with application which has now been acknowledged by the applicant as a major omission and
- b) that the traffic data is based on a 20 minute journey which must invalidate the comparative data from Shepton Mallet which includes large populations up to 20 miles distant who live beyond a range of hills.

D W Alder Additional Comments

In relation to the additional comments

Re d) The dismissal of the 50% figure is based again on subjective judgement rather than hard data. The Parish Council and Traffic Action Group have considerable local experience in counting traffic and it is our judgement that large numbers of vehicles would route through Milverton rather than use the Silk Mills road, the A38 and then wiggle through Wellington.

- The route to this site from Staplegrove takes 20 minutes via Milverton and passes 3 roundabouts and no traffic lights.
- The route via Wellington takes 25 - 30 minutes and passes 4 roundabouts and 3 sets of traffic lights (plus several controlled crossings).

Wellington already experiences heavy traffic volumes through the centre. Given that this development will have a high appeal to older customers there is every likelihood that up to 50% of Taunton based customers will favour the Milverton route. At the very least the applicant should be required to commission research to check this.

Re g) The Parish Council does not understand why peak flow would fall between 11am and 12 noon. This seems to make assumptions about demand and staying time for which there has been no evidence presented.

To confirm Milverton Parish Council maintains its objection to this proposal and submits that the response by the applicant has actually strengthened the case for refusal.

6. REPRESENTATIONS

LETTERS OF OBJECTION

1. Proposal is in breach of all countryside and agricultural land protection

policies.

2. Policy EC20 cannot be used as a blank cheque to develop any edge of settlement site, however rural, attractive or important.
3. Over the past few years there have been a number of controversial planning applications in Wellington, all of which have received many objections from local residents. In each case, despite support for those objections from the Town Council, the Deane Planning Committee has seen fit to overrule in favour of the application for further development. Committee members seem indifferent to the objections of local residents who have to survive the decisions made in ignorance of local circumstances.
4. Wellington town centre is suffering because of the recession, putting small independent retailers out of business and resulting in empty shops. This proposal will draw more business away from the town centre by providing out of town shopping and catering facilities. The size of the proposal will be a further nail in the coffin for local businesses, particularly for the fruit farm at Runnington and the nursery at Langford Budville.
5. Site is outside the settlement boundary of Wellington in the Development Plan.
6. It is on a Greenfield site and causes urban sprawl onto agricultural land.
7. There are already garden centres in the vicinity of Wellington which have considerably better access and there is no need for a further one.
8. The River Tone has been known to come close to flooding in that area – covering the land with buildings, hardstanding and car parking areas can do nothing to improve the absorption of rain water.
9. The site is set in open countryside and therefore contrary to PPS7.
10. Access to the site will either be from the north via Milverton, which already has a weight restriction, or from the south through Wellington. Neither route is capable of taking any more traffic of the volume likely to be generated by this development.
11. Should not build on high-grade agricultural land.
12. The proposed development would erode the natural barrier between Wellington and Runnington and Langford Budville, which could lead to a very damaging precedent.
13. The Milverton Road through Wellington already suffers from heavy traffic.
14. Proposal is at odds with the current Transport Strategy for Wellington.
15. Will not be served by public transport and in any event the type of purchases related to garden centre sales are largely unsuitable for transport by bus.
16. The need for the preservation of agricultural land to reduce the carbon

footprint generated by food transport and the requirement for public bodies to develop carbon reduction strategies must contra-indicate the proposal for a garden centre.

