

THE MOUNT VETERINARY HOSPITAL

RELOCATION OF THE MOUNT VETERINARY HOSPITAL TO INCLUDE THE ERECTION OF A TWO STOREY BUILDING WITH LARGE ANIMAL PROCEDURE ROOM, CREATION OF NEW VEHICLE ACCESS, Paddock AND ASSOCIATED CAR PARKING WITH DIVERSION OF FOOTPATH AT LAND TO THE SOUTH OF TAUNTON ROAD, WELLINGTON

Grid Reference: 314866.121327

Full Planning Permission

RECOMMENDATION AND REASON(S)

Subject to the detailed views of the Highway Authority regarding the revised junction arrangements and travel plan:

Recommended Decision: Conditional Approval

The proposed development would allow an existing business and significant employer in Wellington to relocate to premises that allowed the business to continue to develop further. As such, there are significant economic benefits to the town in allowing the proposal to proceed, and this is considered to outweigh the impact on the proposed green wedge and landscape approach to Wellington. The impact upon highway safety, ecology and neighbouring residents is considered to be acceptable and accordingly, the proposal is considered to be acceptable in accordance with Policies S1 (General Requirements), S2 (Design) and EN3 (Local wildlife and geological sites) of the Taunton Deane Local Plan; Policy 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review; and advice contained in Planning Policy Statement 9 (Biodiversity and Ecological Conservation).

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A1) DrNo SPP.1583.6 Vegetation Appraisal
(A1) DrNo R10036-SX Topographical Survey

(A1) DrNo SPP.1583.5D Landscape Masterplan
(A1) DrNo 2233/FP05 Site Plan
(A1) DrNo 2233/FP 03C Elevations
(A1) DrNo 2233/FP 02 C Ground and First Floor Plans
(A4) DrNo FMW0479/GA01 rev D Preliminary site access arrangement

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

3. Prior to any other development occurring on site, the new junction detailed on drawing FMW0497/GA01 rev D shall be fully implemented in accordance with the details hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a safe access is provided to the site, in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

4. Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the building hereby permitted coming into use and shall thereafter be maintained as such.

Reason: To ensure that surface water is satisfactorily disposed of in the interests of preventing flood risk, in accordance with Planning Policy Statement 25.

5. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Ambios Ecology's submitted report, dated September 2011 and include:
 - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 - Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for Wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented.

Reason: To protect wildlife and their habitats from damage in accordance with Policy EN3 of the Taunton Deane Local Plan and advice contained in Planning Policy Statement 9.

6. (i) The landscaping/planting scheme shown on drawing SPP.1383.5D shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development 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.

7. The travel plan submitted with the application shall be implemented upon first occupation of the hospital hereby permitted and shall thereafter be implemented in accordance with the travel plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote travel to the site by means other than the private car, in accordance with Policy S1 of the Taunton Deane Local Plan.

Notes for compliance

PROPOSAL

This application seeks full planning permission for a new veterinary hospital. The hospital is intended to cater for all veterinary needs from small domestic pets to large animals and, as such, incorporates a large treatment room and paddock area for keeping animals overnight as well as examining their behaviour in the field.

The accommodation would be arranged over two floors, with the main treatment and public areas at ground floor and staff quarters at first floor. A parking area would be provided to the front for staff and public, with a new access formed to Taunton Road to the east of the building. Taunton Road would be slightly widened to accommodate a new right turn and the boundary hedgerow would have to be removed and replanted back behind new visibility splays. A public footpath crossing the site would be realigned to follow the western site boundary.

SITE DESCRIPTION AND HISTORY

The site comprises part of a broadly triangular agricultural field. It adjoins the existing Cades Farm residential development, now known as Bramley Close, to the west, beyond a boundary hedge. The field generally slopes down to the east, with a high point in the centre, approximately at the eastern extent of the application site and, therefore, the access point.

The northern boundary with Taunton Road is formed by a mature hedge, partly covering a post and wire fence. To the Southwest, a hedge and field boundary (beyond the actual application site) separates the site from surrounding agricultural fields which now benefit from a resolution to grant planning permission for further residential development as a second phase to the Cades Farm development. A public footpath runs from Bramley Close on the western site boundary diagonally across the site to Taunton Road.

