

CMS DEVELOPMENTS

ERECTION OF TWO HEALTH CARE FACILITIES COMPRISING OF A 28 BEDROOMED LOCKED REHABILITATION UNIT (C2) AND A 28 BEDROOMED LOW SECURE FACILITY (C2A) WITH ASSOCIATED ACCESS AND WORKS AT WIVELISCOMBE BUSINESS PARK, WIVELISCOMBE (AMENDED SCHEME TO APPLICATION 49/11/0053), WITH ADDITIONAL INFORMATION AND AMENDMENTS RECEIVED AUGUST 2013

Grid Reference: 308872.127648

Full Planning Permission

RECOMMENDATION AND REASON(S)

Subject to the applicant and operator entering into a Unilateral Undertaking in respect to the operation of the facility and police attendance/responsibilities:-

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A3) DrNo A09.002L (PA)001/PA4 Site Location Plan
(A1) DrNo A09.002L (PA)001/PA3 Site Location Plan
(A1) DrNo A09.002.L (PA)002 Site Master Plan
(A1) DrNo A09.002L (PA)003/PA3 Site Plan
(A1) DrNo (9)200 Rev D Proposed Drainage GA
(A1) DrNo (9)201 Rev C Details of Attenuation Pond and Outfall
(A1) DrNo (9)202 Rev A Proposed Surface Drainage Details Sheet 1
(A1) DrNo (9)203 Proposed Site Drainage Layout Plan
(A3) DrNo S947/(9)203 Proposed Site Drainage
(A1) DrNo 09.002E (PA) 020/PA3 Elevations Low Secure Care Facility
(A1) DrNo 09.002E (PA) 025/PA3 Elevations Locked Rehabilitation Facility
(A1) DrNo 09.002E (PA) 030/PA3 Sections Low Secure Care Facility
(A1) DrNo 09.002E (PA) 035/PA3 Sections Locked Rehabilitation Facility
(A1) DrNo 09.002S (PA) 040/PA3 Site Sections
(A1) DrNo A 09.002.L(PA)002/PA6 Site Master Plan with cycle parking
(A1) DrNo A 09.002.L(PA)015/PA5 Floor Plans of Rehabilitation Facility
(A0) DrNo G01042SX Site Survey

(A3) DrNo 09.002.L(PA)050 3D Model View Low Secure Unit
(A3) DrNo 09.002.L(PA)051 3D Model View Entrance View of Rehabilitation Facility
(A3) DrNo 09.002.L(PA)052 3D Model View Garden View of Rehabilitation Facility
(A3) DrNo 09.002.L(PA)053 3D Model View looking northeast
(A3) DrNo 09.002.L(PA)054 3D Model View looking southeast
(A3) DrNo 09.002.L(PA)055 3D Model View looking northwest
(A3) DrNo 09.002.L(PA)056 3D Model View looking southwest
(A3) DrNo A 09.002L (PA)015 Floor Plans Rehabilitation Facility
(A3) DrNo S947(9)301B Proposed General Arrangement of Proposed Section 278 Works
(A0) DrNo P109-2196-A Lighting Proposals
(A0) DrNo 13-41-01 and 02 Landscape Proposals
(A3) DrNo 13-41-03 Landscape Sections
(A3) DrNo A09.002L(PA)002 PA6 Site Master Plan

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

3. 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 ensure that the proposed development does not harm the character and appearance of the area.

4. The premises shall comprise of 2 separate Units.

One Unit shall be used for the purposes of a C2 Mental Health Rehabilitation Residential Facility and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

One Unit shall be used for the purposes of a C2A Low Secure Residential Mental Health Hospital Facility and for no other purpose (including any other purpose in C2A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order for the Local Planning Authority to assess the impact of an alternative use on the level of parking required and amenity of local residents.

5. The buildings shall not be occupied until a means of vehicular access, the

works to the B3227, the cycleway and footpath, and bus laybys have been constructed in accordance with the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

6. The area allocated for parking and cycle parking on the submitted plans 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/cycles 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 and to provide cycle parking facilities.

7. 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 5837:2012. 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 5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

8. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

9. There shall be no floodlighting to the buildings hereby approved without the prior written consent of the Local Planning Authority.

Reason:- In order to help protect the wildlife in the area, and to minimise the amount of lighting on the edge of Wiveliscombe.

10. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of SLR Consulting Ltd's ecological appraisal dated February 2013 and emergence bat surveys on individual trees if required 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 places of rest for dormice and nesting birds.

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

Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect wildlife and their habitats from damage.

11. No development approved by this permission shall be commences until a full operation and maintenance strategy has been submitted to and formally approved in writing by the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme. The strategy shall thereafter be implemented.

Reason: this information is required for the future maintenance in order to avoid environmental amenity problems.

12. The development hereby permitted shall be carried out in strict accordance with the details and plans within the approved Flood Risk Assessment (prepared by ACEIS and dated January 2013).

Reason: To ensure that flood risk is not increased and to protect water quality through the use of SuDs.

13. Prior to the commencement of development an Environmental, Landscape and Ecological Management Plan and a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The

Plan shall include measures to protect wildlife during the construction of the surface water drainage infrastructure serving the development. The Construction Method Statement shall include details of how risks of water pollution shall be minimised during the construction phase of the development. The Environmental Management Plan and Construction Method Statement shall be implemented in accordance with a timetable to be submitted and agreed with the Local Planning Authority.

Reason: To prevent pollution of surface waters and to protect and enhance the biodiversity value of the local watercourses.

Notes to Applicant

1. The Biodiversity Officer Advises:-

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.

2. 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.

3. Bats may be roosting in trees on site. Bat boxes could be incorporated within the scheme.

The species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2010. If the local population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.

2. The Environment Agency advises that:

There is an inference in the FRA that the system for this development may be used to serve any future development. How this will be achieved would need to be detailed in any subsequent application. The surface water drainage pond is located very close to the existing watercourse along the southern boundary. The package treatment plant for foul drainage disposal may require a Permit or Exemption from the Environment Agency. The applicant should visit our website at the following link for more information:

<http://www.environment-agency.gov.uk/business/topics/water/110593.aspx>

3. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

PROPOSAL

This is an application for a Care facility at Wiveliscombe Business Park

There will be two main buildings sited to the east of a new tree lined access road, south of the B3227. The northern most building will be the two storey locked rehabilitation facility, with the single storey low secure facility to its south. There will be a 3m high landscaped bund alongside the new access road and running along the southern boundary, topped with a 2m high acoustic wall. Each building will have its own carpark to the front with landscaped grounds to the rear. There will be a 1.8 m open mesh fence on the eastern and northern boundaries. The low secure facility will have a 3.6 m fence surrounding the building and grounds.

