

BLOOR HOMES LTD

CONSTRUCTION OF THE FIRST SECTION OF THE WELLINGTON NORTHERN RELIEF ROAD WITH ACCESS JUNCTION WITH TAUNTON ROAD, LANDSCAPE PLANTING AND DRAINAGE INFRASTRUCTURE AT LONGFORTH FARM, WELLINGTON

Grid Reference: 314032.121522

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

Subject to no adverse comments (raising new issues) being received by March 7th 2012, the views of the Drainage Officer, and the receipt of:

- Amended plans and ecological report identifying additional planting and vegetation cover (up to a height of 300mm) on the roundabout;
- Revised plans to take account of Highway Authorities comments;

The Development & Growth Manager in conjunction with the Chair be authorised to grant conditional approval for the following reason.

The proposed development will provide a suitable means of access to Longforth Farm, which is identified as a sustainable urban extension within the emerging Core Strategy for development. The proposal is accompanied by suitable landscape mitigation measures to help soften the impact of the development. Any impact on wildlife will be adequately mitigated and the favourable conservation status of European Protected Species will be maintained. The proposal therefore accords with the provisions of Policies S1, S2, S7 and EN12, Policies STR1, 9, 42, 44 and 49 of the Somerset & Exmoor National Park Joint Structure Plan and Policy SS3 and SP3 of the emerging Core Strategy and advice contained within Planning Policy Statements 1, 3 and 9, and, PPG13.

RECOMMENDED CONDITION(S) (if applicable)

It is expected that conditions (or other mechanism as necessary) will be imposed in respect of the following:

- Time Limit;
- Schedule of Plans;
- Ecological Mitigation Measures;
- Landscaping and long term maintenance;
- Contamination;
- Detailed design of the highway works prior to its construction (where considered necessary and reasonable);
- Lighting;
- Sustainable Drainage Scheme and long term maintenance and management;
- Details of timescale for provision of temporary access, site compound and

topsoil storage.

PROPOSAL

Full planning permission is sought for the proposed access junction from Taunton Road, at Cox's corner, into the 'Longforth Farm' site. The proposed junction would comprise a 'three armed' 40m diameter roundabout design. Details of a temporary access and site compound are identified. The scheme also includes the first section of the Northern relief road (6.75m wide carriageway), where it passes through the proposed green wedge. A 3.0m wide footpath/cyclepath is proposed on the northern sided carriageway. Details of landscaping, ecological mitigation measures and drainage infrastructure also form part of the submission, such provision also form part of the strategy for the wider allocation proposals for Longforth Farm.

Permission is sought for the detailed access arrangements in order to expedite the submission of a Natural England License, which can only be considered under a detailed application. The proposal therefore enables due consideration of the impact of the proposed highway works on ecology and would provide the opportunity for mitigation measures be carried out this year - subject to the grant of a license.

The application is accompanied by an Environmental Impact Assessment, updated by an ecological addendum and dormouse survey.

Revisions

In response to the Highway Authority safety audit the developer has submitted revised plans and further information (10.02.12), to respond to those points. Further revised plans are expected, to address the subsequent comments of the Highway Authority (15.02.12).

The landscaping and ecological information has also been updated to take account of changes to the scheme.

SITE DESCRIPTION AND HISTORY

Longforth farm comprises grade 1 agricultural land, straddled to the north by the railway line and to the west by the industrial premises of Relyon and Swallowfield. To the south is residential development and to the east, agricultural land, of which part is allocated for the relocation of the aforementioned businesses within the emerging Core Strategy.

This proposal forms part of the wider development plans to develop land at Longforth Farm, Wellington. The site is allocated in the emerging Core Strategy as a strategic site for an urban extension (of up to 900 houses). An outline application (43/11/0104) has been submitted for up to 503 houses (and community infrastructure) and is currently under consideration.

CONSULTATION AND REPRESENTATION RESPONSES

WELLINGTON TOWN COUNCIL – Supports the proposal.

The proposal complies with the emerging Core Strategy and is proposed to be on land identified for development.