There is no planning history relating to this site, although it has been identified as part of the new green wedge for East Wellington in the published Core Strategy.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – Final comments awaited. To date, the Highway Authority have confirmed that they do not have any objection in principle to the development and that it is technically possible to provide a safe access at this point. Following comments from the safety audit team, it has been requested that various alterations are made to the junction and proposed right turn lane in Taunton Road.

The applicant's highway consultant has responded to this by making various changes to the proposed junction, in line with SCC's recommendations.

WELLINGTON TOWN COUNCIL – Recommended that permission be refused as the proposal would be an inappropriate development in an area identified as Green Wedge in the emerging TDBC Core Strategy. It was felt that there were other equally suitable locations elsewhere in the near vicinity.

LANDSCAPE – My main concerns are:

- Loss of roadside hedgerow;
- Landscape impact along an important route into Wellington;
- The proposals are within the proposed Green Wedge for eastern Wellington;
- The proposed landscape mitigation does not fully address the above issues.

SCC - RIGHTS OF WAY - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map which crosses the area of the proposed development at the present time (footpath no. WG 14/5). I have attached a plan showing this footpath for your information.

The County Council do not object to the proposal subject to the developer being informed that the grant of planning permission does not entitle developers to obstruct a public right of way.

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary Diversion Order has

come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

The diversion of the route will be carried out by Taunton Deane Borough Council under the Town and Country Planning Act.

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

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

If the work involved in carrying out this proposed development would

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

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

WESSEX WATER – No comments received.

BIODIVERSITY – The proposal includes the removal of 120m of hedgerow running along the site's northern boundary. Survey's have concluded that the hedgerows are likely to contain dormice and an EPS licence will be required for the removal of the hedge.

I am concerned about the general amount of hedgerow removal planned in this area of Wellington. In this instance, the removal of the roadside hedge would not cause a major loss of continuity to the hedgerow network but will impact on individual dormice. Query whether other ways of accessing the site to avoid the hedgerow removal have been explored.

A full detailed method statement and an assessment on proposed site lighting should be submitted at this stage to determine the application.

The surveyor noted that the trees on site were classed as Category 3 trees – being trees of negligible potential to support bats. No assessment was made of the impact of the removal of 120m of hedgerow on bats. No badger setts were noted on site, no water features were on site, although several ponds (possibly containing Great Crested Newts are located in the area).

NATURAL ENGLAND – On the basis of the information available to us with the planning application, Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of dormice and therefore avoid affecting favourable conservation status.

It is for the Local Planning Authority to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case then the planning authority should consider whether the proposal would be likely to be granted a licence. Natural England is unable to provide advice on individual cases until licence applications are received since these applications generally involve a much greater level of detail than is provided in planning applications.

ENVIRONMENT AGENCY – No comments received.

STRATEGY AND COMMUNICATIONS – There are strong planning policy objections to this location which is less sustainable than their existing site alongside Lancer Court, Wellington. The access proposed would also result in the loss of a substantial length of existing hedgerow due to the convex alignment of Taunton Road, which would have an adverse landscape impact on this important rural approach to Wellington, open up views into this Greenfield site and set a precedent for further development on the remaining 4.2 hectares of the land. There would be a need for wildlife surveys because of the possibility of dormice in the hedgerow. At pre-application stage we advised that they should explore other sites, such as Rowe's nursery at Rockwell Green or if they want a rural location for large animals to explore barns suitable for conversion.

The Core Strategy was submitted to the Secretary of State on 14th November. It designates this land as part of the green wedge separating the proposed residential allocations at Cades/Jurston from the existing employment sites to the east at Chelston. The proposed development is contrary to green wedge policy. To permit development here would set a precedent for development elsewhere within the green wedge. The Taunton Deane Green Infrastructure Strategy (2009) identified that the eastern part of Wellington is currently deficient in accessible green space and suggested that a new green space be created to serve communities on this side of the town.

ECONOMIC DEVELOPMENT – It is important that the community of Wellington is able to accommodate essential rural service providers. This is one such provider – offering veterinary services to most types of animals, but notably equine and large farm animals. The hospital is a long established business in the town with a strong reputation for a high quality service, employing 32 professional and administrative staff. It's plans for growth are ambitious, reflecting its expanding customer base, and it aims to become a high quality establishment of regional significance and reputation over the foreseeable future.