17. The development is beyond the natural boundary of the River Tone and is a “trojan horse” application to help with future planning applications for housing development to spread towards Runnington. Permission for a garden centre on this site will increase the likelihood of housing being allowed in the vicinity, this is obviously a ploy to make this happen. The developer has tried it on before at Oake. This is an abuse of the planning system.
18. Traffic levels are already unsustainable through Milverton and Wellington. The roads in the area are already severely congested.
19. This stretch of Milverton Road does not provide safe and suitable access for the proposed development. The road between Burchills Hill and Wellington Tiles is narrow and dangerous, with motor vehicles exceeding the speed limit. The junctions of Milverton Road and Burchills Hill and Tone Hill are already dangerous.
20. The area is a haven for wildlife, with an increasing otter population in the immediate vicinity – taking away their food source will deprive them of a valuable resource. As a valuable site for otters, this area needs protection. The otters will be severely threatened by the increased human activity and may be lost from the area for good. Also important for kingfisher and little egret.
21. Exhaust fumes from cars.
22. HGVs have increased dramatically and a garden centre will add to this.
23. When the new houses are occupied, residents will be driving to the sports centre which is already at capacity.
24. There are many brownfield sites within Wellington that could be developed instead of encroaching into Runnington in unspoilt countryside.
25. Developing the area is bound to have a major impact on the river. Packaging and other waste will find its way into the river.
26. Should start to use the resources we have. This is simply overkill and an unwanted addition to this already busy town.
27. Impact of extra cars and HGVs on residential roads throughout the north of Wellington.
28. Somerset used to be a rural county, but is becoming more and more urbanized, therefore less attractive to tourists.
29. Residents of this area chose to live away from large developments, busy roads and the pollution of air and noise, which this building and other possible housing developments would bring.

30. Proposal would cause even more chaos and congestion in Wellington.
31. One garden centre recently went bankrupt in the area.
32. There should always be quite a big gap between settlements and we do not want to make Runnington part of Wellington.
33. Would cause the constant deterioration of the road surface and the tempers of local residents.
34. Competition from a further outlet would inevitably cause hardship and possibly closure of other garden centres and nurseries in these financial times.
35. The Northern Relief Road should be built prior to any development of this scale.
36. There could be lives put at risk if the emergency services are delayed because of excess traffic.
37. Assuming that the proposal is steamrolled through and traffic chaos is created, then the politicians who support the proposal may have to answer for this at the ballot box. One wonders how many politicians have a financial interest in this and other contentious applications.
38. Old cottages and houses have their foundations shaken with the passing of heavy goods vehicles.
39. With so many cars parked on the road, it presents a hazard for walkers and cyclists as it is, particularly from the old Fox's buildings across a dangerous railway bridge and into the centre of Wellington.
40. Proposal would undoubtedly bring a lot more unwanted traffic to Milverton, where there are already huge traffic and parking problems.
41. A town that has more garden centres than supermarkets would surely be ludicrous.
42. There is no local demand for more retail space in this sector.
43. Question who the applicants are.
44. Question that this site is "in principle acceptable" in interpreting TDLP policy EC20. When the policy refers to "land within or adjacent to towns or rural centres" it cannot by definition be referring to the countryside – it can only be referring to urban fringe or brownfield sites, at best. Wording also refers to "appropriate" sites. Therefore it only refers to appropriate sites and not countryside – so a qualitative assessment needs to be made. This site is a countryside site – it has no urban fringe characteristics whatsoever. It is sharply divided from the Wellington urban fringe by a strong tree belt and by the river and exhibits all the characteristics of countryside due to its openness and rural features. Even the applicant's landscape consultants recognize that the site is currently open countryside and not urban fringe, but would become

so if the development went ahead. They go on to describe the effect of the proposal as “the potential to be adverse through degradation of the traditional rural landscape character and increased influence of built form and infrastructure in views to and from the site” – ie they describe the potential for this proposal to cause precisely those problems which the policy EC20 subtext associates with garden centres being located in the countryside. There needs to be a qualitative judgment as to the appropriateness of this countryside site for a major retail outlet with parking.

