

43/2006163

MIDAS HOMES LTD & BEECHWOOD HOUSE DEVELOPMENTS LTD

RESIDENTIAL DEVELOPMENT TO PROVIDE 69 NO DWELLINGS (COMPRISING 45 HOUSES AND 24 FLATS), FORMATION OF ACCESS AND ASSOCIATED WORKS, FORMER ABL AND WESTFORD PLASTICS PREMISES, PAYTON ROAD, WESTFORD, WELLINGTON AS AMENDED BY LETTER DATED 9TH FEBRUARY, 2007, LETTER DATED 20TH FEBRUARY, 2007 WITH ACCOMPANYING DRAWING NO. 0605-16/SK13 AND LETTER DATED 1ST MARCH, 2007 WITH ACCOMPANYING PRELIMINARY DRAINAGE STRATEGY AND AMPLIFIED BY LETTER DATED 28TH FEBRUARY, 2007

311985/120345

FULL

1.0 **RECOMMENDATION**

Subject to:-

- (i) the receipt of satisfactory amended plans;
- (ii) the views of the Economic Development Officer and the further views of the Environment Agency and County Highway Authority;
- (iii) the conclusion of a Section 106 Agreement to secure:-
 - (a) 15 units of affordable housing – to be detailed and provide a mechanism to ensure that the dwellings remain affordable and available for local people in perpetuity;
 - (b) Education contribution of £93,186 towards local secondary school facilities, index linked to allow for delay in the start of the development;
 - (c) Off-site highway improvements (estimated cost £25,000) to be provided by the applicant;
 - (d) Open space/playing field contribution of £75,000 (with the potential for a further approximately £25,000 dependent upon further discussions with the County Highway Authority regarding any additional off-site highway requirements; and
 - (e) Improvements to the surfacing of Rackfield and the provision of a cycleway/pedestrian link into the site;

the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within three years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 03 No development, other than demolition and ground remediation works, shall be commenced until a scheme for the disposal of foul and surface water has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.
- 03 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN26.
- 04 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 04 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 05 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.
- 05 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

- 06 During the period of demolition and construction, screening shall be placed around the site to the satisfaction of the Local Planning Authority, and shall be completely removed when the development is completed.
- 06 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Policy S1(D).
- 07 The public open space shown on the submitted plan shall be laid out to the satisfaction of the Local Planning Authority within 9 months of the date of commencement of the development , unless otherwise agreed in writing, and shall thereafter be used solely for the purpose of amenity open space.
- 07 Reason: To provide adequate access to sport and recreation facilities for occupiers in accordance with Taunton Deane Local Plan Policy C4.
- 08 The children's play area shown on the submitted plan shall be laid out and equipped to the satisfaction to the satisfaction of the Local Planning Authority within 9 months of the date of commencement of the development and shall thereafter be used solely for the purpose of children's recreation.
- 08 Reason: To provide adequate access to sport and recreation facilities for occupiers in accordance with Taunton Deane Local Plan Policy C4.
- 09 Within 1 month of completion of the landscape scheme the applicant is required to provide an as built/planted plan highlighting any variation between it and the approved landscape drawings . If there are no discrepancies a letter confirming no variations should be received by this Authority within 1 month of the completion of the landscape scheme.
- 09 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 10 Details of siting of temporary building(s) construction and materials storage compound will be agreed in writing before commencement of works on site. The above details should also include details of where soil is to be stored on site.
- 10 Reason: To safeguard the existing landscape features and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan Policies S2 and EN6.
- 11 Work shall not commence until details of a strategy for the protection of the bats and their habitat, within the development, together with the maintenance of access for the bats, has been submitted to and approved in writing by the Local Planning Authority. Once approved the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts and related accesses has been fully implemented.
- 11 Reason: To maintain the status of bats and their roosts. Bats and their roosts are included on Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and the

Conservation (Natural Habitats & c.) Regulations 1994, in accordance with Taunton Deane Local Plan Policies EN4 and EN5.

- 12 The layout and alignment, widths and levels of the proposed roads, road junctions, points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with the standards set down in the County Council's booklet "Estate Roads in Somerset". Details shall be submitted to and approved in writing by the Local Planning Authority before their construction is commenced.
- 12 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 13 The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath.
- 13 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy M4.
- 14 The access shown on the submitted plan shall be provided to the satisfaction of the Local Planning Authority before any other work on the site commences.
- 14 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 15 The visibility splays shown on the submitted plan shall be constructed prior to the commencement of the use of the premises and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority.
- 15 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 16 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 16 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.
- 17 The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles (a motor vehicle) for domestic purposes only.
- 17 Reason: In order that satisfactory parking facilities are maintained in accordance with Taunton Deane Local Plan Policy M4.
- 18 The provision to be made for the parking of cycles shall be made in accordance with a phasing schedule to be submitted to and approved in writing by the Local Planning Authority.

- 18 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Policy M5.
- 19 Each block of flats shall be constructed in all respects in accordance with the approved plans before it is occupied and all necessary ancillary facilities, including in particular facilities for the storage and disposal of refuse and the drying of laundry shall be provided to each flat before it is occupied, unless the prior written consent of the Local Planning Authority is obtained to any variation.
- 19 Reason: To ensure that the proposed development will be carried out as approved and that satisfactory facilities are provided for the occupiers of the proposed flats and to avoid any detriment to amenities by any works remaining uncompleted in accordance with Taunton Deane Local Plan Policy S1(H).
- 20 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.
- 20 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 21 No demolition shall take place until a programme and scheme for the recording of the buildings and structures on the site has been secured and implemented in accordance with a written specification to be submitted to and approved in writing by the Local Planning Authority.
- 21 Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.
- 22 No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
- 22 Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.
- 23 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable

risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage.

- 23 Reason: To ensure that the land contamination can be adequately dealt with prior to a new use hereby approved commencing on site in accordance with Taunton Deane Local Plan Policy S1(E).
- 24 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 24 Reason: The Local Planning Authority wishes to exercise control over the matter in the interests of amenity and road safety in accordance with Taunton Deane Local Plan Policy S1 (A) and (E).
- 25 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forwardmost part of the front of the dwellinghouse(s) or of the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 25 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 26 The finished floor levels of the proposed dwellings shall be a minimum of 62.2 m AOD.
- 26 Reason: In order that adequate flood protection is provided to the proposed dwellings in accordance with Taunton Deane Local Plan Policy EN28.

- 27 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.
- 27 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).
- 28 Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling house unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage.
- 28 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).

Notes to applicant

- 01 With regard to Condition 03, the following will need to be incorporated into the submitted scheme:- (a) confirmation of the existing condition of the culverts within the development site and off-site to ensure free drainage of surface water flows; (b) details of ownership of the culverts and confirmation of agreements to discharge to them; (c) details of proposed maintenance agreements for these culverts; (d) details and calculations for the proposed on-site attenuation system; and (e) confirmation that any attenuation system chosen will be adopted by Wessex Water as part of a Section 104 Agreement.
- 02 Re potential ground contamination. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs, the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land which gives more details on the relevant sources of information available. This is available on the Council's web site or by contacting the Environmental Protection Team on 01823 356339.
- 03 During construction, the following comments apply:- (a) pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks; (b) discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon provided to remove gross solids. The Environment Agency must be advised if a discharge to a watercourse is proposed; (c) storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage; (d) the Environment Agency must be notified immediately of any incident likely to cause pollution; (e) all contaminated waste produced and removed from the site during the demolition and development must be disposed of at a suitably licensed

waste management site; (f) any waste material brought onto the site to be used during the development must be in accordance with a suitable exemption from waste management licensing.