The business' requirement to treat large animals, coupled to its ambitious growth programme, mean that a town centre site is completely unfeasible. The business has carried out an extensive survey of sites in the vicinity of Wellington over many years, including Westpark Business Park, but for a variety of seemingly valid reasons has been unable to identify any alternative to that proposed on the Taunton Road. If it is unable to relocate to that site I fear the business would be unable to adapt and may potentially be forced to move away from the town. The impact of that loss would not only be on many of the employees but also on the many Taunton Deane rural businesses that currently depend on the hospital for essential support.

The site at Taunton Road offers good frontage for the business, and easy access for rural customers, particularly those with large animals. Having ruled out any other options I would therefore be fully supportive of the use of that site for the veterinary hospital.

Representations

Two letters have been received raising no comments.

Two letters of objection have been received making the following comments:

- The roof material should be of a more domestic appearance – e.g. slate or tile. Local residents may otherwise feel that they are living on an industrial estate.
- Query where the footpath diversion would be.
- Query whether the paddock is within the red-line site plan or whether it is the rest of the field.
- This is further unnecessary development which is within the proposed Wellington ~Green Wedge.
- There will be only a tiny area of green land between Wellington and the Chelston Roundabout.
- Query why the site cannot be on the new trading estate.
- There may be excessive noise from the premises. Outside kennels for dogs are not shown, but it should be stipulated that there are not any. Rooms where dogs are kept overnight should be suitably sound proofed.
- Query how surface water would be dealt with.
- Visitors to the site may park in Bramley Close and walk through.
- Measures should be put in place to ensure that the remainder of the field is undeveloped. The remainder of the field could easily be developed due to the position of the access.
- Query whether the remainder of the field could be given to the Council or local residents.
- Query what sort of use a 'green wedge' can be put to.

One letter of comment raising the following points:

- This is a broadly rural location, so a veterinary hospital is acceptable in principle.
- There is potential for noise disturbance, particularly from kennels.
- The area is partly at risk of flooding, query where flood water would be channelled to.
- Taunton Road is prone to flooding at times.
- Query whether the speed limit would be reduced to account for the development.
- Query whether a site adjacent to the existing animal health facility at the Chelston roundabout would be ideal; perhaps on the site of the proposed mental health hospital.

PLANNING POLICIES

DETERMINING ISSUES AND CONSIDERATIONS

The main issue in the consideration of this application considered to be the principle of the development. The acceptability of the proposal rests upon a balance between the impact on the proposed green wedge and the economic benefits that the proposal may bring. Other issues that must be considered are the impact on the highway network, design of the building, impact on ecology and impact on the public right of way.

Principle

The site is outside the settlement limit of Wellington as identified in the Taunton Deane Local Plan. The site is also within an area identified as Green Wedge in the emerging Core Strategy, which was submitted for examination in November. In planning policy terms, therefore, the site is considered to be open countryside, where there is a general presumption against the development.

In location terms, it adjoins the existing settlement limit of Wellington. Whilst this is generally classed as open countryside for planning purposes it is still relatively well related to the town, sitting between the main residential area of Wellington and the Chelston business parks. It is, however, an out of town site and would, generally, be regarded as less sustainable in transport terms than the Vet's existing town centre premises. That said, the site continues to be served by existing bus stops and it is considered that the number of people visiting a veterinary surgery by means other than the private car is likely to be very limited, due to the difficulties in transporting sick animals by public transport. In addition, it is accepted that most of the surgeons would need to have their cars at work to attend site visits, so they would drive to work wherever the hospital was located. A travel plan has been submitted, and revised following highway comments, to seek to reduce travel to the site by private car.

The Vets have explained how their business has developed in recent years. In order to continue to develop, they need to expand and their existing, listed, premises in the centre of town are physically constrained and difficult to access. Facilities such as a large animal treatment room and associated paddock would be completely unachievable in a town centre site and this had driven the practice to look at more rural locations. Their desire to stay within Wellington, however, has lead them to sites on the urban fringe such as that now proposed.

The application explains how over the last 6 years, the Vets have been searching for alternative sites and details 13 sites that have been discounted for various reasons. Most notably, as suggested by Wellington Town Council, sites at Westpark 26 have been considered to be inappropriate. Crucially, the desire for the hospital to have a paddock attached is intended to allow horses to be treated, exercised and examined in safety and the applicants are concerned that a business park location may mean that horses are affected by the noise and industrial activity, putting them and the staff at risk. Land adjoining Westpark has also been investigated, but adjoining landowners are unwilling to sell.