45. Agricultural land is important for livestock and crops but also for the setting and tranquility it provides local residents. We as a country need all the prime agricultural land we can if we are to feed ourselves in the future. We cannot rely on imports in this time of climate chaos and peak oil.
46. The proposed development would create many more unnecessary shopping miles in an age when we should be trying to develop a more sustainable and rational approach.
47. Such a business would be of little value to the residents of the area.
48. Additional traffic movements created by customers, delivery lorries and the ‘anticipated 80 employees’ would create further chaos on the narrow roads through the town.
49. Urban sprawl is something of which all councils speak derogatively, yet all around us we see the edges of villages, hamlets and small towns being blurred with permissions granted by the same councils that purport to be anti sprawl.
50. If built will soon become a commercial “white elephant”.
51. Any building on these fields sloping away from the Tone would be visible from a distance and intrude on this attractive landscape.
52. The plans are purely speculative, not addressing local needs in any way and merely adding to the insidious urbanization of our lovely countryside.
53. The new housing development off the Chelston roundabout will not only put additional pressure on a woefully inadequate traffic system within Wellington, but it can be easily served by the existing garden centres on the A38.
54. Does the Council want to play a hand in sending people bankrupt and putting people out of work so there are more burdens on our already bankrupt social system.
55. If allowed to go ahead, drivers frustrated with their inability to access the site by main road through Wellington will inevitably use the back lanes through Nynehead and Milverton which will cause a traffic nightmare in these lanes, which are wholly unsuitable for the volume of traffic they will have to handle.
56. If the argument is that the people of Milverton, Wiveliscombe and surrounding areas are under-served by garden centres – put them there, not in a town that can’t handle the traffic its got.

57. Instead of allowing this development to go ahead, why not invest some time and money into encouraging people to 'grow their own' – this would reduce traffic on the roads and give the area a better carbon footprint.
58. Wellington has only two very poorly located petrol stations and no doubt some, as part of their journey to a garden centre, will want to fill up – adding unnecessary pressure on the roads.
59. The negative HSE assessment for this plan far outweighs any positive attributes (if it has any) for this plan.
60. The town would be far better served with the lowering of the business rates to enable new enterprise to be encouraged in to trade in the town centre, and the existing ones to have the opportunity to remain viable.
61. Rylands Nursery on Bagley Road is available and currently the subject of a planning application for redevelopment for mixed use purposes. If there is a need for another garden centre in Wellington, that site might be a more suitable location for one given its existing use.
62. The building will be bigger than either Asda or the new Waitrose.
63. To allow this development to go forward would ignore the general requirement of policy S8, in that it would lead to overloading of access roads and environmental degradation by fumes, noise, vibrations and visual impact.
64. Applicants have not demonstrated any need for a further garden centre.
65. Understood that developments on agricultural land should only go ahead if there were no other suitable sites, as it involves the permanent loss of Grade 2 land.
66. Will make a tidy sum available for TDBC.
67. The site is not a commercially credible location for a large retail outlet.
68. Increased hazards to cyclists on the B3187, which would deter them from using the road.
69. Proposal runs counter to the future transport strategy for the area.
70. Contrary to PPG13 in that the justification for the proposed site is inadequate. Indeed, deficiencies in the accessibility of this site and its isolation from main transport corridors are recognized in the Transport Assessment.
71. Conclusion that the proposal would provide an excellent opportunity to help rejuvenate the north of Wellington must be questionable.
72. No justification provided for loss of agricultural land.
73. There is ample scope for this application to be refused on grounds of conflict with Local Plan policies on overloading access roads and road safety (S1A),

harm to the appearance and character of any affected landscape scene (S1D), failure to maintain or enhance the environmental quality and landscape character of the area (S1), loss of best and most versatile agricultural land (S8) and the inability of the highway network to cater safely for the expected number of car trips (M3).

74. Increased pressure on local services and more crime.
75. Will result in additional light pollution.
76. Effects of extra traffic on an already dangerous stretch of road between Mill Stream Gardens and Burchills Hill.
77. Proposal constitutes a threat and a dangerous precedent to the current autonomy of the parish of Langford Budville – have no desire to be absorbed into a Greater Wellington.
78. There are plenty of old industrial sites, even an old plant nursery, in the Wellington area that could be used if there was a dire need of another garden centre.
79. Job creation here would lead to loss of jobs elsewhere, essentially negating this benefit.
80. Not convinced that Wellington could sustain an additional multi-million pound retail outlet in the current economic climate, so suspect the motives for the application.
81. Increased noise.
82. Blighting of views from public footpath adjacent to the site.
83. Plans show planting on adjoining land.
84. Proximity of a massive electricity pylon to the proposed development must be a cause for concern.
85. Run off into the river would damage the habitat of the otters.
86. This is one of the most tranquil, historic and characteristic parts of Wellington.
87. Contrary to Policy W14 relating to approach routes into Wellington, which states that development which would harm the landscape setting of approach routes into Wellington will not be permitted. It goes on to say that the setting of approach routes into Wellington (specifically including Milverton Road to the north) should be safeguarded to maintain the attractive image of the town. The site is on rising countryside where a garden centre would be detrimental to the landscape setting.
88. The proposal represents a very significant development in the open countryside which Government and Local Plan policies seek to protect.
89. Part of the recently published Core Strategy and Small Sites Consultation