- 04 Means of Escape - Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage. Access for Appliances - Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000. Water Supplies - All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.

REASON(S) FOR THE RECOMMENDATION:- The proposed development is on a site located within the settlement limits and it is considered that the proposal will provide much needed housing in the area, including affordable housing, which is considered to outweigh the disadvantages of the loss of employment use of the site. The proposal is therefore considered to be in compliance with Taunton Deane Local Plan Policies H2 and EC9.

2.0 **APPLICANT**

Midas Homes Ltd and Beechwood House Developments Ltd.

3.0 **PROPOSAL**

The proposal provides for residential development of the former Advanced Bitumens Ltd and Westford Plastics premises. The 69 dwellings proposed are a mixture of 1- 4 bed houses and flats. 15 of the properties will be affordable (mixture of shared ownership and rent).

Vehicular access to the proposed development will be from a new junction onto Payton Road, approximately 80 m west of the existing access from Rackfield. This new access will replace the existing vehicular access into the site. A pedestrian/cycle link will be provided from the development onto Rackfield, together with resurfacing of the section of Rackfield between the position of this link and Payton Road. Amended plans have been submitted which provide for off-site highway improvements. These comprise the extension of the existing footway at the entrance to Greenway Road and the provision of a new footway on Westford Bridge. The applicants have confirmed that they have the benefit of a full right of way, including a right to enter and maintain the railway to the standard necessary for its use. The application was accompanied by a Design and Access Statement, Planning Statement, Transportation Statement, Statement of Community Involvement, Education Infrastructure Assessment, Bat Assessment, Preliminary Drainage Strategy, Flood Risk Assessment and Geo Environmental Investigation.

4.0 **THE SITE**

The site comprises the former Westford Mill, which has seen active industrial use since 1780. The site measures 1.2 ha (2.89 acres) and is bounded on

the north by Payton Road and Westford Court, open fields used for grazing are located to the south and west and Rackfield, a private access road, forms the eastern boundary.

Adjacent properties are generally of one or two storey residential scale, with the exception being the adjacent former warehouse to the south-east. Planning permission has been granted for the redevelopment of that site for residential use. Construction is also underway to provide two detached dwellings on a site at Windyridge.

The site has a considerable change in level – rising from a level of 63.08 AOD at the northern boundary with Payton Road to 69.06 AOD in the south-west corner.

The site has a long established general industrial use, with the last use for the main site being for the processing of bitumen products. That use ceased approximately 10 years ago and since then the main part of the site has remained vacant and has been derelict and subject to repeated vandalism. A small part of the site is occupied by Westford Plastics, but they are due to vacate the site shortly.

Written confirmation has been received from Central Government that the buildings do not warrant listing.

5.0 **PLANNING HISTORY**

There have been a number of applications related to the industrial use of the site in the past, that are not relevant to the current proposal. The one relevant previous planning application is as follows:-

43/2003/020 Erection of 43 dwellings, formation of access and associated access roads, former ABL and Westford Plastics premises at Payton Road, Westford, Wellington. Application withdrawn.

6.0 **CENTRAL GOVERNMENT PLANNING POLICY**

Planning Policy Statement 1 - 'Delivering Sustainable Development' (PPS1)

Paragraph 5 Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;

- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

Paragraph 13 Key Principles

Paragraph 27 Delivering Sustainable Development – General Approach

Paragraph 29 In some circumstances, a planning authority may decide in reaching a decision to give different weight to social, environmental, resource or economic considerations. Where this is the case, the reasons for doing so should be explicit and the consequences considered. Adverse environmental, social and economic impacts should be avoided, mitigated, or compensated for.

Paragraphs 33 - 39 Design

Planning Policy Statement 3 – ‘Housing’ (PPS3)

Paragraphs 12 – 19 Achieving High Quality Housing

Paragraphs 25/26 Market Housing

Paragraphs 27 - 30 Affordable Housing

Paragraph 40 A key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed.

Paragraph 45 Using land efficiently is a key consideration in planning for housing. Regional Spatial Strategies should set out the region’s housing density policies, including any target.

Paragraph 69 In general, in deciding planning applications, Local Planning Authorities should have regard to:-

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.

- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

Planning Policy Statement 9 – ‘Biodiversity and Geological Conservation’ (PPS9)

Paragraphs 15/16 Species Protection

Planning Policy Guidance Note 13 – ‘Transport’ (PPG13)

The introduction of this document gives the underlying objectives as integrating planning and transport at the national, regional, strategic and local level in order to:-

- (i) promote more sustainable transport choices for both people and for moving freight;
- (ii) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and
- (iii) reduce the need to travel, especially by car.

The underlying theme is that all traffic generating developments should be accessible by a choice of means of transport. Paragraphs 4 - 6 Objectives

Paragraphs 12 - 17 Housing

Paragraphs 28 - 30 Design, Safety and Mix of Uses

Paragraphs 49 -55 Parking

Paragraphs 72 - 74 Public Transport

Paragraphs 75 - 77 Walking

Paragraphs 78 - 80 Cycling

Paragraph 82 Planning Conditions

Paragraphs 83 - 86 Planning Obligations

Central Government guidance on the use of planning agreements and obligations is contained in Circular 5/2005. In particular, the Circular states that planning obligations should be sought only when they are:-

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects.

7.0 **RELEVANT PLANNING POLICIES**

Regional Planning Guidance for the South West (RPG10)

Policy SS1 Regional Spatial Strategy

Policy SS3 The Sub-Regional Strategy

The planning of development and infrastructure investment in the region should be based on the following sub-regional objectives:

...

Central sub-region

- raise the economic performance of the sub-region;
- encourage sustainable growth at Exeter and Taunton and economic diversification at Torbay;
- improve transport and economic links within and through the sub-region and with neighbouring areas;
- focus housing, employment, retail and social facilities in sustainable locations to reduce social exclusion and rural need;
- conserve and enhance important environmental assets.

...

Policy SS5 Principal Urban Areas

Policy HO3 Affordable Housing

Policy HO5 Previously Developed Land and Buildings

Policy HO6 Mix of Housing Types and Densities

Draft Regional Spatial Strategy for the South West 2006 – 2026

Policy SR20 The economic potential for all three urban areas will be realised with provision for job growth in the Taunton and Bridgwater TTWA made for about 18,500 jobs over the plan period. Provision should be made for an average of about 1,100 dwellings per annum at Taunton, Bridgwater and Wellington collectively over the plan period distributed as follows:-

- An average of about 700 dwellings per annum within and adjoining Taunton's urban area.

- An average of about 310 dwellings per annum at Bridgwater.
- An average of about 90 dwellings per annum at Wellington

Development at Taunton will focus on the regeneration of the central area through the reuse of previously developed land and buildings within the urban area, maximising densities whilst seeking high quality design standards, complemented by the provision of a strategic urban extension north of Taunton for about 3,000 dwellings (Area of Search L) as shown on the Inset Diagram.

Investment will be made in key infrastructure to enable the achievement of the development proposed in this Policy.

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011

Policy STR1 Sustainable Development

Policy STR2 Towns

Policy STR4

DEVELOPMENT IN TOWNS

New development should be focussed on the Towns where provision for such development should be made in accordance with their role and function, individual characteristics and constraints. Priority should be given to the re-use of previously developed land and to the encouragement of mixed use development.