The proposed green wedge is intended to separate Wellington from the Chelston business parks, providing both a visual break and an opportunity for strategic surface water attenuation, wildlife habitats and informal recreation opportunities. The proposed green wedge is narrow, constrained by existing development on both sides and any erosion of it could, therefore, undermine its function and long term strategic aims. However, the site does occupy only a small area of land in the northwest corner of the proposed wedge. The green wedge at this point would be wider than it is further to the south as the Cades phase II housing development would extend further to the east than the proposed site. In many ways, the development of this site would continue the existing permitted development to the north in a more or less straight line.

Development of the site would leave a small area of land between the proposed hospital and Cades phase II housing site. Some concern has been expressed regarding a precedent for development of this land, although that would have to be the subject of a further application and assessed at that time. Importantly, it is not considered that a precedent would be set for development of the entire green wedge or indeed the entire field. There are very specific and unusual circumstances at play here with the Vets land use requirement for a paddock and it seems highly unlikely that such circumstances would be replayed in the Wellington area. Indeed, no land is allocated in the Core Strategy for such a use because this is a 'one off'.

The Mount Vets currently employ 32 members of staff and they anticipate that this would expand further if they were allowed to construct their new hospital – the application suggests an initial increase to 39. This level of employment is not insignificant and relocation of the surgery to a site within Wellington would allow the existing employment to be retained within the town. There are, therefore, clear economic benefits from the proposed relocation and this is considered to outweigh the harm that may result to the green wedge. Taking these points in the round, it is considered that the proposal is acceptable in principle.

Highways

The site would derive access from the B3187, Taunton Road; the main route into Wellington from the east. It is consequently a busy stretch of highway and due to the anticipated vehicular movements, a right turn lane is proposed. This, coupled with the site's location on the inside of a bend the new junction, associated road widening and visibility splays mean that the access arrangements would have a significant visual impact (considered below).

The formal comments of the Highway Authority are still awaited. They have verbally confirmed that the transport assessment is acceptable in terms of its traffic impact, the principle of a right turn lane junction is required, and the internal layout is generally acceptable. However, they point out that the proposal is contrary to Policy 49 of the Structure Plan as it derives access from a County Route. Therefore, they object in principle, unless the Local Planning Authority decides that there is an overriding need for the development in this location. As reasoned above, it is considered that there is a need for the development and, therefore, the principle of accessing from the County Route is acceptable.

The Highway Authority originally made a number of detailed requests regarding the

technical details of the junction. These appear to have been addressed by a revised submission, however, the revised highway comments have not yet been received. However, it seems likely that they will accept that the concerns have been addressed.

A travel plan has been submitted with the application and the Highway Authority also considers that this is acceptable, subject to a few amendments. The applicant has agreed to these and an amended travel plan has now been submitted. The travel plan would seek to reduce travel to the site by private car, although as noted above, opportunities are limited by the nature of the business.

Impact on ecology

The formation of the new access would require the removal of a substantial length of hedgerow. This would affect identified dormouse habitat

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

- (i) Whether the development is for one of the reasons listed in Regulation 53(2). This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" (none of the other reasons would apply in this case);
- (ii) That there is no satisfactory alternative;
- (iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The need to safeguard jobs and allow a significant local business to expand, providing further jobs and a local service is considered to be in the public interest. It is also desirable that the business continues to be located in the most sustainable location possible and, given the inability to be sited in the town centre, this edge of town site is considered to be the next best option. As such, it is considered to be in the public interest to release the site for development.

(ii) That there is no satisfactory alternative

The considerations detailed above, in respect of the principle of the development, detail that the applicant has undertaken a considerable search for other sites in the Wellington Area. In light of the conclusions reached above, it is not considered that there is a satisfactory alternative.