NYNEHEAD PARISH COUNCIL – Objects to the proposals for the following reasons:

The proposed 'relief road' is not adequate because it would not provide a by-pass of the town centre for traffic from the Milverton direction wishing to go towards Chelston, nor for Swallowfield traffic, and would not take traffic away from the lanes through Nynehead. Because this long-term objective is not achieved by this scheme it would be wrong to develop on high quality agricultural land merely to provide more housing.

It was agreed to make two additional comments:

1. That if the scheme should go ahead the industrial land at the Nynehead/Poole junction should be served by a road from the new roundabout and;
2. That a footbridge over the railway should be provided rather than a long diversion over the Longforth Farm bridge. The footpath from Wellington to Nynehead, the medieval route, is well-used as a 'utility' path as well as for recreation purposes.

The Parish Council add that several representatives of the Council visited the exhibition and commented favourably on the quality of the displays and the useful discussions had with the applicant's consultants.

STRATEGY LEAD – Comments as follows:

1. These applications will provide for development of the first phase of the Longforth strategic site allocated in Policy SS3 of Taunton Deane Core Strategy 2011 – 2028 published plan. The plan was submitted to the Secretary of State in mid November 2011. There were only six responses to the Regulation 27 public consultation in July and August 2011. Five of these considered the policy sound and raised only matters of detail. The only objection was from DW Alder on behalf of landowners elsewhere, including Foxes Meadow, to the north of Wellington. The Core Strategy will be examined during the second week of February 2012, but the draft programme does not propose to hold a public hearing on the Longforth site. Therefore the Core Strategy has reached an advanced stage and is a material consideration. In view of the lack of objection to policy SS3 in particular, it would be appropriate to attach significant weight to it.
2. The proposals accord with Core Strategy Spatial Policy SP3 Realising the vision for Wellington. This includes strategic sites and new green wedges at Longforth and Cades/Jurston, provides for the relocation of Relyon and Swallowfield, a Northern Relief Road for Wellington and sustainable transport measures including a town bus service, reopening of the railway station and a network of cycle and walking routes.
3. Core Strategy Policy SS3 allocates Longforth and sets out in more detail the elements of the development and infrastructure required. The site is in a highly sustainable location within easy walking distance of the town centre services and facilities. For three decades Wellington has supported the development of Longforth and provision of the Northern Relief Road to remove HGVs from the town centre.

4. The current proposals have evolved through many meetings over recent years with Terence O'Rourke and Bloor Homes, including meetings with Wellington Town Council, Urban Initiatives, Somerset County Council, Natural England and Somerset Wildlife Trust. The applications provide for the first phase of the Core Strategy proposals. The development includes 503 homes, of which 25% are affordable, primary school, a green wedge with football and cricket pitches, pavilion and car parking, allotments, and landscape buffers to mitigate wildlife impacts, together with the first stage the Northern Relief Road and sustainable transport measures.

The applications are supported.

HIGHWAY AUTHORITY - The outline application 43/11/0104 is not considered in this letter and all comments on application 43/11/0105 are on the basis that the development will be approved, but do not express the County Highway Authority's approval of that development as a whole.

Due to time pressure, an initial audit of the latest drawings has taken place to try to determine whether the footprint of the proposed road and roundabout is sufficient to construct the works.

It is clear from our initial audit that some elements of the engineering details submitted are still unsatisfactory. I believe however that these details are easily capable of resolution. Those that relate to the roundabout do not require an increase in the footprint. Those that concern the distributor road however will require additional land. The comments by the Safety auditor concern the southern side of the distributor road between the roundabout and the Sports Facilities access. They suggest that approximately an additional 1m of land is required.

I have been asked about the suitability of planting on the roundabout. The design Manual for Roads and Bridges, Volume 6, Section 2, Part 3 (TD16/07) Geometric Design of Roundabouts in Para 8.4 and Table 8.1 states that Roundabouts of under 40m ICD require visibility over its whole area. Para 8.39 states that planting on the roundabout if required must have a low mature height. My interpretation of this would be that mature planting should be less than 300mm in height.

Therefore on the basis that these alterations will be made to the drawings I would not wish to raise objection to the principal of accessing the land in the manner proposed provided that permission is granted for the associated development and that suitable conditions are attached to any consent requiring the submission of further detailed plans for approval. It may be appropriate for these to be submitted as part of the S106/278 procedure as an appropriate legal agreement will be necessary to ensure suitable completion of the works.