Policy 35 Affordable Housing

Policy 42

WALKING

Facilities for pedestrians should be improved by maintaining and extending the footpath network, particularly between residential areas, shops, community facilities, workplaces and schools and by ensuring that improvements to the highway provide for safe use.

Policy 44

CYCLING

Urban and longer distance facilities for cyclists should be improved by maintaining and extending the cycle network between residential areas and schools, shops, community facilities and workplaces, and by making the best use of existing highway infrastructure. Improvements to the highway should provide for safe use by cyclists.

Policy 48

ACCESS AND PARKING

Developments which generate significant transport movements should be located where provision may be made for access by walking, cycling and public transport. The level of parking provision in settlements should reflect their functions, the potential for the use of alternatives to the private car and the need to prevent harmful competitive provision of parking.

The level of car parking provision associated with new development should:

- first, take account of the potential for access and provide for alternatives to the private car, and then,
- should be no more than is necessary to enable development to proceed.

POLICY 49

TRANSPORT REQUIREMENTS OF NEW DEVELOPMENT

Proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed. In particular development should:

- provide access for pedestrians, people with disabilities, cyclists and public transport;
- provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception, not derive access directly from a National Primary or County Route; and,
- in the case of development which will generate significant freight traffic, be located close to rail facilities and/or National Primary Routes or suitable County Routes subject to satisfying other Structure Plan policy requirements.

Taunton Deane Local Plan

Policy S1 General Requirements

Policy S2 Design

Policy H2 Housing development will be permitted within defined limits of settlements, provided that:

- (A) there is safe and convenient access by bus or on foot to facilities and employment. In the case of proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criterion (B);

- (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips;
- (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car;
- (D) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking;
- (E) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity;
- (F) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings;
- (G) existing and proposed dwellings will enjoy adequate privacy and sunlight; and
- (H) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs, particularly those low-cost housing types which are under-represented in the current stock.

Policy H9 On suitable housing sites, the provision of affordable dwellings will be sought where:

- (A) within Taunton and Wellington, the site is at least 1.0 hectare in size or is proposed for at least 25 dwellings;
- (B) outside Taunton or Wellington, the site is of a sufficient size and land value for the incorporation of affordable housing to be feasible and there is a need for affordable housing in the parish or adjoining parishes; and

- (C) occupants without the use of a car will have safe and convenient access to shopping, employment and education provision.

The provision of affordable dwellings sought on a site will be based on the overall need to provide for the identified affordable housing need. In assessing the level of provision on individual sites regard will be paid to the need to balance other important planning requirements and to any abnormal costs associated with the development of the site which would threaten its financial viability. Indicative targets for the allocated sites are set out in policy H10.

Policy H19 Designing out crime

Policy EC9 Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retailing, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site

Policy M4 Residential Parking Requirements

Policy M5 Cycling

Policy C1 Education Provision for New Housing

Policy C4 Standards of Provision for Sport and Recreation

Policy EN4 Wildlife in Buildings to be Converted or Demolished

Policy EN5 Protected Species

Policy EN9 Tree Planting

Policy EN12 Landscape Character Areas

Policy EN28 Development and Flood Risk

Policy EN32 Contaminated land

Policy W1 The extent of Wellington is defined on the Proposals Map to include the associated settlements of Rockwell Green and Westford.

9.0 **CONSULTATIONS**

County Highway Authority

“In principle, there is no objection to the proposal of residential development in this location, given that the site falls within the development boundary limit, as set out in the Taunton Deane Local Plan. It is noted however, that the site is not entirely sustainable in terms of transport policy, and it may be appropriate for the development to contribute to public transport and local infrastructure improvements for the local area.

Access to the site is via Rockwell Green and Payton Road, both of which are narrow in places, and suffer restricted visibility, especially on the rail and stream bridges. It should be noted however, that the content of the TA is agreed, and that the dwellings are unlikely to generate any significant additional traffic, over and above that which could be generated by the existing facility if re-opened.

During pre-application discussions, the issue of visibility at the proposed site access was discussed, and it was agreed that visibility splays of 2.4m x 60m maybe appropriate, if suitable pedestrian and cycle links could be established along Rackfield. It appears however that this land (Rackfield) is beyond the control of the applicant, and there is no demonstration within the application of how this can be utilised for pedestrian/cycle movements.

Given that there is insufficient information available at this time for me to be satisfied that the pedestrian/cycle links are achievable, this application is recommended for refusal from a highway perspective for the following reasons:

The submitted plans do not contain sufficient information for this Authority to be satisfied that the proposal will not have an adverse impact on the highway network.

It may be possible for the developer to produce the additional information required, and if this is the case, the highway objection may be overcome. However until such time, the recommendation is for refusal.”

Further views will be reported verbally.

County Archaeologist

“The proposal will impact on important industrial archaeological features which need to be recorded. I understand that SIAS has commented on this application and have offered to contribute research to the developer appointed archaeologist. I believe that a programme of archaeological work tied into the development proposal should take place as these industries played an important part in the history of Wellington.

For this reason I recommend that the applicant be required to provide archaeological investigation of the development area and a report on any discoveries made. This should be secured by the use of model condition 55 attached to any permission granted:

"No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it."

County Children's and Young People's Directorate

"In view of the likely abnormal site costs associated with this development, as set out in the planning statement, the County Council would be prepared to accept in this particular instance, the basis for calculating the contribution as proposed (a total of £93,186), subject to any inflationary increase in the DfES Basic Need Cost Multiplier prior to the completion of any planning agreement, or a significant change in the future pupil roll forecasts at the local schools. This is notwithstanding that the County Council would normally expect more demand for school places to be generated by a development of this size than is suggested by the applicant's consultant and that the appropriate contribution would ordinarily be greater than is offered. I should also emphasise that the omission of social rented dwellings from the calculation is only likely to be acceptable in exceptional circumstances where the viability of the development may be a material consideration. The use of funds contributed towards secondary school accommodation in the locality would also require further consideration and would not necessarily be as that set out in Mr Walker's report."

Environment Agency

"The Agency objects to the proposed development, as submitted on the grounds that the Flood Risk Assessment (FRA) is inadequate. Clarification of a number of points outlined in the FRA is required.

The submitted report by JBA satisfactorily describes the methodology used for establishing the QMED for the Westford Stream. The report has clearly identified that the attenuation facility only provides a 1 in 50 year standard of protection and during the Q100 year flood approximately 21,000 m³ could potentially overtop the attenuation facility. Section 3.2 and 3.3 describes the projection of the 100 year level for the watercourse at this location, which was estimated at 61.6 m AOD. We would consider this method as being rather simplistic to establish the Q100 year flood level for the watercourse at this facility.

Please provide evidence of how the Q100 flood level was derived, as there are no supporting calculation demonstrating this exercise in section 3.2 and 3.3. In addition please provide a detailed topographic survey of the dam facility so that the overtopping flood level can be related to the site and surrounding land. The survey must include the storage area, the crest height of the dam and the downstream area before Payton Road.

The FRA and the Planning Statement both make reference to the watercourse that flows under the development in a culvert. The route of this culvert has not been identified in relation to the development neither does it state where it merges back with the Westford Stream. It is important to establish the location of this culvert to ensure that no additional load from the new development is transferred on to the structure to effect its structural integrity or its function as a drainage mechanism. More details of this proposed culvert diversion have also not been provided for our comment. Any diversion of a non-main watercourse requires Land Drainage Consent under Section 23 of the Land Drainage Act 1991.