(iii) That the FCS can be maintained

The Council's Biodiversity Officer has raised some concern about the impact of the development on Dormice. She is concerned, particularly, that given other development proposals in the locality, such as phase II of Cades Farm and the possible future development of Jurston Farm, that the dormouse population in the area would be under significant stress. The Application, however, does propose to form a new hedgerow on the inside of the site, which would maintain the connectivity that may be lost through the formation of the new access. Natural England, in their consultation response, have not objected to the proposal. They are satisfied that the mitigation proposed would be sufficient to maintain FCS. It is, therefore, considered that subject to the receipt of a detailed strategy for wildlife protection, FCS would be maintained and the wider impact on wildlife would be acceptable.

Design and visual impact

The applicants intend to build a state of the art modern veterinary hospital and as such, the operational needs of the hospital have influenced the detailed design. Externally, the building would be finished in render over reconstituted stone. It would have a profiled metal sheet roof that would be grey in colour. 5 'chimney's' would be provided on the roof that would house air vents and heat exchangers on the building to improve the energy efficiency of the building, driven by a requirement for large quantities of energy that currently required to cool the building and heat water. Rainwater would be recycled, but there is a limit to how much 'grey' water can be harvested due to the needs to maintain a sterile environment within the building.

The building would be visible over the replanted roadside hedge on approach to wellington. Whilst clearly a large and fairly functional building in appearance, it is considered to be well designed being of a modern appearance, whilst remaining fairly simple in proportion and detailing. Neighbouring residents have raised concern over the choice of roof material, suggesting that it would be too industrial in nature to sit comfortably with the neighbouring residential properties. However, this is not a domestic building and it would be separated from the neighbours by the paddock area and, accordingly, the relationship of the materials is considered to be acceptable. The grey colour would be similar to slate, which is the main roofing material for the historic parts of Wellington.

As noted above, the new access would have a significant visual impact. The existing roadside hedge would have to be removed and replanted behind new visibility splays. The loss of the existing roadside hedge would clearly have a significant short term visual impact and this would further the impact on the green wedge. However, once the new planting establishes, it is considered that the new building would be properly assimilated into the landscape and the access provided in as subtle a way as possible.

A detailed landscaping scheme has been submitted. The landscape officer remains unhappy with the proposals in principle and further considers that the landscape mitigation solution is not particularly good. In particular, he is concerned that the proposed replanted roadside hedge is particularly narrow and, therefore, would not acceptably screen the site from the highway. However, the proposed hedge is the widest possible due to its location between the new visibility splays and a water main and underground sewer. Further structural planting, with trees and banking would

be provided around the southern boundary of the site and further tree planting would be provided within the car parking area.

Impact on neighbours

The proposed hospital would adjoin existing residential properties at Bramley Close to the west. The physical building would be separated from these dwellings by the proposed paddock area and the existing boundary hedge. It is, therefore, not considered that the proposed building would be unacceptably overbearing on the neighbouring properties, nor would it lead to an unacceptable degree of overlooking.

Neighbours have raised concern about possible noise disturbance, such as might arise from dogs barking overnight. The proposed dog kennels would be entirely internal within the building and staff would be present on site all night. Therefore, it seems unlikely that there would be significant disturbance from sources such as this.

Environmental health have verbally commented on the proposals, noting that they have never received any complaints of disturbance from the existing Town Centre premises, so they would not wish to be formally consulted on the current application. The impact on neighbouring property is, therefore, considered to be acceptable.

Impact on the Public Right of Way (PROW)

A PROW currently crosses the site diagonally from Bramley Close to Taunton Road, with the egress onto Taunton Road being via a stile directly opposite the continuation of the path to the north. Development of the site will require the PROW to be diverted.

It is proposed to provide a line for the footpath along the western boundary of the site, between it and Bramley Close. The diversion would mean that users of the footpath would have to walk slightly further if they wished to continue to the north as they would effectively be walking along two sides of a triangle instead of one. However, the distance would not be far and the proposal would have the benefit of allowing the stile onto Taunton Road to be replaced with a gap or gate. The PROW team at SCC have not raised an objection to the proposal and, therefore, it is considered that the impact on the public right of way is acceptable.

Conclusions

The proposal would allow an existing business and significant employer in Wellington to relocate to premises that allowed the business to continue to develop further. As such, there are significant economic benefits to the town in allowing the proposal to proceed, and this is considered to outweigh the limited impact on the proposed green wedge and landscape approach to Wellington. The impact upon highway safety, ecology and neighbouring residents is considered to be acceptable and accordingly, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

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

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