(CSSSC) deals with garden centres, making it clear that

- There are a number of existing garden centres located in non sustainable locations in the open countryside around Taunton and Wellington;
 - In siting within the open countryside garden centres may not be accessible by a range of transport methods;
 - a new policy is to be provided that resists garden centres unless it can be demonstrated that there is significant demand in that area that cannot be met by existing garden centres, that they would be easily accessible by means of transport other than the private car, and (among other matters) would not be detrimental to the vitality or viability of the local town and rural centres or detrimental to the landscape or highway safety of the area.
- Although the CSSSC is not an expression of policy, it is a clear indication of Council Officer's current views on strategic planning for the area. To recommend approval of this proposal would fly in the face of these views.

LETTER OF OBJECTION FROM ADJOINING WARD MEMBER (CLLR GOVIER)

- 1 Concern about the impact the proposed additional vehicular movements will have on an already over stretched infrastructure.
- 2 Milverton Road has a number of sub-standard road junctions that are very dangerous, especially the ones in the vicinity of Tone Hill.
- 3 The highways impact will be far wider than merely Tonedale, with large volumes of extra cars and HGVs using residential roads throughout the northern part of Wellington.
- 4 Concern that the proposal breaks the natural boundary of the River Tone and is building in the open countryside.
- 5 Wellington is already well served with garden centres and, although know that competition is not a planning issue, object to a Greenfield site being used for an unnecessary development.
- 6 Believe the site is not sustainable in either environmental or economic grounds.

LETTER OF OBJECTION FROM MILVERTON TRAFFIC ACTION GROUP

- 1 MTAG is a group of Milverton citizens concerned by the damage being done to the old houses and pavements of this Outstanding Heritage Settlement by the traffic passing through the narrow streets. Support a number of activities aimed at reducing the volume of traffic passing through the village and periodically monitor traffic flow to assess the effect of actions.
- 2 Operate under the auspices of the Parish Council and wish to support strongly the objection to the application submitted by the Parish Council.
- 3 Very concerned that a garden centre in the proposed location will result in a quantum increase in the volume of traffic, both heavy goods vehicles making deliveries and private vehicles. Using the applicant's figures, the

Parish Council has estimated an extra 388 vehicle movements on weekdays and an extra 1686 at weekends. Surveys of weekday traffic flows through on Sand Street, Milverton show totals of between 2,502 (in 1991) and 3,377 (in 2003). This existing level of traffic movement is causing damage to the walls, cellars and pavements of the listed buildings which line the B3187 through Milverton. An increase in weekday traffic flow approaching 15% will clearly exacerbate the problem. The percentage increase in traffic during weekends will be significantly greater.

2 PRINCIPAL ISSUES FOR CONSIDERATION

A Does the development comply with relevant Local Development Plan policies and other material considerations? POLICY

B Are the proposed access and highway improvement works adequate in terms of highway safety to serve the development. ACCESS

C Is the landscape impact of the development acceptable? LANDSCAPE

D Have appropriate measures been included in the development to protect wildlife interests? ECOLOGY

E Have adequate measures been put in place to prevent flooding of the site. FLOOD RISK

F OTHER MATTERS

A. POLICY

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires planning applications and appeals to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. This is confirmed in PPS1 'The Planning System: General Principles'. The Statutory Development Comprises the following:-

- 1 Regional Planning Guidance for the South West RPG10 (2001).
- 2 Somerset and Exmoor National Park Joint Structure Plan Review (2000).
- 3 Taunton Deane Local Plan (2004).

Whilst the Structure Plan Review is a material consideration in the determination of planning applications, it is acknowledged that some of the policies are outdated. The Structure Plan will be replaced by the Regional Spatial Strategy when it is adopted.