The Planning Statement describes a surface water drainage strategy through underground sewer tanks. Please can you provide a copy for our comment? Is the underground tank able to attenuate to the Q100 year event plus the inclusion of climate change? Have you considered alternative options through SUDS? The applicant is strongly advised to consider on-site attenuation to deal with surface water disposal through SUD methods, which if properly designed could be placed within the Public Open Space provision and form an attractive landscape feature to the development. Further information of the surface water drainage scheme is required to satisfy our concerns in principle i.e. details of design and calculations of storage facilities/discharge rates. The scheme being put forward must be a betterment in comparison to the existing system.

Please contact Nigel Smith on 01278 484807 to discuss any of the above further. Should the Agency's objection to the proposal subsequently, be overcome the agency would seek the application of the following conditions.

CONDITION: The proposed development must undertake the remedial strategy detailed in the 'Geo-environmental Investigation, Conceptual Site Model and Risk Assessment' Report (Yeandle Geotechnical Ltd November 2006).

REASON: To ensure appropriate remediation is carried out.

CONDITION: No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.

REASON: To prevent pollution of the water environment.

CONDITION: There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

REASON: To prevent pollution of the water environment.

CONDITION: Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling house unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage.

REASON: To prevent pollution of the water environment.

During construction the following comments apply:-

CONDITION: Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks.

REASON: To prevent pollution of the water environment.

CONDITION: Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon is provided to remove gross solids. This Agency must be advised if a discharge to a watercourse is proposed.

REASON: To prevent pollution of the water environment.

CONDITION: Storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.

REASON: To prevent pollution of the water environment.

CONDITION: This Agency must be notified immediately of any incident likely to cause pollution.

REASON: To prevent pollution of the water environment.

CONDITION: All waste produced and removed from site during the demolition and development must be disposed of at a suitably licensed waste management site.

REASON: To prevent pollution of the water environment.

CONDITION: Any waste material brought onto site to be used during the development must be in accordance with a suitable exemption from waste management licensing.

REASON: To prevent pollution of the water environment.

INFORMATIVE:-

The 'Geo-environmental Investigation, Conceptual Site Model and Risk Assessment' report provides a useful assessment of the ground conditions present on site and the risk that is posed to controlled waters.

We note the findings of the investigation, which indicate that contamination is present on site and is a potential risk to groundwater. A quantitative tiered risk assessment was undertaken to assess this risk. As the results of the assessment have confirmed the potential risk to controlled waters from the contaminants identified, we concur with the recommendation for remedial works to be carried out. We are satisfied that the clean up target levels derived from the quantitative risk assessment are acceptable, and they provide us with confidence that groundwater, surface water and any licensed abstractions in the area will be protected.

We acknowledge the outline remedial strategy proposals and would welcome the opportunity to consider a detailed Remedial Strategy report in due course.

It should be emphasised that the Environment Agency does not issue formal approval for site investigation and risk assessment in connection with land affected by contamination. The responsibility for appropriate risk assessment rests with the owner/developer.”

Further discussions have taken place between the applicants and the Environment Agency and a further response from the Environment Agency will be reported verbally.

Wessex Water

“Foul Sewerage There is adequate capacity to serve the proposed development. Connection may be made to the nearest public sewer.

Surface Water Drainage Surface water should discharge to the local land drainage system subject to approval from Taunton Deane Borough Council. Please note that the site is partially within a Category 3 Public Supply Source Protection Zone, and as such all discharges should comply to the relevant Environment Agency Policy and Practice for the Protection of Groundwater.

Possible adoption of New Sewers In line with Government Policy, the applicant is advised to contact our Development Engineer, Peter George, to discuss the adoption of new sewers.

Water Supply There is sufficient capacity in the distribution system to serve this site. The point of connection can be agreed at the design stage. Sewage Treatment The treatment works and terminal sewage pumping station have sufficient capacity to deal with the flows from the proposed development.”

Chief Fire Officer

“Means of Escape

Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.

Access for Appliances

Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.

Water Supplies

All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

Natural England

“Thorough bat surveys have been undertaken and many species of bat are impacted upon by the proposal to develop this site. One of the buildings on the site referred to as building A in the report has been dedicated as a bat roost as a result of the demolition of buildings on the former Haymans coal yard. We support the consultants recommendations that this building is improved to accommodate more bats that will be displaced by this development. I understand from talking to the Environment Agency that existing tunnels used by bats will be replaced by a new structure.

Natural England does not object to the development but we expect a detailed method statement that will protect all bat species during the development process. We expect no net loss of the bat's conservation status on the site.

A licence will be needed from Defra administered by Natural England to demolish the bat roosts.”

Somerset Industrial Archaeological Society

“This site, the main part of a large integrated woollen factory operated by Elworthy Brothers & Co. Ltd, once made a significant contribution to the social and economic life of Wellington.

Over a number of years, and in the absence of archival evidence and statutory protection, SIAS has cooperated with County and Borough authorities and English Heritage to promote an adequate record of the surviving buildings and other features. The following documents have so far resulted:

Murless, Brian J. (SIAS 2003). Westford Mills, Wellington, an Introduction. Report for Taunton Deane B.C.

Murless, Brian J. (SIAS 2003). Westford Mills, an Update. Additional notes following a site visit by the Case Officer and Conservation Officer (TDBC), Development Control Officer (SCC) and Archivist (SIAS).

Williams, M. (English Heritage 2003). Westford Mills, notes on site visit. This was not a full investigation and survey as at that time demolition appeared imminent. It chiefly consists of a measured cross section of the earliest mill building.

In our response to the previous application relating to this site (ref. 43/2003/020) SIAS opposed wholesale demolition and favoured the retention and conversion of key buildings. Whilst our position is essentially unchanged we recognise that where structures are removed and further heritage features revealed, a full programme of archaeological monitoring and recording should be in place. This would enable initial observations and research by English Heritage and SIAS to be updated and a detailed report deposited with the National Monuments Record and the Somerset Historic Environment Record.

We would envisage this work being carried out by a professional archaeological unit under the overall direction of the County Archaeologist. A similar undertaking by Exeter Archaeology at Tonedale Mills, Wellington, in December 2002 was particularly successful in recording early mill power sources by water and steam.

Our stance on this application would therefore be one of conditional approval subject to a planning constraint for the implementation of an archaeological programme of works.”

Landscape Officer

“My main concerns are:-

- i. This is a rural edge site but no consideration has been given to the impact of the dwellings on the wider countryside. Given the size of development I would expect a landscape impact assessment.
- ii. Internally there is little or no provision for open space, recreation or tree planting.
- iii. The access is suburban and out of character with its more rural location.”

Nature Conservation & Reserves Officer

“I have concerns about bats and the possibility of great crested newts.

Great Crested Newts to the south of the site is a mill leat and millpond. There is no survey information of the pond and I am concerned that great crested newts (EPS) may use the pond. Although the pond is off site, if there is a

population of newts, they could be using the site for foraging/hibernation. For this reason I advise that there is insufficient information to determine the application.

Bats This is an important site for a range of bat species as identified in Greena's report, October 2006. Currently building A identified in the report is part of the mitigation plan for roost site lost at the adjacent Haymans Coal yard. There is a mention of a licence in connection with that site but I have no EPSL ref. Evidence of bats was found in Buildings A, B, C and G and tunnels H, and I. My concerns are that the existing tunnels are to be replaced by a new structure The responsibility for the maintenance of all structures in relation to bats will have to be agreed. I believe that NE and EA will be commenting further. A European Protected species licence will be needed to develop the site.”