The low secure facility has been designed to minimise visual impact from the B3227 and surrounding area. The materials will be brick, slate roof, stone colour render, timber panelling with aluminium windows. There are large overhanging eaves to incorporate gutters and an element of solar shading and to prevent patients gaining access to the roof. The Locked Rehabilitation Facility has the same materials with more timber panelling on the first floor.

The access road is in the same position as the road previously approved for the development of the whole site as a new Business Park with a new entrance, a protected right turn, a footpath/cycleway link to Wiveliscombe and relocated bus stops. The speed limit will be reduced to 30 mph from Manor Farm. The current proposal will occupy 3 of the 11 acres of the development site.

All patients will be from the NHS and are referred from specialised commissioning groups, from Primary Care Trusts, Case Managers, Bed Managers or from a Consultant Psychiatrist.

Rehabilitation Facility - The agent's Design and Access Statement states that there are no female specialist rehabilitation beds locally, that it is important that these clients be treated close to their home community and family. As part of the care pathway, patients at the low secure hospital may step down to this hospital when the care team consider they no longer require a secure environment. This will cater for adults aged over 18 with a mental illness and/or learning disability who require care in a locked-door environment. The likely services will be female, with a mental disorder such as anxiety, depression, schizophrenia, and/or personality disorder; and/or a mild learning disability/developmental disorder.

Low Secure Facility - The agent's Design and Access Statement states that the South West Commissioning Group has identified material numbers of patients who are being treated in secure hospitals across the UK due to the absence of sufficient facilities in the South West region. The Department of Health advises that patients should be treated at the lowest possible level of security and close to home.

Currently there are local women separated from their families due to a lack of suitable care regionally. This will be for adults over 18 with a mental illness and/or learning disability who require hospital care in a secure environment. Patients are detained under the mental health act, with a mental disorder such as anxiety, depression, schizophrenia, and/or personality disorder and/or a mild learning disability or developmental disorder such as Autism and Aspergers syndrome.

The Application is accompanied by a

- Design and Access Statement,
- Transport statement,
- Travel Plan,
- Flood Risk Assessment,
- Ecological report,
- Acoustic report,
- Arboriculture report,
- Environmental Performance Statement
- Landscape Strategy
- Statement of Community Involvement
- Odour Constraints assessment (having regard to the Vion abattoir and meat production facility and the Wessex Water treatment works)

These reports, statement and plans conclude that the proposal is appropriate to the area, won't result in a material increase in daily trips above the consented uses; is in a sustainable location and is accessible by several modes of travel including bus services; won't result in loss of protected species or any trees; has included PV panels and incorporates sustainable design principles to deliver an environmentally responsible scheme; and will not detrimentally impact on the approved uses within the remainder of the site or be impacted by them or the existing uses close to the site.

Local residents raised a number of issues at the meetings held in November last year, including the wrong site for this type of use, the potential upsetting noise emanating from the abattoir, poor transport links, lack of housing for the new staff, concern about the type of patients and the nature and behaviour of visitors which could bring crime to the town, concern about threat to the established community, loss of the business area; some residents also gave support to the scheme.

Revised details

Additional information and amended plans have been received. Comments raised by local residents have led to confirmation that the reports, submitted with the previous application are also relevant to the current application and contain up to date information. The use of the units has been clarified, details of the proposed landscaping, fencing, lighting and additional car parking spaces, now 70, have been submitted. The red line has been amended to include the proposed footpath/cycleway and new bus lay-bys; these were included in the details on the original application, and had previously been approved in earlier applications. In addition there are responses to concerns raised by local residents.

The staffing details have been submitted, this includes nurses, healthcare assistants, therapists, a doctor, housekeepers and admin staff. The total is 120,

which the operator considers half will be sourced from commuting distance from Wiveliscombe and half from internal/external relocation. The general clinical positions, including healthcare assistants and clinical nurses, admin and support will primarily be sourced locally or from commuting distance of Wiveliscombe.

The landscaping scheme now has full details of the proposed planting around the site, including new trees and shrubs along the eastern boundary which faces farmland to the east of the town, southern boundary which is to the adjacent site, western boundary to the new access road and some new planting to the northern boundary which is with the existing treed boundary. There are details of the planted (with climbers) bunds with the acoustic fence which will face the new access road and the southern boundary, with a gap for access into the site. This is designed to reduce noise from the remainder of the employment site to the new units. There is about 10m of planting between the back edge of footpath to the acoustic fence, which includes a line of lime trees and extensive shrub planting. A mounded area, reaching 2m in height, is also shown to the east of the northern unit, which will help screen the units from the east.

The lighting plan shows that the main areas to be lit are the two car parks. There will be some bollard lighting to the rear, on the paths and in the courtyards. There are no plans for floodlighting.

Additional information on the Flood Risk Assessment, includes comments that although the originally submitted Flood Risk Assessment contains reference to PPS25, the NPPF and supplementary technical guidance notes retains key elements of PPS25, including the emphasis on the sequential test to prove the suitability of a development location in directing development from areas at high risk of flooding.

There are also details about the drainage ditches in the area, the drainage consent notes that there appears to be a number of discharges to the western and northern ditch which do not have the appropriate discharge consents. The current application does not propose to link with the western and northern boundaries, the flow of surface water from the site will be to the southern stream. The developer will undertake further discussions with the Environment Agency, Wessex Water and the council's Drainage Officer to progress the SUDS scheme.

An Odour report has recently been submitted directly to Wessex Water in respect of the Treatment works and a detailed assessment of potential odour emissions. It concludes that the predicted odour exposure at the proposed development site is well below the agreed criterion for protection of amenity and below the more stringent criterion applied in some instances in the UK, and it is therefore unlikely to lead to complaints, significant pollution or significant detriment to the amenity at the proposed development site.

SITE DESCRIPTION AND HISTORY

The site is the Wiveliscombe Business Park, an 11 acre site on the east side of Wiveliscombe, just to the south of the B3227. The site is currently an agricultural field, with the access also serving the Wessex Water Treatment works; the nearest point of the works being approx 170m from the edge of the main application site.

The Vion abattoir and meat processing unit with its access from Sandy's Moor, is sited approx. 220m to the west of the site. Manor Farmhouse (Listed Building) is approx. 200m to the east, with its associated agricultural buildings to the west of the Farmhouse. The nearest residents are in Ashbeers, approx. 66m to the north-west of the site. It is approx. 700m to the traffic lights in Wiveliscombe.