The Taunton Deane Local Plan will in due course be replaced by the emerging Local Development Framework, but a number of the policies have been saved and remain part of the Statutory Development Plan. The relevant saved policies are set out in section 6 of this Report. Policy S1 sets out the Council's general requirements in relation to all new developments. It relates to eight key issues which comprise highway safety, accessibility to the development by means other than the private car, protecting wildlife species and their habitats, the potential impact on the character of the wider area, potential for pollution or nuisance, impact on amenity of potential users, protection of users against ground stability and the necessary provision of utility services. Policy S2 relates specifically to the design of new development and

sets out the broad parameters against which all design proposals will be assessed. It requires all new developments to be of good design and to take into account the character and design of the surrounding area by reinforcing local distinctiveness, taking account of nature conservation interest; minimizing any adverse impact on the environment, whilst making full and efficient use of the site.

The Authority seeks to limit new buildings to sites within defined settlements, ie towns, rural centres and villages. However, Policy S7 acknowledges that in certain cases new buildings can be acceptable. This approach is also in line with Government guidance set out in PPS1 and PPS7. The overall aim of Policy S7 is to ensure that any new development that lies outside a defined settlement boundary, both maintains and enhances the environmental quality and landscape character of the area. Furthermore, the policy requires the development proposal to accord with a specific policy in the Development Plan, in this case Policy EC20 of the Taunton Deane Local Plan.

Policy EC20 relates to proposals for garden centres. It identifies that proposals for garden centres will be permitted where they are located on land within or adjacent to towns or rural centres. The supporting text does say that within the countryside, the construction of large garden centre buildings and parking areas which also generate significant levels of traffic would be environmentally damaging and introduce further unwanted pressures. It goes on to say that all new garden centre proposals should be directed to appropriate sites within or adjoining the larger settlements. Whilst the points put forward by the objectors are noted, the application site is located on land adjacent to the settlement boundary of Wellington, and it is therefore considered to be an acceptable location for a garden centre in line with adopted policy.

Policies M1-M3 of the Taunton Deane Local Plan relate to the provision of transport, access and parking requirements of new development.

The emerging Regional Spatial Strategy for the South West (RSS) is also a material consideration. The document sets out the spatial framework for the future development of the region over the period 2006 – 2026. Once the RSS is approved by the Government, in addition to the Somerset Structure Plan it will also replace RPG10.

In January 2010, the Borough Council published its consultation document 'Core Strategy and Small Sites Consultation' as part of the Local Development Framework. This is not a draft plan and does not contain planning policies, rather it identifies a range of issues and options together with preferred directions for development policy. The Strategy Lead confirms that the document carries very little current status. The Core Strategy will not be at draft deposit stage until September / October and even then, this is a very early stage and remains with very little status. Given this lack of weight attributable to the current document, the Planning Solicitor considers that it would be inappropriate for the current application to be refused on the basis of this emerging policy, as there would be a real potential for costs to be awarded against the Council in the case of any subsequent appeal.

B. HIGHWAYS AND ACCESS

The submitted Transport Assessment has been compiled by traffic engineers and their conclusion is that the level of traffic generated by the proposal will be within the capacity of the existing road network and that the proposals do not create a

significant issue in terms of transport and access.

To assist with the promotion of sustainable transport, a Travel Plan framework has been included with the Transport Assessment.

In response to one of the points raised by Milverton Parish Council, the consultants contend that experience shows that most traffic to garden centres occurs at off peak times and accordingly it will not be exacerbated by the mid afternoon school rush, which in any event is of limited duration. They also consider that far less than 50% of traffic from Taunton would route via Milverton, as the roads are too narrow and slow to make this route an attractive alternative to the A38 route. Their conclusion is that the traffic generation through the village of Milverton is not likely to be excessive as a result of a garden centre at the proposed site.

The County Highway Authority does not raise objection to the proposal.

C. LANDSCAPE

The submitted Tree Survey Report concludes that provided the tree root protection areas are adhered to, then there will be little conflict between any development on the site and the retained trees.