The Highway authority will carry out a full audit of the submitted plans and I will send that as soon as it is available.

SOMERSET COUNTY RIGHTS OF WAY - This application abuts footpath WG 17/17 but it's unclear as to what extent it may be affected.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard

suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

In addition, if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from SCC Rights of Way Group.

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

If the work involved in carrying out this proposed development would

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483086.

LANDSCAPE LEAD – Subject to minor species amendments (reported to agent) proposals are fine.

Revised Comments - 17.02.12

- Minor species amendments to exclude Beech not locally indigenous to favour Ash and reduction in small leaved lime which is very rare in the Vale;
- Temporary soil storage looks fine;
- It is essential that the planting has an agreed maintenance and management plan to secure its long term establishment.

NATURE CONSERVATION OFFICER – Comments as follows:

The proposal is for full planning permission for the construction of the first section of the Wellington Northern Relief Road with a roundabout on the B3187 on land at Longforth Farm, Taunton.

Several protected species will be affected by this development hence the number of wildlife surveys submitted with this application.

Bats - The development of the roundabout will result in works taking place very close to a tree known to be used as a roost by common pipistrelles. I support the proposal to erect bat boxes in the vicinity of this and another tree on the sports field. If it becomes apparent that works need to be carried out on either tree then that developer may need to apply for European Protected Species (EPS) licenses. The trees must be protected throughout construction works.

The route of the road appears to be within 200m of the tree containing the barbastelle roost. I would therefore expect road construction to only take place

during the winter months as suggested. Sensitive lighting of the road is essential.

Dormice - Surveys carried out in 2008 confirmed the presence of dormice on site, particularly on the eastern part of the site in the vicinity of the new roundabout. This roundabout will isolate the southern and northern section of the site and so limit movement of dormice. Loss of hedgerows may also result in killing or injuring of dormice and so an EPS license is required. If at this late stage access of the relief road onto the B3187 could be rethought then the situation would be greatly improved for dormice.

Great Crested Newts - The construction of the road, if unmitigated, will result in fragmentation of habitat that may be used by GCN for foraging and shelter. I therefore agree that an EPS license is required to carry out this development. Translocation of the newts will be required prior to the construction activity commencing on site.

The proposed road tunnels and additional landscaping proposed will be essential to aid movement of GCN around the site.

Reptiles - A population of slow worms were recorded on the eastern side of the site where a cutting enters the site from Taunton Road. These reptiles will be affected by this proposal.

Badgers - The southern badger clan close to Drakes Place in the south of the site will be most affected by the construction of this road. As well as the loss of foraging habitat and disruption of foraging routes, there is potential for badgers to be injured crossing the new road. I therefore support the proposal to construct three badger tunnels with associated fencing and landscaping.

Birds - The vegetation on site, particularly the hedge to be removed, offers nesting habitat for birds. Any removal of vegetation should be carried out outside of the bird nesting season.

In accordance with PPS9 I would like to see wildlife protected and accommodated in this development. Condition and notes recommended.

Further Comments 27.01.12

I consider that Favourable Conservation Status for dormice can be achieved if the applicant full carries out the mitigation proposed in the November 2011 report.

Revised Comments 14.02.12 (in response to amendments)

Upon further discussion with the agent I understand the constraints of planting up the roundabout. This is not crucial to maintaining the Favourable Conservation Status for dormice, although it is desirable. I suggest that the applicant should investigate the feasibility of planting on the roundabout or extend the proposed planting alongside the new road alignment. I have previous experience of other road schemes where roundabout planting that did not exceed 300mm. Can this not be achieved in this instance as any vegetation cover for dormice would be preferable to grass? In the event there are clear and overriding reasons why this is not achievable then the roadside planting should extended to provide a pinch point.

NATURAL ENGLAND – Comments as follows:

Following comprehensive species surveys the detailed reports confirm that the site is used by many protected species including dormice, bats and great crested newts. All three species have European Protection and Natural England has been working closely with the ecological consultants, Somerset Wildlife Trust and County and District ecological officers aimed at reducing the impacts upon the species as much and wherever possible. However, there still is an impact on them and European Protected Species licenses are needed from Natural England before the construction of the road can proceed.