Relevant Planning History

49/03/0039 - 13,000sqm B1(c), B2 and B8 uses, including a condition for the construction of a 3m wide footway/cycleway along the southern side of the B3227, to link the site with the existing network of footways in Wiveliscombe. Granted 01/10/03.

49/06/0071 - 12,250 sq m B1(c), B2 and B8 uses, with the same condition to construct a footway/cycleway, and to close the existing access. Granted 25/06/08.

49/11/0031REX - 'extending the time limit' on 49/06/0071. Granted 16/08/11.

49/11/0053 - erection of two health care facilities comprising a 28 bedroomed locked rehabilitation unit (C2) and a 28 bedroomed low Secure Hospital (C2A) with associated access and works. Application was withdrawn.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - In regards to this scheme the applicant has provided a Transport Statement to assess the traffic impact. From the details provided in Table 5.3 it is apparent that the proposed scheme would see a reduction in vehicle movements in the AM and PM peak. However in terms of the daily trip comparison it is apparent from Table 5.4 that there would be an increase of 17 vehicle movements during the day although the majority of these are outside what is considered to be the peak periods. The applicant has indicated that they consider that this increase to be negligible. It is the Highway Authority's opinion that this proposal would still see an increase in vehicle movements over what had been previous permitted for this site.

In terms of access the applicant has indicated that this will remain identical to that which had been previously permitted. The access arrangements will consist of a standard 'T' junction with a right hand turn lane. Although there is no objection in principle to these works it does not appear that the applicant has submitted drawings detailing the highway works. As a consequence the Highway Authority cannot provide full comments on whether the proposed access details are acceptable until a set of highway drawings have been submitted. The applicant should note that these works would need to be subject to a legal agreement. In addition it was noted from viewing drawing A09.002.L (PA)003 Rev PA3 that the red line does not meet the adopted highway as a consequence the proposal does not have access to the highway.

Further to the proposed highway works set out above it is understood that part of the previous proposal required a pedestrian/cycleway link to the centre of

Wiveliscombe plus the installation of two bus lay-bys. No detailed plans have been submitted to show the proposed works. As a consequence the Highway Authority would need detailed design drawings to be submitted for Safety and Technical Audit and would need to be subject to a S278 legal agreement.

The applicant has provided a Travel Plan as part of the submission. This has been passed to Somerset County Council's Travel Plan Co-ordinator for audit. At present this audit has not been completed so I am not able to provide a substantive response on the merits of the submitted Travel Plan. Once this audit has been completed the report will be submitted to the Local Planning Authority.

Turning to the internal site arrangements the proposal has made provision for 59 parking spaces within the site. This is broken down into 43 spaces for the low secure facility and 16 spaces for the locked rehabilitation facility. Since the previous planning application was permitted Somerset County Council has now adopted a new Parking Strategy for the county. For a C2 Use the new strategy requires that parking is provided on a ratio on 1 space per 6 bedrooms. As a consequence the site should provide a maximum of 10 parking spaces and not the 59 spaces that have been proposed. The Highway Authority would usually require the applicant to amend the scheme to reflect the required parking standards. However it is apparent from the details provided and the sites location that the level of parking required by the Parking Strategy would not be adequate to serve this proposal. As a consequence it is felt that the level of parking proposed is considered to be acceptable. Therefore to conclude although there is no objection in principle to this proposal however the Highway Authority would require the applicant to submit detail drawings of the access arrangements and also the proposed off site highway works before we can provide a full and substantive response on this proposal.

WIVELISCOMBE TOWN COUNCIL -

- The application is not properly described in the application forms to the extent that it is both highly misleading and should not be considered at all by the Borough Council.
- The application does not conform to Policy SP1 of the Council's Core Strategy in that the employment envisaged is large scale. Very few of the employees would be likely to come from Wiveliscombe itself in view of the specialised nature of the work.
- The application does not conform to Appendix E (Saved Policies) of the Site Allocations Development Management Policies Plan in that the proposal is for large scale buildings.
- The site is in an unsustainable location for a Regional facility.
- There is insufficient parking on site for staff, visitors and deliveries.
- The development will lead to the loss of land identified for business, industrial and warehousing use. In particular, bearing in mind the residential nature of the development, it will restrict the type of industrial use that can be undertaken in its vicinity.
- The surrounding environment is unsuitable for a residential development of this type because of noise and odour.
- The proposal would have a seriously detrimental effect on the visual amenities of the area, particularly as this site will be extremely prominent on

the approach to Wiveliscombe from the East. Security fencing and lighting are hardly suitable for an approach to Taunton Deane's Gateway to Exmoor.

- There is a definite fear of crime that might be caused by this proposal.
- The local Fire Brigade are not trained and do not have the personnel to deal with evacuation or an emergency at this type of unit.
- This application has attracted huge comment in Wiveliscombe and 98% of those doing so have opposed it.

NATURAL ENGLAND - Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The consultation then advises on the NPPF, green/brown roofs, landscaping, Local Wildlife Sites, SUDS, and nesting and roosting sites.

BIODIVERSITY - The site mainly consists of an arable field bordered by heavily overgrown wet ditches and hedgerows on three sides, including the road.

To the west of the site are industrial units and a sewage works, to the south and east is improved pasture and to the north is the B3277. A disused reservoir, dry at the time of survey in 2011, is located approximately 50 m west of the survey area.

SLR Consulting carried out an Ecological Appraisal of the site in February 2013, based on an earlier survey carried out by SLR in May 2011, and by Andrew McCarthy Associates in December 2006 which identified potential for great crested newts, dormice and water voles. Further surveys of these species were undertaken in 2007 with negative findings. The site does not appear to have significantly changed since initial surveys were carried out.

Protected sites - Holme and Clean Moor SAC is located approx 1.5km to the south of the site. There are also twelve Local Wildlife sites within 2 km of the site.

Bats - No buildings are located within the site and nearby industrial units to the west were considered to offer only low potential for bats. Mature and semi mature trees on site, however had features of potential value for bats and so should be retained. If this is not possible then specialist surveys, including emergence surveys, should be carried out on individual trees. If bats are found to be present in any tree, an EPS licence will be required to carry out work. As at least ten species of bats have been recorded within 4km of the site, it is likely that bats use the hedgerows, woodland strip and ditches for foraging and commuting. Any proposed lighting for the development should be sensitively designed to minimise light spill on these corridors.

Badger - No evidence of badger was found.

Otter - No signs of otter were found although there are a number of otter records within 2km of the site. The stream to the south has low potential to be used by otters.