Forward Plan

“As is often the case, the application form is incomplete, existing floorspace to be lost and proposed new floorspace has in this instance been omitted. This makes a comprehensive assessment difficult so I shall base my comments on the specified site area of 1.2 hectares.

The site is currently a combination of existing employment use (Westford Plastics) and vacant land formerly ABL, (bitumen) works.

As ever, the starting point in planning law is the recently adopted Development Plan. As a result of the existing and previous users the site would fall under policy EC9, whereby there is a presumption against loss of such land/premises unless the overall benefits outweigh the loss.

I can find no submitted evidence whatsoever to demonstrate why this employment site should be lost. What evidence of marketing has taken place for the vacant land? To what extent and cost would remediation of any contamination be required for continued employment use on the vacant land? What planning justification is there for removing an existing and presumably viable business from a defined employment area to redevelop for a use not consistent with policy EC9?

Members are currently very concerned at the lack of available employment land within the Borough. The loss of over 1 hectare may be considered fairly significant. With forthcoming displacement of low rental space as part of the Norton Fitzwarren Local Plan allocations, the availability of alternative low rental space such as this is a particular existing and likely growing problem. In the circumstances, displacement of an existing business on a defined employment site such as this would add to the discrepancy between demand and supply and do nothing to aide the local economy; a key corporate priority.

The current proposal is therefore contrary to adopted Local Plan policy and should be resisted.

Notwithstanding the above, the submitted Design and Access Statement refers to the 'Sustainability' of the proposal although this seems to refer only to a mix of tenure and design. To what extent are the dwellings sustainably designed? Policy S2(J) of the adopted Plan seeks energy efficiency measures in development proposals. To what extent are materials sustainably sourced and utilised? What level of the Code for Sustainable Homes do the proposals meet? Latest Government Guidance (draft supplement to PPS1) requires at least 10% anticipated carbon emissions from the development to be saved from on site renewable sources prior to an up to date Plan policy. Thus even if the loss of employment land issues can be successfully overcome the scheme itself does not demonstrate 'sustainability' in overall design and should also be resisted from this perspective.

Finally, if any issue were resolved, affordable housing and play provision would also be required.”

As a consequence of further submissions from the applicant’s agent (MT), the following further response has been received:-

- “1. Paragraph 2 of the MT letter states that ‘an earlier application about 3 years ago was supported by ourselves’. If this is the application that Ian Ayre responded to, we have already established that the Forward Plan response was not supportive of the loss of employment land. Then, as now we operated from a ‘Plan led’ system. Nevertheless, whatever may have been stated 3 years ago may not be the situation now. The ready availability of employment land is actually more acute now than c3 years ago when the likes of Chelston II was commencing development and retention of employment land is of even greater importance and advocated by senior Members. In addition, one must also take into account availability by type. Rental levels for the likes of Chelston would be considerably more per sq. ft. than for the type of land and premises at Westford. There is a need for all types and ranges of site.
2. Policy EC9 applies across the Borough. As MT notes, there is an acknowledged shortage of employment land in Taunton Deane. This is the important factor, not as MT asserts simplistically, the availability in Wellington. Established employment land should not simply be lost due to ‘hope value’ for more profitable, use without valid reasons, especially with this universally recognised shortage. I can see no overriding reason to relax the policy in any of the reasoning expressed in the remainder of MT’s letter. Vis:
3. The fact that ‘ABL Bitumen has caused enormous problems’ is irrelevant, not least as they no longer operate from this site.
4. I find it unlikely that ‘resumption of employment use would generate over twice as much traffic as the housing proposal’. The proposal is for 69 residential units. There is no local shop, the nearest bus stop is well in excess of the 400 metre maximum expressed for residential development in RPG10, thus one must assume that it is a car orientated residential proposal. Vehicle movements of around 7 per day is often used for such a scenario. This would equate to about 483

movements. There were around 7 cars on the Westford site when I visited. Assuming this took up around a third of the site this leaves a net site area of c.0.8 hectares. Assuming 35% site coverage (much higher than the norm in the Deane) and job to floorspace ratio of 1:50 sq m (lower than the norm) this would create a workforce of around 56 jobs. If all came in individual cars I do not believe that this would generate over 960 vehicle movements (twice residential rate), even when service vehicles are taken into account. Likewise, depending on the form of employment development which could be conditioned (e.g. light industrial) service vehicles may be no larger than Transit vans.

5. MT's letter states that no approach has been made to ABL site owners for employment use. This statement needs much greater exploration. As it is an established employment site what evidence has the Council been given that the site has been actively marketed? Who were the agents marketing the site? How has it been marketed? How long for? What response? What rental or land value was attached? etc etc.
6. MT asks 'what evidence has the Forward Plan officer to demonstrate employment viability'. This relates to the above point and, as an established employment site would not be for the Council to demonstrate. The applicant must demonstrate to this Council the overriding reason for the principle of employment use to be lost. As part of this, one would assume that decontamination requirements for continued employment would be less than for a residential use.

Thus in conclusion this correspondence has done nothing to demonstrate any valid planning consideration as to why the loss of employment land should be accepted, contrary to policy EC9 of the Local Plan. The existing user on part of the site demonstrates that employment use is still capable from this location. As it stands, if this proposal were accepted the future validity of this policy would be virtually untenable and other proposals for loss of employment land would be extremely hard to resist.

If these planning policy matters can satisfactorily be resolved, a mixed use development should be considered, protecting existing occupiers and investigating the potential for live work units etc on other parts of the site since some of the buildings look suited for such a reuse and in terms of sustainability certainly should be (whatever the eventual use). This would of course require a resubmission of the proposals since from the Design and Access Statement it appears that the site is to be cleared. Reuse of buildings is a key feature of sustainable development and a key element of policy to reduce carbon emissions, and a challenge that this Council has signed up to."

Environmental Health Officer

"I have recently received a copy of a site investigation report for the above development.

Geo-environmental Investigation, Conceptual Site Model and Risk Assessment. Ref BC6679. November 2006. Yeandle Geotechnical Ltd.

This report provides the relevant information on the site and includes a conceptual model and risk assessment. The proposed remedial target levels are acceptable for addressing any potential risks to human health. I note that the Environment Agency has reviewed this assessment with regard to controlled waters.

The report includes an outline of the basic remediation proposals, and states that a more detailed Remediation Strategy Report will be prepared. This should be submitted to the council on completion.

I would recommend the standard condition for contaminated land (attached). The information that has already been submitted would be acceptable to meet parts of this condition.

Contaminated Land

Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:

(a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations.

(b) A ground investigation shall be carried out, if required, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

(c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action.

(d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site.

(e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented.

(f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority.

(g) On completion of any required remedial Works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority.

(h) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage.

Reason: To ensure that the land contamination can be adequately dealt with prior to a new use commencing on site.

Note to Applicant

Re potential ground contamination. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs, the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land, which gives more details on the relevant sources of information available. This is available on the Council's web site or by contacting the Environmental Protection Team on 01823 356339."

Drainage Officer

"I note the comments made in the Preliminary Drainage Strategy report 0605-16/TN/02 dated November 2006.

A full and final drainage strategy should be compiled and agreed with this Authority and made a condition of any approval given. The following issues will need to be resolved/agreed in the report before any works commence on site.