A Landscape and Visual Constraints and Opportunities Report was also submitted with the planning application. This notes that the principal effect of any development on the site will be to extend the Wellington urban fringe further into the surrounding countryside beyond the natural barrier formed by the River Tone corridor. This effect has the potential to be adverse through the degradation of the traditional rural landscape character and increased influence of built form and infrastructure in views to and from the site. However, there is the potential to counter the degree or severity of the effect through the creation of a clear, defined and defensible boundary to the development by the incorporation of a strong and structured landscape strategy which responds to the contours and context of the site and by concentrating built form and 'developed areas' such as car parking, delivery and storage areas and landscaping products sales areas to the south of the site.

The building and parking area have been located and arranged to comply with the Landscape Architect's constraints and opportunities layout whilst maintaining the operational requirements of the garden centre. The overall aim of the proposals is to integrate the proposed development with its surroundings and minimise any adverse impacts of the development on the area's landscape character and ecology. These comprise:-

- 1 Retention of existing hedgerows, with the exception of a section removed to create the main access, and enhancement works to improve structure and species mix.
- 2 Retention and protection of existing trees and tree groups.
- 3 Creation of a structural buffer around the site varying between 10-15m with rough wildflower mix grassland, and groups of native trees and shrubs.
- 4 Creation of wet woodland and wet grassland areas adjacent to the Tone corridor.
- 5 Use of demonstration gardens and car park planting to showcase wildlife, climate change, low maintenance, etc styles of gardening.

The Landscape Officer does not raise any in principle objection to the proposal. Amended plans incorporate the stronger structural landscaping he requests.

D. ECOLOGY

The submitted Ecological Assessment sets out mitigation measures to be followed in order to minimize the impact upon otters, bats, dormice and nesting birds. These comprise:-

- 1 A corridor of at least 10m width of wet woodland and a further 10m of wet grassland to be planted along the River Tone.
 - 2 Buffer strips of at least 10m to be planted with native tree and shrub species along the north-west and north-east boundaries.
 - 3 Clear vegetation in winter outside the bird nesting season.
 - 4 Complete surveys for bats, dormice and badger and implement appropriate mitigation if necessary.
 - 5 Turn off lighting outside of opening hours during the bat active season (May – September inclusive).
- Eradicate the non-native Himalayan balsam from the site.

It is considered that if all this mitigation takes place, once the new planting has matured there could be a significant positive impact upon the ecology of the site.

E. FLOOD RISK

A Flood Risk Assessment was submitted with the planning application. With the exception of the small display garden area, the key elements of the development proposals are all sited within Flood Zone 1 and no further flood risk measures are required. The small display garden area will be constructed to match existing ground levels so that no flood plain storage is lost. A drainage strategy has been prepared to manage surface water runoff for rainfall events up to the 100-year return period, plus a 20% allowance for predicted climate change in accordance with PPS25, Development and Flood Risk. This includes provision of a sustainable drainage system (SuDS).

Neither the Environment Agency or the Council's Drainage Officer raise any objection to the proposal.

F. OTHER MATTERS

Planning Policy Guidance Note 24 'Planning and Noise' (PPG24) does not consider a garden centre to be a noise-sensitive development. Furthermore, activities taking place within the garden centre are unlikely to produce a level of noise that would impact on the existing noise climate at nearby dwellings. Any change in road traffic noise is unlikely to be perceptible.

The Baseline Lighting Survey submitted with the planning application considers that it is possible to develop an area of land and have minimal impact on the night time scene. This can be achieved with the minimal use of artificial lighting and as a result there are no proposals for signage lighting, building flood lighting, security lighting above the minimum or amenity lighting for car parks and footpaths. Various

recommendations are made in the Survey and it is considered appropriate that a condition be imposed requiring details of lighting in accordance with those recommendations.

11.0 CONCLUSION

The acceptability or otherwise of the proposed development should be considered against the Development Plan and other material considerations. Policy EC20 of the Taunton Deane Local Plan states that proposals for garden centres will be permitted where they are located on land adjacent to towns. The site is adjacent to the settlement limits of Wellington and therefore the principle of the proposed development is considered to be acceptable.

I consider that the proposed development can be satisfactorily accommodated on the site and the Landscape Officer does not raise objection to the proposal subject to appropriate structural landscaping.

My conclusion is that the proposed development is in accord with the provisions of the Development Plan and the appropriate material considerations and therefore planning permission should be granted.

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

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