Water vole - The stream and wet ditches were heavily shaded so provided sub optimal habitat for water vole.

Dormouse - No signs of dormouse were found. The habitat remains unchanged from 2007 when dormouse surveys were carried out, also with negative findings. I support, however the surveyor's recommendation that a precautionary approach with regards to dormice be made to establish the site entrance from the B3227.

Birds - The vegetation on site is suitable for nesting birds and the surveyor noted several old nests in trees. Any works to vegetation should take place outside of the bird nesting season. I support the surveyor's recommendation for the erection of bird boxes on existing trees throughout the site.

Great crested newt - No great crested newts were found

The lighting plan is difficult to interpret. There should be a balance between site safety and low light levels (which are preferable for wildlife). All Lighting should be directed away from hedges.

PLANNING POLICY - no response

POLICE ARCHITECTURAL LIAISON OFFICER – initially objected but subsequently withdrawn

Avon and Somerset Constabulary working with Ivy Willenhall limited have signed a Memorandum of Understanding to mitigate the Policing concerns raised by the proposed development.

This MOU covers protocols relating to the operation of the facility and the setting up of a

Police/Operator liaison group with set responsibilities. It also sets out operational responsibilities concerning missing persons, general risk management, the attendance of emergency services, death/suicides of patients, mobile telephones, abuse/harassment, the control of illicit substances, reporting of crimes/incidents, bomb/fire threats, the supervision of arrested persons, extraordinary events, the use of cctv and the exchange of information.

Avon and Somerset Police would like the following condition granted by TDBC planning: " CMS Development Limited and all those deriving title from them shall be bound by the Memorandum of Agreement made between the Chief Constable and Avon and Somerset Constabulary and Ivydene Willenhall Limited dated...."

With the granting of this legally binding condition of the memorandum of understanding, Avon and Somerset police withdraw any objection to the granting of this planning application.

DRAINAGE ENGINEER - I have no objection to this proposal subject to the

following being made condition of any planning approval and that the information required is provided and agreed before any works commence on site.

No development approved by this permission shall be commences until a full operation and maintenance strategy has been submitted to and formally approved in writing by the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme.

WESSEX WATER - Wessex Water has not been contacted since the previous application was withdrawn and our concerns regarding odour issues have not been addressed. We note that the same Odour Assessment has been submitted with the revised application and confirm we wish to object to this current application on the same grounds as previous.

We recommend consultation with the Environmental Health Officer; Wessex Water require a full and comprehensive assessment, with odour sampling, to confirm the risk of odour nuisance and the impact upon residents and employees' amenity.

comments on additional full odour sampling report:-

In response to our concerns the applicant commissioned a further odour report based upon full odour sampling. The report has been completed and appraised by our process scientist who has responsibility for odour matters (Odour Constraints Assessment Stage 2 Detailed Modelling SLR Ref: 402-03162-00004). We can advise that we concur with the findings of the report and withdraw our objection on the basis that proposed development will fall outside of the predicted 5 odour unit / m³ contour. Our position will be re-evaluated if any further development is proposed closer to the sewage treatment works.

LANDSCAPE - My main concerns are the lack of screen planting along the eastern boundary of the site which would be visually intrusive when approaching Wiveliscombe from the east and the lack of landscape detail. I understand plans will be submitted during the course of the application.

ECONOMIC DEVELOPMENT - As the Council's Economic Development Manager I am very pleased to see this development come to the fore, and am entirely supportive of it. The development would have two enormous economic benefits to Wiveliscombe, which I would summarise as follows:

Firstly, the attraction of a major employer to the town in a sector which the Borough Council has itself recognised as a future growth area, namely, healthcare. I am informed that the development will directly create around 120 jobs, which will be at different levels in the organisation, and will draw upon a range of local skills. Furthermore a business of this scale will support other local businesses, be they in the development and construction of the unit in the short term, or in the longer term operation of the care facility. Contractors supplying

cleaning, maintenance, transport, security, landscaping and many other such services will be drawn upon to support the operation, sustaining local businesses and jobs in the Wiveliscombe area.

Secondly through the creation of a catalyst to bring forward the development of the Wiveliscombe business park. Without a large 'anchor' occupier the developer's ability to afford the necessary infrastructure and servicing to the 9 acre site would be severely restricted. The proposal will therefore bring a prime employment site to the market, enabling the creation of new businesses and the relocation of others from other parts of Wiveliscombe and further afield.

I am convinced that the development proposed would have only positive benefits to the economic wellbeing of Wiveliscombe, and therefore Taunton Deane.

ENVIRONMENT AGENCY - confirm that we have no objection to the application subject to conditions and notes being imposed upon any permission granted.

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE - no reply

NHS SOMERSET, SOMERSET PRIMARY CARE TRUST - no reply

ENVIRONMENTAL PROTECTION CONTAMINATED LAND - no reply

ENVIRONMENTAL HEALTH - NOISE & POLLUTION –

Re Noise

The site is close to some existing industrial premises, and it is also adjacent to a site for a new business park which could have industrial uses. The Noise Survey includes monitoring of the existing noise levels on the site of the proposed residential facility to estimate background noise levels. Noise measurements were taken of activities on the existing industrial unit. To estimate potential noise levels from the new business park measurements were taken at industrial businesses that could relocate to the park (including a brewery and other industrial premises).

The measured data was used to estimate noise levels at the proposed residential facility from both existing and potential noise sources. The estimated levels were compared to noise criteria for internal noise levels and the report states that the proposed criteria for internal noise levels are achievable. The report assumes that the windows in the residential units will be partially opened.

There is a planning condition relating to noise on one of the existing industrial premises and a condition on proposed new business park. These require the noise from the site not to exceed a given level at any residential premises. The assessment compares the estimated noise levels from the business park to the background noise level and concludes that these conditions can be met.

Comment

The background noise survey was carried out for a limited period; however, the levels are roughly what would be expected in this area. The assessment of potential noise from the new business park is based on a number of assumptions about the type and frequency of noise that could come from businesses that may be on the site. As the site is not developed this is a reasonable way to estimate levels, although it is hard to say how accurate this would be.

It would be expected that noise emissions from the development at the new business park would be addressed during its development, for example, in the layout and design of any units, the location of any noisy plant and controls on the hours of any noisy activities. I note that the plan of the proposed development shows a bund/fence on the south and west sides of the site, although there are no details. This could provide some attenuation of noise from existing sources and from any new operations on the business park.