Existing Private Culverts

1. Confirmation of the existing condition of these culverts within the development site and off-site to ensure free discharge of surface water flows.
2. Details of ownership of the culverts and confirmation of agreements to discharge to them.
3. Details of proposed maintenance agreements for these culverts.

On Site Attenuation

1. Details and calculations are required for the proposed on-site attenuation system.
2. Confirmation that any attenuation system chosen will be adopted by Wessex Water as part of a Section 104 Agreement.

I await further details in due course.”

Housing Officer

“Supports this application on the basis of housing need. The Housing Officer has been in conversation with a registered social landlord and developer and the requirement for affordable housing would be 15 units based initially on 8 flats and 7 houses including some disabled accommodation.

Tenure would be split between social rented and shared equity (home buy).

Leisure & Recreation Manager

“The quantity and range of play and open space provision being proposed on site is not acceptable. The government via CABI Space is encouraging new developments to take proper account of public space and particularly the active recreational needs of children and young people. A development of this sort would be better if it did not provide small private gardens and instead provided a high quality multipurpose communal open space with room for everyone to enjoy it.

In terms of quantity, Policy C4 shows that there should be 1220 sq m of equipped play space for this number of dwellings in addition to the buffer zone between it and the adjacent houses. The application shows only 18 sq m of equipped play space with 80 sq m of buffer zone grass and shrubs. The nearest adjacent house is 6 m from the play area. This is not acceptable - our standard requirement is for 20 m distance.

In my opinion this play area will be too small for young children and will attract older children as there is no open space being provided for them directly. This will result in children and young people playing in the street and close to people's houses, potentially causing annoyance to residents. If Members are minded to approve this scheme then it is unlikely that the Council will be able to adopt the open space as it will not be provided to our standard. Consideration should be given to the streets being designed along the principle of "shared use" to enable legitimate use of this public space by children.

In terms of an off-site contribution for play to reflect the lack of adequate play provision, if the play ground is built as shown the sum for additional provision in the vicinity would be £98,000 at 2006 prices. If no on-site provision is made, the off site contribution for play should be £106,750 at 2006 prices. This sum

should be index linked and reflects the number of family size dwellings being proposed.

Policy C4 also requires developments to contribute to local sports field provision. For 69 dwellings this sum would be £59,271 and should be index linked.

10.0 **REPRESENTATIONS**

46 LETTERS OF OBJECTION making the following observations have been received:-

1. Increase in traffic resulting in tailbacks of traffic through Rockwell Green to the traffic lights due to the number of parked cars at peak times.
2. Possibility of pollution contamination from noise, dust and water.
3. Number and density of new dwellings is too high.
4. Landscaping of recreational areas for the children and teenagers, resulting in them congregating along the public footpath along Rackfield and causing disturbances.
5. Pet cats will devastate the existing balance of wildlife.
6. Unless fenced off, there will be a big increase in traffic along Rackfield, including construction traffic.
7. Effect on local water table.
8. Will dramatically alter the quiet village character of Westford.
9. Narrowness of access roads, with bridge and no pavements approaching the site.
10. Difficulty for emergency service vehicles to reach site.
11. Despite flood prevention works carried out in the area, still subject to flooding. Run off from the development will add to this.
12. Children walking to and from school will be at risk from the increased traffic.
13. Water main is incapable of sustaining a further 69 dwellings.
14. Traffic to the existing business is light. When the bitumen works was open, deliveries were by large lorry, but were infrequent.

15. Ground is contaminated.
16. Should not be a pedestrian access into Rackfield Lane, which is a busy private vehicular access for residents along the lane and maintained by them. New residents will be tempted to use the lane for car parking, which would cause an obstruction.
17. Opposed to three storey houses.
18. Comments made by the local population have been completely ignored.
19. The one store in the area will be inadequate.
20. Loss of privacy from overlooking.
21. Loss of property value.
22. Poor visibility onto Payton Road, with increased danger of accidents.
23. There should be a direct access link across to the A38.
24. Timing of the submission of the application, just prior to Christmas appeared to be a cynical measure to minimise objection to the application.
25. Double yellow lines will be essential in Rockwell Green, which has serious implications for the residents of existing dwellings.
26. Likely to be incidents of damage to railway bridge, with a potential for various injury or loss of life.
27. Bus services will need to be extended to the new estate, which will increase the risks caused by wide and large commercial vehicles travelling along an already dangerous section of highway.
28. The suggestion that the proposed 244 movements from a residential estate will improve the current position where traffic engineers estimate the existing industrial development produces 744 vehicular movements is quite fanciful. In the past, even when the site was in full production, the commercial vehicular movements were not substantial.
29. Site is more appropriate for detached dwellings on extensive garden sites.
30. Public transport provision is inadequate.
31. A detailed traffic survey must be carried out at peak times.

32. Accesses to site other than through Rockwell Green are also narrow and dangerous.
33. Two well used pedestrian routes emerge onto Rockwell Green from Dobree Park - danger from high spirited children coming directly onto the road.
34. Safety of children, dog walkers, horse riders and cyclists.
35. Proposal does not take account of other developments allowed in the area.
36. Affect on wildlife in the pond/leat.
37. Proposed wall on Rackfield directly opposite the coal yard will result in a blind bend.
38. Bicycle parking should be sheltered.
39. Will double the existing number of dwellings in Higher Westford.
40. Statistics in the traffic report are unrealistic.
41. Position of pedestrian access onto Rackfield will result in disturbance to property opposite and is at a dangerous point for seeing vehicles.
42. There should be a substantial boundary wall dividing new development from Rackfield.
43. The 19th Century railway bridge was designed for horses and carts and will need to take more stress. Same with the bridge over the stream.
44. The general opinion is that it is a done deal.
45. Extra traffic caused by contractors, especially large lorries, will be dangerous for children walking to school.
46. If the development is allowed, the Council should be prepared to accept full responsibility for any accidents.
47. Will result in damage to nearby roads.
48. Inadequate parking.
49. Will turn a heaven of peace into a housing estate.
50. Pollutants from the site may leach out into the Westford Stream.
51. Should be changes to the roads and footpaths in the area.

52. Speed limit should be reduced to 20 mph.
53. All construction vehicles should be parked on the site.
54. Traffic lights should be installed at the railway bridge.

LETTER OF SUPPORT FROM RAGLAN HOUSING ASSOCIATION LTD:-

Raglan has been working closely with Midas Homes Ltd over the past few months to put together a proposal for the affordable housing on the site. We are hoping to secure 10 rented and 5 homebuy affordable housing units on the site, which will obviously be of benefit to the people of Wellington, where need for affordable housing is well evidenced.

ONE LETTER OF SUPOPRT making the following observations:-

1. No worth in keeping ruined mill buildings in what is a rural area.
2. The site is an eyesore and may potentially become derelict to the point of being a dangerous structure.
3. As the site is industrial, would welcome the change of use so as to reduce the future potential for industrial re-occupation of the site and all the heavy goods vehicles that would imply.
4. Welcome the developer's proposals to remove toxins from the site.
5. There should be maximum planning gain – to roads, paths, local schools, etc.
6. Prospect of increased local supply of housing, including affordable, and would welcome some social housing element if practicable.
7. Extra housing will not produce a critical mass of additional traffic to render local roads any more hazardous, nor to cause gridlock.
8. Welcome the increased spending power the development will bring into the local economy.