The remaining comments from Natural England are covered within their revised statement below:

Revised Comments 22.12.11

The dormouse survey report dated November 2011 confirms that dormice are still using the site and are impacted upon by the development. A European Protected Species (EPS) license is required from Natural England before the construction of the road can proceed. The new road severs the habitat for dormice (and other protected species) and the impacts are high. It is noted that the report suggests that a detailed method statement will be produced at a later date to accompany the license application including detailed mitigation.

The concerns for the hazel dormouse we raised in our previous response still apply. The species range over a large area and are known from recent research to cross some roads with widths similar to the B3187. In this case they are impacted upon more than we had first envisaged because of the requirement of the Highway Authority to construct a roundabout. The impacts upon their habitat both sides of the road are high, and will limit their movements within the site and beyond. The habitat links will be severed and habitat connectivity broken without sound mitigation, we would support an alternative if it was available. In the dormice report it suggest planting up the roundabout to assist the dormice to disperse off the site but before this is included in a licence application it would need the support of the Highway Authority.

We note that the site will be developed over a period of time and under Article 12 of the Habitats Directive member states, of which this country is one, we are required to prohibit the deterioration and destruction of breeding sites and resting places for EPS. The Commission guidance makes it clear that 'deterioration' must be linked to an action (in this case isolating good quality hedgerows), which can take place over an extended period. The Article 12 guidance summarises this as: 'deterioration can be defined as physical degradation affecting a breeding site or resting place. In contrast to destruction, such degradation might also occur slowly and gradually reduce the functionality of the site or place'.

The Commission Guidance also goes on to note that breeding sites and resting places are crucial to the life cycle of the animals and that the aim of the protection under the Directive is to safeguard the continued ecological functionality (CEF) of such places. Functionality in this case of the dormouse would mean trying to retain connectivity of dormouse habitat through the maintenance of hedgerows, scrub etc, to allow for an appropriate level of movement of the species for distribution across their habitat but also to maintain woodland, scrub, hedgerows etc for the purposes of

breeding and nurturing young.

Taunton Deane District Council as the planning authority has to have a due regard to the requirements of the EC Habitats Directive when determining a planning application, as prescribed by Regulation 9(5) of the 2010 Habitats Regulations. In determining the application, the authority must be satisfied that the proposed development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'. In addition the authority must be satisfied that, (a) that there is no satisfactory alternative and (b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

This advice is not a guarantee that the License Team will be able to issue a license, since this will depend on the specific detail of the scheme submitted to them as part of the license application. They will require a mitigation scheme that ensures no net loss of habitat, maintains habitat links and secures the long-term management of the site for the benefit of the European Protected Species. They will wish to see that the CEF for the species is maintained.

COUNTY COUNCIL BIODIVERSITY OFFICER – Comments as follows:

I have attended several meetings with regard to the wildlife issues on this site and assume that the agreed mitigation has been carried forward into the application. My views echo those of Barbara and Linda. I would like to be assured that public access to fields through the woodland buffer planting would not be possible – currently the cross section in 43/11/105 shows only badger proof fencing and as I understood it at a meeting there would be fencing to prevent access. I would also emphasise the need for sensitively designed lighting scheme. Lighting schemes for developments are usually designed by SCCs street lighting section and the developer will need to stress the requirement for this due to effects on European protected species. It is also stressed that the complete buffer planting scheme be commenced as soon as possible.

ENVIRONMENT AGENCY - No objections subject to the requirement for a surface water drainage scheme and site investigation be secured by condition. The proposed roundabout and access road are included within outline planning application 43/11/0104 for which the principles of surface water disposal has been agreed in a Flood Risk Assessment prepared by MJA Consulting, dated October 2011 and referenced 11/0136/4492 Rev C.

In the FRA, it was proposed that surface water drainage from the access road and roundabout be discharged to an underground attenuation tank. This is still the case, although when reviewing the application against the outline proposals, the tank appears to be located in a landscape buffer. We would like to highlight that it might be better to investigate using a soakway or above ground storage area instead, particularly from a maintenance (and therefore contributions) point of view.