Re Odours

The SLR Report confirms that there are a number of potential sources of odour in the vicinity, in particular the abattoir and the sewage treatment works. It notes that the nearby abattoir has a permit from the Environment Agency which includes conditions relating to odours. While there have been historic problems with the odours it states that these have been addressed and that improvement works would be carried out to the satisfaction of the Environment Agency.

Regarding the sewage treatment works, as there is no objective information about the odours from the treatment works it is hard to comment on whether or not this will be a problem. There seems to be a difference of opinion between Wessex Water and the applicant on this, and whether further monitoring is required.

It would be useful to have some information about whether anyone has been at the development site, when the wind is coming from the direction of the sewage works to see if they can smell anything from the works (or any other premises).

It should be noted that if an objective report is submitted that includes odour modelling Environmental Health will not be able to comment on the accuracy of any assumptions that are made about odour emissions from various operations at a treatment works (Wessex Water would be in a better position to comment on this). Also, the modelling that can be used is rather specialised and we do not have the software or data to verify this.

If there are any problems with odours the Environmental Health Section has a duty to investigate complaints to determine if the odour is persistent or severe enough to be causing a statutory nuisance. If the odours are causing a nuisance Environmental Health can require the persons responsible to take action to abate the nuisance, however, we can only require that they use best practicable means, so if this is already in place no further action would be taken (even if there was an on-going nuisance).

comments on additional information:

- Odour Constraints Assessment Stage 2: Detailed Modelling. September 2013. SLR. This is in addition to the report that has already been submitted with the application (Odour Constraints Assessment. Stage 1 Review. October 2011. SLR) on which I commented in my memo of 5th June 2013.

The Stage 2 report provides more detail on potential odours from the sewage treatment works. It assesses the potential impact of the existing Wessex Water sewage treatment works on the development site. The report identifies the sources of odour at the treatment works and estimates the odour emissions from the site. It then models the likely impact of the odours at the development site by comparing estimated odour levels with criteria based on the percentage of time that a set level of odour is exceeded.

The report concludes that predicted emissions from the treatment works are unlikely to lead to complaints, significant pollution or significant detriment to the amenity at the proposed development site.

Comment

The report does not contain any subjective assessment based on visits to the development site to see if there is a smell from the treatment works.

The assessment method uses the concept of the European Odour Unit (ou_E), which is based on multiples of the detection threshold of the gas in question. This is a way of trying to quantify the subjective area of people's response to odours. The criteria quoted are those that are referred to in a recent statement by the Chartered Institute of Water and Environmental Management (CIWEM).

The assessment makes assumptions about the odour emissions from the treatment works. These should be checked by Wessex Water as Environmental Health cannot comment on their accuracy. Environmental Health are also not able to comment on the modelling that was carried out, as we do not have the data or software to do this.

If future resident at the site are affected by odours from the treatment works the Council has a duty to investigate them as a potential statutory nuisance. If the odours are persistent or severe enough to be causing a nuisance the Council could require the water company to take steps to abate the nuisance. However, if the company are taking all reasonable steps to control the odours (best practicable means) then no further action could be taken.

Note that if any mitigation or improvements to the sewage treatment works are required TDBC Environmental Health do not have the technical expertise to decide what these should be. Any work would have to be agreed between the developer and Wessex Water and, if a third party view is needed, a suitable expert should be consulted.

ENGLISH HERITAGE - We note that the application area is in proximity to a number of designated heritage assets, including the Conservation Area at Wiveliscombe and the Scheduled Monuments known as the Hillfort on Castle Hill (ref.1016498) and Camp South of Manor Farm (ref. 1006167).

The proposals therefore have the potential to impact on the setting of these designated assets and so affect their significance. However, the information included with the application combined with a review of our records makes it clear that there would not be any substantial impacts to the settings of designated heritage assets if the proposals were to be implemented. This is largely due to the screening effect of the local landscape.

We are therefore of the opinion that the proposals would not result in a significant impact to designated elements of the historic environment and, consequently, we have no objection to the proposals. We do suggest that the applicants are advised to contact Steven Membery of SCC Heritage Team with regard to possible impacts to non-designated archaeological assets that may survive within the application site.

SOMERSET WILDLIFE TRUST: support the findings in the appraisal, and support the recommendations, in particular the retention of the existing trees, and the design of any external lighting scheme to prevent light spillage, improvements in existing hedgerows and provision of bird boxes.

Representations

2 letters of SUPPORT which raise the following issues:

- People with learning difficulties and/or mental health issues are well accepted in this caring community;
- Some local people have spread fear and misinformation about the scheme;
- It will bring employment;
- A boost to local shops and trades-people;
- Health care services should be publicly owned and not run for profit, but a significant amount of healthcare is privately provided, there is no evidence of failings in care by this organisation;
- This is a significant investment in Wiveliscombe;

1 letter of NO OBJECTION to living near a secure unit, but there is concern that the site is close to the abattoir and as you can hear the squeal of pigs in the building from Nordens Meadow, the clients will become upset by such noise;

54 letters of OBJECTION to the original submission–

Policy issues/unsustainable location

- An unsustainable location, added carbon impact;
- This is not the place for a regional facility, it should be in a town or city;
- Central and Local Government have encouraged development in sustainable locations, all planning policy indicates that this should continue, this site is in an unsustainable location, contrary to all policy;
- The majority of staff and visitors will have to drive to the site;

- Concern about distance to nearest manned police station for response times;
- Concern that the units are too small, if they are serving the southwest, then surely they are too small, thus the size of the buildings will increase;
- If there is no need for employment land, the site should be used for a housing site;
- The area should be used for local jobs only;
- This planning application has already been rejected overwhelmingly by the people of Wiveliscombe;
- Should be in Norton Fitzwarren where there are more buses;
- There should be no building on this Greenfield site;
- The site should be retained as industrial employment use only;
- The approved uses are B1, B2 and B8, can't see how these can work alongside C2 and C2a, people should not be housed on an industrial estate;
- If this is built, industrial users will not wish to relocate to this site;
- This site was supposed to be for relocations from other sites in Wiveliscombe, one unit has expanded its use on its current site and another has retired;
- During the winter Wiveliscombe is cut off by snow and ice;
- Wiveliscombe has been cut off many times in all directions by flooded roads;
- Wiveliscombe already has two care homes for the mentally and physically disabled, and a residential nursing home, which are appropriate, but this is too large and inappropriate;
- This unit should be near to or next to a motorway junction;
- No list of search nor list of alternative sites has been given;
- This is to kick start the development of the site and not for benefit of the town;
- Once one unit is built, other similar units will follow;
- Current low crime rates are at risk;
- The facilities are too large for a town the size of Wiveliscombe, they should be in a major town or city;
- PPS1 and the Structure Plan have been quoted as stating that the natural and historic environment should be protected;
- Precedent, once built the units will become prisons;
- The area is suitable and safe for families and retired people, the site is unsuitable for the use proposed;
- It is in an area which should be protected for bats, thus is contrary to wildlife policies;
- The whole scheme is really for Class C2A;
- As recently as June 2011, permission was granted for B1, B2 and B8 uses, other uses are inappropriate;
- Planning circular 08/2010 Annex B states that a new C2A development ... needs good road links for staff, visitors and deliveries and space for car parking as well as good public transport links".....these needs are not in place;