11.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Does the proposed development comply with national and local planning policies? POLICY
- B. Is the access to the site and parking provision adequate? ACCESS/HIGHWAYS
- C. Are there any abnormal costs associated with the development of the site? ABNORMAL COSTS

- D. Is the level of affordable housing proposed adequate? AFFORDABLE HOUSING
- E. Is adequate recreation provision being made? RECREATION
- F. Is adequate provision towards education facilities being made? EDUCATION
- G. Are the measures to deal with ground contamination on the site appropriate? CONTAMINATED LAND
- H. Has adequate protection against flooding been provided? FLOOD RISK
- I. Is adequate drainage for the site proposed? DRAINAGE
- J. Have adequate mitigation measures been provided to deal with any wildlife on the site? WILDLIFE
- K. Is the proposed development sustainable? SUSTAINABILITY

A. Policy

The majority of the site is included within the settlement limits of Westford/Rockwell Green which is a satellite settlement of Wellington.

The site includes a small area which lies beyond the settlement limit boundary as indicated in the Local Plan. It is considered that the Local Plan boundary appears arbitrary and excludes areas with existing buildings, which are included within the current application site.

The site is a brownfield site which government policy seeks to encourage Local Planning Authorities to maximise the use of. Much of the site is occupied by derelict industrial buildings which have not been in active use for several years. The loss of existing employment use of the site is an issue to be considered.

The Forward Plan Officer considers that the proposal should be resisted as being contrary to Policy EC9 of the Taunton Deane Local Plan, whereby there is a presumption against the loss of employment land/premises unless the overall benefits outweigh the loss. He considers that no evidence has been submitted to demonstrate why this employment site should be lost.

In 2004, the Council identified the site as being suitable for redevelopment for housing in the Urban Housing Capacity Study.

Historically, the former use of the major part of the premises by Advanced Bitumens Ltd has caused problems with many complaints from residents. The ABL part of the site and adjoining land has been vacant and increasingly derelict for several years. The applicants confirm that no approaches have

been made to them with regard to possible employment use. The Westford Plastics building is partly in use and the business is shortly to relocate to an alternative site in Wellington. Given the derelict nature of the buildings and land over the majority of the site and its high level of contamination, it is unlikely that future employment use would be viable.

I do not consider the application site is an appropriate one for providing space for tenants displaced from the Taunton Trading Estate at Norton Fitzwarren, due to the distance involved. Elsewhere in Wellington there is employment space at the lower end of the market at Tonedale Mill, Bagley Farm and the former Lincott Nurseries site. New units for employment use are currently under construction at Chelston Manor and planning permission is soon to be granted (Committee resolution to approve) and soon implemented for the opening up of 50 acres of employment land at Chelston Home Farm. Notwithstanding this, the Forward Plan Officer considers there is a need for all types and ranges of units.

PPS3 indicates that Local Planning Authorities should seriously consider employment land sites and, if they are derelict or of a brownfield nature, alternatively consider them for housing development. Taunton Deane Local Plan Policy EC9 is permissive of the loss of existing employment sites if there are overall benefits that outweigh the disadvantages of the loss of employment or potential employment on the site. Most of the objection letters refer to concerns with regard to access to the site. Resumption of an employment use on the site could generate considerably more traffic than the housing proposed and in particular would reintroduce a very significant increase in lorry movements. Most of the objectors are supportive of the principle of housing on the site, the concerns being the number of dwellings and associated traffic generation.

Notwithstanding the views of the Forward Planning Officer, I consider that retention of the site for employment is inappropriate and consider that redevelopment for residential use is acceptable.

B. Access/Highways

A detailed Transportation Statement prepared by transport consultants was submitted with the application.

The Statement concludes that:-

- (i) The proposed vehicular site access from Payton Road and the proposed pedestrian and cycle access from Rackfield are appropriate and safe;
- (ii) The traffic likely to be generated by the proposed development is immaterial, when compared with the traffic associated with the extant industrial use; and

- (iii) The proposed development generates significantly less HGV traffic than the previous industrial use.

The Statement also considered the comments that arose from the public exhibition held in September 2006 and concluded that:-

- (i) The level of traffic from the development will be low and will have an insignificant impact on the operation or safety of the existing highway network;
- (ii) Any improvement to the pedestrian facilities to the site are contained as sections of the road from Rockwell Green to the site and Payton Road are too narrow to provide a continuous footway towards the railway bridge;
- (iii) Any improvement to the two-way vehicle flow on Rockwell Green are constrained by residential on-street parking, any improvements made would result in loss of parking and be likely to lead the local objections;
- (iv) The railway bridge is too narrow to carry out meaningful improvements.

It also concludes that there is insufficient highway land available to provide carriageway widening or additional footways in Westford and Rockwell Green, but given the high traffic generating nature of the extant business use, such measures are not considered to be necessary as part of the development. However, there are two specific areas where improvements to the highway network are to be carried out as part of the proposed development. These are:-

- (i) Extending the existing footpath at the entrance to Greenway Road together with a pedestrian crossing point; and
- (ii) The provision of a new footway on Westford Bridge. These works, together with other measures as part of any future highway safety scheme which may develop in the vicinity up to a total cost of £50,000.

The County Highway Authority agrees with the content of the Transportation Assessment and concludes that the proposed dwellings are unlikely to generate any significant additional traffic over and above that which could be generated by the existing use if re-established.

The level of car and cycle parking provided is considered appropriate given the location of the site. An average of approximately 1.5 parking spaces per dwelling is proposed.

C. Abnormal Costs

When considering the provision of community benefits arising from the development, such as affordable housing, education, leisure and recreation, etc. it is appropriate to take account of particular costs associated with the

development of a site. Case law has established that 'particular costs' mean the site and scheme specific costs over and above the normal costs of developing land for housing purposes.

In developing the application site, there are clear particular abnormal costs that need to be incurred for development to proceed. The applicants estimate that the total abnormal costs will be £1,262,000, the major part of which is ground remediation because of the previous use of the site.

In addition, contributions are being made towards off-site highways, leisure/recreation and education facilities.

D. Affordable housing

Policy H9 of the Taunton Deane Local Plan states that the provision of affordable dwellings sought on a site will be based on the overall need to provide for the identified affordable housing need. In assessing the level of provision on individual sites, regard will be paid to the need to balance other important planning requirements and to any abnormal costs associated with the development of the site which would threaten its viability.

The Council's policy seeks affordable housing provision within the range 20 – 35%. The upper end of this range for the development would equate to 24.15 dwellings. If £60,000 is taken as the appropriate build cost of an affordable dwelling, the level of abnormal cost (based on costs of £1,262,000) equates to 21 dwellings. On this basis, only 4 units of affordable housing would be provided. However, the applicants are proposing the provision of 15 affordable dwellings, which is a level above the lower end of the range in the Council's policy.

The affordable dwellings are detailed as follows:-

Rented dwellings

- 4 No. 1 bedroom flats
- 2 No. 2 bedroom flats
- 2 No. 2 bedroom houses
- 2 No. 3 bedroom houses

Shared ownership dwellings

- 1 No. 2 bedroom flat
- 2 No. 2 bedroom houses
- 2 No. 3 bedroom houses

I consider that, given the specific site constraints affecting the development, the provision of 15 affordable dwellings is fair and reasonable.

E. Recreation Provision

The Planning Authority's policy on recreation provision is set out in Taunton Deane Local Plan Policy C4.

The proposed scheme provides for a total of 69 dwellings, comprising 45 family dwellings and 24 flats. Based on the criteria set out in Policy C4, 900 sq m of children's play space (20 sq m per family dwelling) would be required.