Whilst we are satisfied that the drainage proposals for this application generally accord with the principles of the above FRA, we recommend that the above condition is imposed on any permission granted as further details are sought.

Ideally, the details of the drainage of the roundabout and road should come after the condition for a surface water masterplan imposed on any outline permission granted. This is advised so that there is some clarity on how drainage from the residential areas ties in with the drainage from the infrastructure network.

Conditions should be placed on any permission granted to secure details of the works agreed in the surveys for dormice, badgers and Great Crested Newts. This will include detailed design of the ponds for surface water attenuation and we wish to be consulted on any such details.

We understand that maintenance of the SuDs features on site is to be offered for adoption by TDBC. Contributions and requirements for this need to be agreed with your Drainage Engineer and secured in an appropriately worded Section 106 Agreement attached to any permission granted. Maintenance responsibilities for the ecological mitigation measures will need to be agreed and included in the Section 106 Agreement too.

Representations

6 letters of OBJECTION have been received. Summary of OBJECTIONS: (some of which relate to the application for 503 houses that is not under consideration)

Policy

- Site is not allocated in adopted Local Plan;
- Previously dismissed by Local Plan Inspector on the grounds of its unsuitability – ‘loss of large area of best and most versatile land [grade 1] and a scale of development proposed is not appropriate to Wellington’;
- Contrary to paragraph 69 of PPS: Housing in that it is not environmentally sustainable;
- Conflicts with and is contrary to emerging government guidance set out in the draft National Planning Policy Framework in that it would not protect and enhance the natural resources;
- Council’s draft Core Strategy has not yet been the subject of an Examination and has not been tested; until it has been tested little weight can be attached;
- Proposal does not accord with Policy SP3 in that it fails to ‘Provide a Northern Relief Road...’ as an integral part of the development and as part of its initial phases;
- Provision of Northern Relief Road is reliant upon the relocation of Relyon and Swallowfield as they are in the path of the proposed route; due to economic reasons the relocation of Relyon and Swallowfield premises is unlikely to be achieved as the costs will significantly exceed value; area identified for relocation not of sufficient size;
- Provision of the entire Northern Relief Road is a key justification for the draft identification of the site as a Strategic Site in the draft Core Strategy; in bringing forward only part of the Relief Road the proposal is contrary to Policy SS3;
- Site identified as a Strategic Site to deliver 900 houses; however, due to ecology constraints this scale of development is not achievable.
- Core Strategy Policy SS3 identifies essential elements of infrastructure that should be delivered as part of the development of this site. These include:
 - Local Centre

- Doctors Surgery
- Community Hall
- Places of Worship
- Local Convenience Shopping
- Bus loop linking the site to the Town Centre and Railway Station;
- 11 ha of employment land

These elements have not been provided and there is no guarantee they will in the future or subsequent phases;

- The current planning application must be viewed as part of the whole of the Longforth Farm development if development planning is to mean anything at all.
- The Wellington Relief Road would not be necessary if Relyon re-located to the industrial estate and sold their land for the building of houses; An incentive scheme to enable this to happen would save money;
- Why were the developers of the 800 plus houses at Cades Farm and Victoria Green not asked to contribute to the building of the road thus saving the despoliation of yet more countryside by the construction of more houses?

Sustainability

- The site is poorly served by public transport and will therefore not encourage travel by sustainable modes;
- The Transport Assessment acknowledges that, without the completion of the Northern Relief Road, it would not be viable to penetrate the site with bus services, with benefit outweighed by delays to current bus users;
- This means that all of the proposed residential development is further than the accepted maximum 400m (5 minute) walk distance of bus stops on Taunton Road and Station Road, with some of the residential development in excess of 1km distance from the nearest shops;
- The completion of the Northern Relief Road is therefore vital as part of this application to provide realistic travel choices, for the majority of trips, other than by private car.