Occupants of the facilities

- The offenders could be criminals, paedophiles or similar, and thus be a danger to local children;
- Local residents would feel insecure in their own homes due to the types of people likely to be accommodated;
- The 'rehabilitation' unit will not introduce people into a realistic society, the town is not like being in the middle of a large town or city;
- Existing residents and vulnerable people staying at Sharpe House may be put at risk by residents of the unit when they walk into town;

- The buildings will have too many people to assimilate into the community, people who have suffered mental illness and are in need of rehabilitation need to feel welcome and part of a community where they can be assimilated;
- The range of facilities shown is limited as compared with those offered in larger towns, which have the infrastructure and services to help their short term residents;
- There is no written evidence from NHS Somerset partnership of the demand and support for the proposals;
- The type of occupier will change over time;
- The developers claimed in the Gazette that the facility would be for people with Asperger's and Autism, but the criterion will be those who have been detained 'in the interests of their own health or safety, or the protect other people';
- Many users will have come from High Secure and Medium Secure facilities and may have addictions and conditions such as schizophrenia;
- The web site of the operator gives a guide to the types of mental health care, and these include suicidal behaviour or serious self harm, such patients should not be located next to an abattoir, sewerage works, busy main road, such uses are not compassionate or sympathetic to the patients;
- Some of the patients will be violent and will threaten the local residents;
- Drug dealers will be attracted to the town as there are rehabilitating but potential targets;
- Some patients once rehabilitated may wish to stay in Wiveliscombe but would find it difficult with high house prices/rents and therefore the Council or Housing Associations would have to find them homes, and there is already a long waiting list of local people;
- The units' residents may be noisy which will have an adverse impact on the neighbouring residents;

Traffic/transport issues

- The public transport is inadequate and unreliable – no bus on Sundays and only one an hour weekdays and Saturdays, this is insufficient for visitors;
- Visitors and staff will not use buses, this will result in an increase in car usage in the area;
- The information in the transport study is incorrect, the bus numbers are different to those quoted, one bus service is very irregular;
- All staff would have to be resident in Wiveliscombe to avoid unnecessary journeys by car;
- Inadequate parking on site;
- Parking on yellow lines and in dangerous locations will increase and will not be policed;
- The public transport does not run in the evenings and at weekends;
- Any car journey from Taunton will go through several accident black spots, this will increase traffic through these;
- The developers should provide a train and bus station transport link;
- There should be a study of the potential users and their visitor's locations;
- The local road already shows wear by large lorries;
- Poor quality of roads to the west of the town;
- The site is not easily accessed from either motorway junction;
- It is a £35 taxi fare each way to Taunton station;
- Wiveliscombe was cut off last winter due to snow and ice; how would staff reach the units?

- The Warwick scheme identified in the submission has good transport links unlike this site;
- No staff are going to cycle or walk to this site at night or in the winter, the transport plans submitted are therefore not an accurate reflection of the situation;
- The traffic report does not include data for weekends, evenings or school holidays, so is not an accurate prediction of journeys;
- Traffic and parking in the town will increase and become more of a problem;

Employment issues

- How many local people will be employed?
- Will people have to move to Wiveliscombe as there are insufficiently skilled people locally?
- There is a need to use local suppliers to boost the local economy;
- Concern the scheme will put off local developers from the remainder of the site;
- There is already an issue in Wiveliscombe finding sufficient staff for old peoples' homes;
- The abattoir/meat processing plant, described as an opportunity for local employment, has less than 2% of local origin;
- At the developers meeting, the representative advised that 25 fully qualified mental health nurses will be required on a 24 hour basis, this will mean 100 registered nurses per day;
- There is already a shortage of nurses in the area;
- Examples given of severe problems when there is inadequate staffing in a similar unit;
- Only cleaners and maybe gardeners will be local people;
- The existing local residential care home for the elderly and a residential care home for older teenagers and young adults with severe learning difficulties currently find it difficult to recruit local people, most applicants come from Taunton, Bridgwater and Minehead and all have to drive as the bus services do not marry up with shift patterns;
- The Warwick appeal site was justified on reason that it would provide jobs for existing local people, this is not similar to Wiveliscombe;

Visual impact/wildlife issues

- The developer had stated that there would be minimal visual impact, and there was a requirement for the industrial/business park to have extensive landscaping on the eastern boundary, it is not shown on these plans;
- Any trees on the boundary should not overhang the boundary;
- Proposed large industrial fence along the eastern boundary is inappropriate and out of keeping with the rural area;
- The buildings will be too large for the site;
- Tourists to the town will be put off by these buildings at the entrance to the town;
- Tourists will not stop in Wiveliscombe;
- The Police will require the site to be illuminated, this is contrary to the Biodiversity Officer's comments that the development of the site should be sensitively designed to minimise light spill...:
- Lighting the area will be detrimental at night;
- Loss of trees for access and for the new bus stops;
- The bats have been ignored;
- No information on hibernating wildlife which may be disturbed during

- construction;
- There are barn owls within 2 miles of the site;

Location

- Locational issues/proximity to schools, abattoir, and/or sewerage works
- Concerns about public safety given the site is within a half mile of a junior and senior school and a nursery;
- Sewerage works and abattoir are adjacent to the site - these are not suitable 'neighbours' for people with mental health issues;
- Foul smells from the abattoir will upset patients;
- The lorries carrying animals to the abattoir are obvious and will be upsetting to the patients;
- If the breweries move to the adjoining site, there will be even more inappropriate smells;
- The Wessex Water treatment works were sited in that location to be away from residents;

Local facilities

- The local GP service cannot deal with current local needs;
- Concern about impact on local GP surgeries;
- The bank is part time only;
- There will be an increased need for more retained staff at the fire station;
- The nearest police station will soon be Bridgwater, not even Taunton - that is too far for fast response;
- The local police response is via a PCSO and is currently overstretched;
- The Ambulance response time was recently 45 minutes;
- What is the protocol of evacuating the unit if a fire breaks out?