When considering what is reasonable (under the provision of Circular 5/2005) in terms of providing open space, both the abnormal costs associated with the development of the site and the full package of planning obligations that are being sought should be taken into account.

On this particular site, where there are significant abnormal cost that will have to be borne if the site is to be used for residential development, together with other contributions such as affordable housing, education and off-site highway improvements, I consider that it would be inappropriate to seek the provision of 900 sq m of children's play space.

The proposed development does provide for an area of public open space with an equipped children's play area (albeit not 900 sq m) in the middle of the site. The applicants are also making a contribution of £75,000 towards improvement to off-site open space/playing fields in the area. I consider in the circumstance that this is fair and reasonable.

F. Education Provision

The applicants have commissioned a consultant to consider the impact of the proposed development on the existing statutory education provision within the area. His report considered the mix of dwellings proposed on the site and the likely pupil yield. In summary the report concludes that a contribution 'fairly and reasonably related in scale and kind to the proposed development' as required by circular 5/2005, would be based on 12 primary and 6 secondary aged occupants.

In April 2006, Somerset County Council published an update of the School Organisation Plan forecast to cover the actual numbers on roll in September 2005 and forecasts to September 2010. The figure shows that in September 2005, 7 of the 8 primary schools in the area had surplus capacity. By September 2006, all the schools were expected to have surplus places and this was expected to continue, indeed increase, to September 2010. Rockwell Green C E Primary, the local primary school, had 29 surplus places in 2005, expected to increase to 39, or 20 – 25% of capacity, by 2010. Therefore no contribution to primary education infrastructure is considered necessary.

The only secondary school within a 5 mile radius is Court Fields Community School in Wellington. The figures show that the school had 875 pupils in 800 places in September 2005. The forecasts suggested that the deficit of places was likely to continue on a declining trend over the next 5 years. It is considered that contribution based on providing 6 pupil places for secondary

education would be fair and reasonable. Therefore, using the Education Authority's valuation of £15,531 per pupil place, a contribution of £93,186 is proposed by the applicants.

The County Children's and Young People's Directorate is prepared to accept the proposed contribution in this particular instance.

G. Contaminated Land

The applicants are working with consultants and a specialist remediation contractor to produce a Remediation Strategy for the site. The Strategy will include detailed Method Statements. The overall aim of the proposed remediation programme will be to ensure that the approved conditions are suitable for the proposed residential with gardens development and that they do not present any significant risk to the wider environment.

It is proposed that all soils elevated above the proposed target levels in respect of hydrocarbons will be excavated and where possible treated by ex-situ' bioremediation techniques. Where impacted soils are present beneath significant overburden, material will be excavated and stockpiled prior to removal and treatment of the underlying soils. Selective removal of materials will be undertaken in areas where elevated metals have been detected and excavated materials from these areas will be screened on site to ensure that remaining materials are suitable for use. Where necessary, an appropriate cap will be designed and placed in private garden areas to reduce any residual risk to site users.

In order to achieve groundwater target levels, an appropriate on-site groundwater pump and treat system will be designed and employed. Groundwater will be abstracted and treated before being discharged under license to pool water. Hydrocarbon concentrations in groundwater will be monitored throughout the remedial period and the pump-and-treat system will operate until such time as the target levels have been achieved. Upon cessation of pumping, further monitoring will be undertaken to ensure that any rebound affects remain below the agreed target levels. The treatment system will subsequently be decommissioned and removed from the site.

All remedial excavations will be visually inspected and appropriate validation samples taken for subsequent laboratory testing to confirm that materials left in-situ are compliant with the proposed target levels. Where target levels are not achieved, further excavations and/or treatment will be undertaken.

A full validation report will be submitted for approval.

H. Flood Risk

The applicants commissioned consultants to carry out a Flood Risk Assessment for the proposed development of the site.

The site is shown to be outside the Environment Agency's indicative floodplain. In 1989, the Borough Council carried out a flood alleviation scheme to reduce the problems of flooding for Westford. This took the form of a reservoir designed to store water in a 1 in 50 year event. Overtopping would therefore occur in a 1 in 100 year event. The average water level in a 1 in 100 year event was estimated to be 61.6 m AOD. As the topographical survey shows the ground levels within the proposed development site to be 62 m and above, the site is unlikely to flood in a 1 in 100 year event. The applicants were proposing that the finished floor levels of the proposed development be set out 62.2 m AOD, 600 mm above the level of the 1 in 100 year event.

The Environment Agency has lodged a holding objection to the proposal, requesting clarification of a number of points in the Flood Risk Assessment. Further discussions have taken place and the further views of the Environment Agency will be reported verbally.

I. Drainage

All foul flows from the proposed development will be positively drained to the northern boundary of the site, at the location of the new site access, by a new foul sewer network sited within the new site access road and shared surfaces. This will be discharged to the existing public foul sewer within Payton Road, which has sufficient capacity to accommodate the foul flows from the development.

All surface water flows from the impermeable areas of the proposed development will be positively drained to a new surface water sewer network sited within the new site access road and shared surface. Below ground storage cells located beneath the public open space on the development will provide on-site attenuation, restricting the surface water discharge flows. It is proposed to discharge these surface water flows to the existing surface water culvert within Rackfield, with eventual outfall to the Westford Stream.

J. Wildlife

The applicants commissioned consultants to carry out a bat assessment of the site and to advise on any mitigation requirements for developing the site. A copy of the consultant's report was submitted with the application.

Bat surveys of a building on the adjacent Haymans Courtyard site were conducted in 2004 and 2005 as part of a DEFRA licence for demolition of the building. Small numbers of common pipistrelle, lesser horseshoe and long-eared bats were identified to be roosting at the site. The current application site was first surveyed in 2004 and a small building on the site was identified to be retained as mitigation for the loss of the Haymans warehouse.

In June 2006, a mid-summer survey of all buildings on the application site was conducted. This comprised internal inspection of the buildings followed by a

dusk bat detector survey for emerging bats using bat detector recording systems.

The following conclusions were found:-

- (i) Small numbers of common pipistrelle, lesser horseshoe, natterers and large-eared bats roost in buildings and tunnels on the site;
- (ii) Overall the numbers of bats using the site are small, all may use the site in winter and none are likely to breed there;
- (iii) One small building on the site is to be retained and adapted as mitigation for both Haymans warehouse and the application site.
- (iv) A DEFRA license is required before any works start to some of the buildings/structures with demolition taking place between April and October. Other buildings can be demolished at any time.

Natural England supports the consultant's recommendations.

K. Sustainability

National and local planning policies support and encourage sustainable development on brownfield or previously developed land and the current proposal is entirely compatible with these policies. The development of this site at an acceptable density removes the need to justify comparable amounts of housing land at greenfield locations.

The site and its surroundings contain no designated sites of nature conservation interest. There are protected species on the site.

An area of public open space and a children's play area is proposed on the site as part of the development.

The development is to provide affordable housing as part of the development.

Remedial works on the site will be carried out re-using on-site material where possible to reduce the volume of material going to landfill and also to reduce the number of haulage movements from the site.

11.0 CONCLUSION

The proposals provide for a scheme which is sensitive to the site, addresses the various technical issues and enables full and proper use to be made of this brownfield site to meet the need for additional dwellings in the area. The proposed development will result in a significant improvement to the quality and appearance of the area and will also provide for a package of measures to be secured through the recommended Section 106 Agreement.

My recommendation is therefore a favourable one.

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

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