Ecology

- The site has a number of European Protected Species (EPS) and will necessitate a license from Natural England;
- It is questionable whether the development satisfies two of the derogation tests under the Habitats Directive;

Amenity/Public Safety

- The proximity of buildings adjacent to the railway will give rise to problems relating to the safety of the railway and stability of the embankment;
- Is the housing adjacent to the railway social housing?
- Network Rail has objected to this proposal;
- Noise and vibration (development east of Longforth Farm 26/08/0011 refused on noise grounds);

Visual Impact

- Development would adversely affect the character of the Farmed and Settled Low Value landscape (EN12), and the landscape setting and character approach route into Wellington on Taunton Road (W14)
- The proposals will have a visual effect on the Nynehead Court registered park and garden (EN20).
- Landscape mitigation is necessary;

Access

- There should be no future access from Nynehead Road to any development at Longforth Farm as:
- It would be impossible to adequately screen the development from view (as it's the case with the unsightly Chelston Business Park and Cades developments);
- The access would detract from the historic significance of the Nynehead Court entrance gates/driveway;
- It would increase traffic on the Nynehead Road;
- What is the long-term proposal for the management of business traffic to designated employment areas on the Longforth Farm development?
- Do not meet the needs of existing industries;
- No vehicular access to Brendon Road or beyond;
- The rural nature of Nynehead Road should be retained and the Nynehead Court gates enhanced in a similar manner to the enhancement schemes currently taking place on Hornshay Farm;
- The relief road will funnel the traffic onto the congested A38, the traffic situation has been exacerbated by the traffic situation in Wellington;
- Loss of ancient footpath from Parish Church to Nynehead;
- Any benefit from removing HGV's from town centre will be replaced by the vehicles of 500 new houses.

Facilities

- Will local schools be able to cope until new school provided;
- Site area allocated for sports pitches is insufficient for all 3 uses.

1 letter requesting the following to be taken into account:

- As the site has easy car access away from the town A38/M5 it is important that there are lit walking and cycling routes into Wellington High Street; including upgrading existing routes where necessary;
- Public footpaths towards Nynehead (north) should be seen as a benefit not a burden, accessing fine countryside, and is currently well used;
- Installation of a safe railway crossing will be a considerable social benefit – planning gain;
- Important to have attractive frontage at the gateway to Wellington;

4 letters of SUPPORT have been received. Summary of support:

- Any relief from the large vehicles along Taunton Road and High Street is supported;
- Road should have been built years ago.

5 letters confirming NO COMMENTS/OBSERVATIONS have been received.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
PPS7 - Sustainable Development in Rural Areas,
PPS9 - Biodiversity and Geological Conservation,
PPG13 - Transport,
S1 - TDBCLP - General Requirements,
ROW - Rights of Way,
EN3 - TDBCLP - Local Wildlife and Geological Interests,
EN12 - TDBCLP - Landscape Character Areas,
STR1 - Sustainable Development,
S&ENPP42 - S&ENP - Walking,
S&ENPP44 - S&ENP - Cycling,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
SS3 - TD CORE STRATEGY WELLINGTON LONGFORTH,
SP3 - TD CORE STRATEGY REALISING THE VISION FOR WELLINGTON,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
W14 - TDBCLP - Landscape Setting of Approach Roads,

DETERMINING ISSUES AND CONSIDERATIONS

It is considered that the main issues in the determination of this application relate to: Policy; Highways; Character and appearance; Drainage and Ecology.

Policy

This application details the proposed primary means of accessing Longforth Farm from Taunton Road. The site is allocated within the emerging Core Strategy – Policy SP3 and SS3. This proposal would provide certainty that a suitable means of access can be provided and expedite the ability of the developer to submit a European Protected Species license to undertake necessary ecological mitigation this year. The first part of the Northern Relief Road, that forms this detailed application, would be constructed up to the point of the proposed developable land identified in the outline application.

The outline application will be assessed on its merits and will be reported to Members, once all matters have been fully considered. This will include full consideration of those issues which have raised in the consultation response which do not directly relate to this application.

Highways

The response of the Highway Authority indicates that there is no fundamental objection to the proposal. However, further revisions have been sought following an updated safety audit. The applicant has confirmed, verbally, that these changes will be made. Members will be informed of progress and any further views of the Highway Authority through the committee update sheet procedure.

Character and appearance

The proposed roundabout and initial section of the relief road will be constructed at the height of Taunton Road, which sits beneath the existing ground level of Longforth Farm. This infrastructure will therefore be dug into the existing landform by approximately two and a half metres with roadside embankments created to the north and west. Within the site, the road follows the contours of the existing landform, so far as is practically possible, thereby helping to minimise the landscape impacts.