Other

- No facilities for any visitors;
- Detrimental impact on house prices;
- Not against this type of proposal, but consider this to be the wrong place for it;
- Financial gain of the developer with no thought to the local residents;
- House purchased because Wiveliscombe was a quiet, safe small town, this will change to the detriment of the amenities of the residents;
- Ashbeers, opposite the site, has been identified in the local plan as a suitable location for additional housing, this will be at risk;
- No guarantee that any local companies will build or supply the units;
- The site should not be referred to as 'Manor' as this could cause confusion with the adjacent Manor Farm;
- Noise from the unit could disturb farm animals;
- Risk to farming activities from wrongly routed visitors and patients;
- Flooding issues from stream on adjacent land, and in relation to a possible increase in water flow;
- The Flood Risk Assessment did not consider the flow of water from the ditch over neighbouring land;
- Manor Farm will be at greater risk from flooding by the building of these units;
- Potential impact on an adjacent National Monument;
- Insufficient numbers of people have been informed, another public meeting is

- necessary;
- The Parish Council will support this scheme as it promises to aid development, but the Parish Council will be ignoring the majority of local residents;
 - The Design and Access Statement fails to mention the residential development of Lion D'Angers/Nortons Meadow or the nearby school;
 - There is a 62 beds class C2/C2A under construction in Bridgwater for and an approval for 70 patient scheme at Chelston, suggests there will be a surplus in the area;

Mental illness is unfairly and inappropriately stigmatised within society, however the business plan for this project is underdeveloped and irresponsible

comments on the additional information/amended scheme

27 letters of OBJECTION; all responses reiterate the previously submitted comments:

Additional comments:-

- Would have been preferable to have all the information at the start of the application;
- Consider the Town Councils' comments to be representative of the local opinions;

1 letter supporting the concept of provision of psychiatric units but considers the site is not good enough for the patients, that objections will come from the new units against any new development.

1 letter continuing to support, with the closure of the abattoir, this removes a cause for objection and shows a need to stimulate the economy.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
SD1 - SD 1 TDBC Persumption in Favour of Sustain. Dev,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP2 - TD CORE STRATEGY - ECONOMY,
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
WV3 - TDBCLP - South of Taunton Road Employment Allocation,

LOCAL FINANCE CONSIDERATIONS

not applicable

DETERMINING ISSUES AND CONSIDERATIONS

Policy issues/unsustainable location

The NPPF states that the purpose of the planning system is to contribute to the

achievement of sustainable development; it gives three dimensions to this, and economic role, a social role and an environmental role. Sustainable development involves seeking positive improvements, including making it easier for jobs to be created in towns and villages. It seeks to build a strong, competitive economy, including (para 22) avoiding the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Whilst it is not thought that this is the case on this larger site, it does indicate that Central Government does support flexibility in uses. The NPPF emphasises that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, and that Local Planning Authorities should apply the presumption in favour of sustainable development.

The site is on the eastern edge of Wiveliscombe, which has been identified as an allocated employment development site since the Taunton Deane Local Plan and which has had planning permission for employment uses. The site is therefore appropriate for development. The change of use of the site from the previously approved industrial uses requires permission, but the approved use of the site for B1, B2 and B8 uses does not preclude the Local Planning Authority from considering alternative uses. The Taunton Deane Core Strategy does not have sites or areas allocated for every possible use class, each application has to be judged as to where it is appropriate having regard to Central Government advice and prevailing policies. Given that permission has already been given for employment uses, without the requirement for those employers to restrict their workers to local people only, consideration should be given to other types of employment/business. The overall site still has permission for B1, B2 and B8 uses.

There was an application for erection of Low/Medium Secure Residential and Treatment/Care Facility (Use Class C2a - Secure Residential Institutions) with associated car parking and landscaping at land at Westpark Business Park, Chelston, Wellington, which was approved by Committee in November 2011. This permission was on land which had previously had B1, B2 and B8 uses approved on site. It was acknowledged that care facilities include a significant amount of employment opportunities and inward investment into the area.

At that time Members were advised that; Circular 02/2006 provides guidance on, inter alia, amendments to the Use Class Order, which came into force in June 2006, including the definition of a new use class C2A – Secure residential institutions.

The guidance states, para 84, that (in respect of secure residential accommodation):

These types of development require a large area of ground. Such uses need good road links for staff, visitors and deliveries and space for car-parking as well as good public transport links. They also provide a significant number of long-term jobs for local people. For these reasons such institutions may not easily be accommodated within existing residential land allocations. The Secretary of State considers that the physical requirements and employment-generating aspects of these schemes are an important consideration and that despite their residential classification, location on land allocated for employment uses is appropriate.

It is considered that the principle of a secure care facility, by reason of the factors referred to above, would not conflict with the objectives of Taunton Deane Core

Strategy.

Occupants of the facilities

The perception of fear of disorder and anti-social behaviour and the effect that may have on residents' living conditions is a material planning consideration. In the context of the general acceptance of need for mental health facilities, a key consideration is to locate such facilities appropriately having regard not only to the accessibility to centres of population but also with regard to the clinical needs of patients. There has been a shift away from locating facilities in isolation from people, services and activity. Part of a patient's ongoing treatment is for controlled re-integration with society. The arrangements for the provision of health care must be weighed against the perception of fear of crime and disorder on local residents having regard to all factors.

The updated information gives a full description of the potential occupants. There is a need within communities to provide facilities for people at all stages in life; this includes nurseries, schools, colleges, employment, shopping, leisure, clinics, hospitals and residential care homes etc. The location of such facilities can cause issues with the communities in which they are located, most will have traffic comings and goings from staff, users and visitors, noise from school/college pupils and sports grounds, spectators using sports grounds. These uses all require sites, not many of which will have been identified in a Local Plan or Core Strategy. It is accepted that there will be concerns about the residents, but it is considered that having regard to the submissions from the applicant and agent and subject to condition, the 'type' of user is acceptable in this location.

The independent regulatory body for all health and adult social care in England is administered by the Care Quality Commission (CQC). The developer would require a license from CQC before the building could be brought into operation for its intended use. There are security standard guidelines to facilitate service registration by the Care Quality Commission (CQC). It is the CQC who have the powers and duty to assess the facilities provided, competency of staff, and level of care provided. The CQC also have a wide ranging and stringent enforcement policy, including the ability to withdraw a license or initiate prosecutions against organisations or individual members of staff.

In summary, it is the Care Quality Commission who has the duty for regulating the management and operation of low/medium secure facilities. There is no evidence to suggest all the required safeguards would not be in place. It is considered reasonable to rely on the proper management and operation of those responsible for the facility, as held accountable by the relevant authorities. On balance, having regard to the security measures proposed (and the requirements of CQC as the regulatory body for providing secure health care) it is considered that it would be difficult to substantiate a refusal on perception of fear and disorder.

The applicant, agent and identified operator have been in detailed discussions with Avon and Somerset Police and have compiled a Memorandum of Understanding, which has now been signed by relevant parties. The police wish that this is conditioned, however such a document would not meet the criteria set down by Central Government for conditions. Therefore a Unilateral Undertaking is considered the most appropriate way to achieve the aim of having the support of the

police for this application.

Traffic/transport issues

The site is some distance from the train and bus station at Taunton. The applicants have agreed to provide a minibus to pick up staff and visitors from agreed locations. Given the visiting by appointment system, visitors will not turn up unexpectedly and arrangements made for their transfer from public transport. This minibus link will aid the accessibility of the units. The number of parking spaces has been increased to 70 for both units, indicating possibly most staff are likely to drive to the site. Staff from Wiveliscombe itself may also drive to the site, although the new footpath and cycleway give the options to walk/cycle. This situation appears similar to any employment use on site. Whilst the site was originally identified as there was a need for businesses in Wiveliscombe, there was no restriction on the occupiers/users on that site.

In respect to the issues of snow and flooding on the roads, the Operator is aware of the situation and given the site is adjacent to the main road, does not consider this to be an issue, and the facility will have procedures to cater for such events. Weather related access/lack of access is not an issue which has been material in the consideration of other applications. Applications on sites within flood zones is material, this site is not within an Environment Agency Flood Zone.

Employment issues

The agent expects a minimum of 120 fulltime equivalent positions, in addition to the local trades people who will be required to provide landscaping, building maintenance, laundry, food and consumable supplies. Training for clerical posts will be given, and the agent hopes that as the facility matures, and increasing number of the skilled posts will be filled by local people. The operator, 'Choice' has confirmed, that it is committed to appointing local personnel wherever possible and at the outset, this will require a high level of acclimatisation and training.

Visual impact/wildlife issues

The previous outline approval showed industrial buildings adjacent to the eastern boundary of this site. These plans were illustrative plans but the buildings could have been of a large size, depending on the eventual occupier. The proposed buildings are not considered to be unduly large or unacceptable in this location. There is articulation in the buildings which may not have been the case with an industrial structure. In due course the landscaping will help soften the impact of the buildings, however in the short term there is bound to be some visual impact as is the case with any new building. The low lighting to the eastern side of the buildings should result in less impact on wildlife and the introduction of a mounded area to the northern part of the eastern area will also help soften views. Any wildlife in the area is likely to have been disturbed by any building on the site. The fencing around the site will be integrated within the landscaping in due course. It is not considered that the proposal would cause any significant visual impact in the long term once the planting has been established.

Location

The applicant has been in contact with Wessex Water in respect to the location in respect of the treatment works, and whilst ideally there is an area where no development should be allowed near a treatment works, the site has been allocated for development for several years. In respect to the noise and or smell which allegedly comes from the pork processing factory, the new buildings will have the bund with acoustic barrier and there will be double glazing to the buildings' windows, such that there will be a degree of protection from the potential noise of the eventual industrial units. The recently submitted odour report has concluded that the predicted odour exposure at the proposed development site is well below the agreed criterion for protection of amenity and it is therefore unlikely to lead to complaints, significant pollution or significant detriment to the amenity at the proposed development site. Wessex Water has withdrawn the original objection and confirmed that it concurs with the findings of the odour report. On this matter the proposal is acceptable.

Local facilities

The agent has confirmed that the facility will have its own resident and visiting doctors and GP and they will not require support from the local NHS practices. The operator is aware of the distance to nearest hospital and is happy to commit to the site and "will invest in excess of £10m building the facility and bringing employment and business growth to Wiveliscombe and the surrounding areas". It is not considered that there will be any detriment to the facilities in the town or surrounding areas.

Other

Wiveliscombe already has two mental health facilities within the town one treating autism and the other learning disability, the current proposal is larger than these homes, but is significantly smaller than the planned 75 bed medium secure facility in Wellington.

The previous approvals have not been implemented. The current applicant is the owner and developer who secured the earlier permissions, that developer would not seek permission for this scheme if the greater site were unable to be built. The current lack of development of the business park site is due, according to the agent, to the lack of site infrastructure, and finance together with the general economy. This proposal will provide the start of the access road, and enable the remainder of the site to be developed. Patients leaving the low secure unit will either go into a Locked Rehabilitation Unit or will be relocated to another facility. Patients leaving the Locked Rehabilitation unit will generally go back to their home town, it is the Operator's experience that most patients are anxious to return to their family and friends, therefore the agent does not accept there will be a social or housing problem created.

The Taunton Deane Local Plan Policy WV3 - Employment related to the whole site, and the specific wording includes, "a maximum to be developed within the plan period, subject to the provision of access from the existing employment site, landscaping belts on the northern and eastern boundaries and a landscaping scheme incorporating the stream along the southern boundary. Large scale buildings and major office developments will not be permitted. The original 'target' was 2011". To date, whilst permissions have been granted, no development has

started. The policy envisaged the site being unsuitable for large-scale buildings whose visual impact would be detrimental to the character of Wiveliscombe and the surrounding landscape. This policy has been retained in the Taunton Deane Core Strategy. Whilst it was anticipated construction work would commence well before now, the general economic climate has resulted in many potential developments being halted. It is not considered that the proposed buildings are 'large-scale' to be out of character with area. Some agricultural buildings and complexes of buildings can be large scale. The landscaping and bund will help screen the new buildings.

Whilst there has been a significant level of objections received, there are no issues or matters raised from residents which would be of such weight as would warrant refusal of the application. The Town Council has in the past supported employment and development of this site, but objected to the original submission.

Conclusion

The proposed buildings will provide a regional facility with significant employment generation and inward investment to the local economy. It is considered that the design and scale of the facility is acceptable and would not detract from the appearance of the future business park or wider landscape setting. There is no objection from Wessex Water in terms of the proximity to the Treatment Works. Given the existing and proposed landscaping, the 'entrance' to Wiveliscombe will not be detrimentally affected. The economic benefits need to be weighed against the perceived and expressed fears of local residents. Whilst those concerns expressed are understood it is considered that having regard to need for the facility, the security and licensing requirements to operate the facility and the duty of the regulatory body (CQC), together with the economic benefits, there are sufficient reasons to grant planning permission.

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

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