It is accepted that the proposed roundabout and highway works would have a significant impact on the approach route into Wellington. However, any access into the site from Taunton Road would also have an impact on the approach route into Wellington. The roundabout provides a suitable means of access, in close proximity to the town centre, and would comply with the Highway Authorities technical requirements as a means of access into the site. Therefore, it is considered that the harm arising from the highway works would be outweighed by the wider public benefits of providing a means of access to a sustainable urban extension.

The landscape officer considers the proposed landscape mitigation measures to be acceptable and the landscape buffer planting, and formal street trees, will help to soften the impact of the works.

Drainage

The scheme includes the provision of a sustainable drainage scheme, as part of the surface water drainage solution for the highway works. However, they are designed (subject to final detailing) to cater for the surface water drainage of the wider allocation. The Environment Agency has raised no objection to the proposals subject to details of a surface water drainage scheme, to be secured by condition, and confirmation of its operation and management. The views of the drainage officer will be reported to Members by way of the update sheet.

Ecology

An ecological survey has indicated that the proposed development will impact upon wildlife. Importantly, both bats and dormice, which are European Protected Species, will be directly impacted upon by the proposal, and as such requires due consideration.

The ecological survey indicated that dormice currently live in the hedges on the application site. The works involved in the development will see new breaks formed in the hedgerows in order to accommodate the highway works. In addition an Oak tree is identified to be felled, which although in poor health, has been identified as a likely roost for common pipistrelles.

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

(i) Whether the development is for one of the reasons listed in Regulation 53(2).

This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" (none of the other reasons would apply in this case);

(ii) That there is no satisfactory alternative;

(iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The need for additional housing is in the public interest and it is clearly in the public interest to deliver this housing in the most sustainable way, at the most sustainable and well planned sites. The site is identified within the emerging Core Strategy as a Strategic Site for future development and the position of the access point, in relation to the town, is supported.

(ii) That there is no satisfactory alternative

The emerging Core Strategy identifies a need for Wellington to accommodate a substantial number of new dwellings, including residential development of Longforth Farm. The emerging Core Strategy considers the site to be a sustainable location for development and accordingly other alternatives would result in less sustainable development, which is clearly not satisfactory. Furthermore, other sites (including those also proposed for further development) are also known to accommodate European Protected Species, including dormice, and as such, the development of these sites would similarly impact upon the species.

In terms of an alternative junction design the current position of the Highway Authority is that a roundabout is necessary to meet highway standards. The proposal is therefore put forward to satisfy the technical requirements of the County Highway Authority.

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

Considerable time resources have been expended by the developer, Natural England, and County and District Biodiversity Officers during pre-application discussions, to ensure the minimal impact on protected species and their habitat. The proposed mitigation measures include: bat boxes; three wildlife (badger/newt) tunnels; sensitive (or directional) lighting; pinch points for mature planting where links intersected; and, provision of extensive native planting. The Biodiversity Officer is now content that FCS for protected species can be maintained, subject to those measures being carried out and secured by condition.

The Highway Authority has also confirmed that there is no objection to the provision of vegetation on the roundabout below 300mm. This vegetation cover will provide additional habitat for dormice and form *part* of the mitigation measures. The agent

has confirmed this will be incorporated into the mitigation proposals.

In summary, it is considered that the impact on wildlife can be adequately mitigated and that the principles of an ecological management plan that have been submitted are acceptable for this purpose. Subject to the imposition of conditions, the impact on wildlife is considered to be acceptable.

Conclusion

It is considered that, subject to resolution of technical highway details, the provision of a roundabout and distributor road provides a suitable means of access to Longforth Farm, the principle of which is established through the emerging Core Strategy. The proposal incorporates suitable landscape proposals to assimilate the development. Furthermore, due consideration has been given to the impact of the works on wildlife and having regard to the proposed mitigation the Favourable Conservation Status of Protected Species will be maintained. The application is therefore supported subject to the requirements set out in the recommendation.

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

CONTACT OFFICER: Mr A Pick Tel: 01823 356586