

43/13/0128

SUMMERFIELD DEVELOPMENTS

ERECTION OF 22 NO. DWELLINGS AT LAND TO THE SOUTH OF TAUNTON ROAD, WELLINGTON

Location: LAND AT TAUNTON ROAD, WELLINGTON, SOMERSET, TA21 9AE

Grid Reference: 314940.121256

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval **subject to** the applicant entering into a S106 agreement to secure the following:

- 5 units of affordable housing, with 3no. social rented and 2no. shared ownership.
- Children's play - £2,904 per dwelling
- Active recreation - £1,571 per dwelling
- Allotments - £209 per dwelling
- Community halls - £1,208 per dwelling
- Public art - either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to the value of 1% of the development costs.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A3) DrNo A081504 01 Location Plan

(A3) DrNo A081504 02 Constraints and Opportunities

(A3) DrNo A081504 03 Rev 01 Site Layout

(A3) DrNo A081504 04 Finishes Plan

(A3) DrNo A081504 05 Street Scene

(A3) DrNo HTA-P-S1 House Type A 3B 5P Private Plans and Elevations - Render Option

(A3) DrNo HTP-P-S1 House Type B 4B 6P Private Plans and Elevations Brick

(A3) DrNo HTB-P-S2 House Type B 4B 6P Private Plans and Elevations

Render Option 02

(A3) DrNo HTB-P-S3 House Type B 4B 6P Private Plans and Elevations

Render Option 03

(A3) DrNo HTC-P-51 House Type C 2B 3P Affordable Home Plans and Elevations Brick Option

(A3) DrNo HTE-P-S1 House Type E 3B 5P Affordable Home Plans and Elevations Render Option

(A3) DrNo HTG-P-S1 House Type G 1B 2P Affordable Home Plans and Elevations Brick Option

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

3. No development shall commence until construction has commenced on the veterinary hospital building granted planning permission under application number 43/11/0098 or any such application amending that permission made pursuant to Section 73 of the Town and Country Planning Act 1990 or any such application for substantially the same development that may be granted permission in the event that that permission should expire.

Reason: The Council considers that the development hereby permitted is only acceptable in the context of development occurring on the adjoining site to the north.

4. Prior to the commencement of the development hereby permitted, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy shall demonstrate that the surface water run-off and volumes generated up to and including the 1 in 100 year critical storm will not exceed the run-off and volumes from the undeveloped site following the corresponding rainfall event. The scheme shall include details of phasing and maintenance. The development shall subsequently be implemented in accordance with the details approved.

Reason: To ensure that flood risk is not increased off site.

5. Prior to the commencement of the development hereby permitted, an ecological management plan for the site shall be submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include the following details:
 - Working methods to protect the stream during construction works;
 - An undeveloped buffer (in metres) between the development and the stream,
 - including planting and lighting details; and
 - Enhancement measures for protected species and their habitat; and
 - Maintenance roles and responsibilities for any new or existing habitat on site for
 - protected species.

Reason: To protect and enhance the biodiversity value of the site and the stream.

6. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development and thereafter maintained until the use of the site discontinues.

Reason: In the interests of highway safety.

7. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

The proposed roads, including 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 footpath and carriageway to at least base course level between the dwelling and existing highway.

The final surface dressing for the roads and footpaths shall be applied within 3 months of the occupation of the final dwelling.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site.

8.
 - (i) Prior to the commencement of the development hereby permitted, 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. The scheme shall also show the existing hedges to be protected and retained during the course of the development and the method of protection.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

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

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

- 9. Prior to their positioning on site, details of the siting of any temporary building(s) construction and materials storage compound, including details of where soil is to be stored on site will be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with such details.

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

- 10. Prior to the occupation of the dwellings hereby permitted, a highway signage strategy for Taunton Road shall be submitted to and approved in writing by the Local Planning Authority. Such highway signage shall be fully provided in accordance with the approved plans to an agreed specification before the development is first occupied

Reason: In the interests of highway safety.

- 11. Prior to the occupation of the 9th dwelling, the proposed pedestrian link to the west between plots 14 and 15 shall be constructed and surfaced in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage walking and cycling in order to reduce the reliance on the private car.

- 12. Prior to the occupation of the 9th dwelling, the public open space shall be laid out in accordance with the details agreed pursuant to condition 9 and shall thereafter remain available for use by the general public and be maintained in accordance with those agreed details.

Reason: The development is partly considered acceptable due to the provision of enhanced public open space and to ensure delivery of the facilities required for the future occupiers of the site.

- 13. No service trenches shall be dug within the canopy of any existing tree within

the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health.

Notes to Applicant

PROPOSAL

This application, as amended, seeks full planning permission for the erection of 18 dwellings on land to the South of Taunton Road, Wellington.

The site would be accessed from Taunton Road from an access that has been previously permitted to serve a new Veterinary Hospital on land to the north of the site. An existing large, protected, tree would be retained towards the eastern extent of the area proposed for development and the eastern extent of the site would be left open as Public Open Space, planted up with significant tree planting.

The dwellings would be a mix of detached, semi-detached and terraced dwellings, arranged around a curved cul-de-sac. The dwellings would be two-storey, finished in render (cream and earth red) and red brick under reconstituted slate and Double Roman roof tiles.

SITE DESCRIPTION AND HISTORY

The site comprises a parcel of agricultural land on the eastern side of Wellington, south of Taunton Road. The site immediately adjoins the older part of the Cades Farm development to the west and the newer part of Cades Farm, currently under construction, to the South.

To the north on a parcel of land between the main part of the site and Taunton Road, permission has been granted for a new veterinary hospital under application number 43/11/0098. Some initial hedge removal and planting has been carried out to allow for works to be commenced on the proposed access but development has not otherwise commenced on this adjoining site. That permission granted access involving a right turn lane on Taunton Road, but it was subsequently amended (43/13/0026) to be accessed via a 'left in, left out' arrangement, which required less hedgerow loss and less carriageway widening.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON TOWN COUNCIL - Councillors discussed the situation of this application within the town's existing Green Wedge. Adding to the amount of development already in the town already was also a concern. Flooding and

sustainability were also questioned in regards to the application site.

Recommended that permission be REFUSED for the following reasons:

- The site encroaches on the Green Wedge surrounding Wellington an area the Town Council wish to keep as green space.
- Sustainability of the development is questionable
- This application would be an overdevelopment of the town
- There are concerns for flooding on this site.

HOUSING ENABLING - 25% of the new housing should be in the form of affordable homes. The tenure split is 60% social rented 40% intermediate housing in the form of shared ownership.

The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3 or meet any subsequent standard at the commencement of development.

The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

DRAINAGE ENGINEER – Following further correspondence with the applicant, I am happy with proposals outlined and those in the amended FRA dated November 2013 and these should be included in any approval given. I agree with the Environment Agency that a suitably worded condition as they suggest regarding the surface water drainage system in their response dated 25th November be attached to any planning permission approved.

LEISURE DEVELOPMENT – Has the following observations to make:

In accordance with Local Plan Policy C4, provision for play and active recreation should be made for the residents of these dwellings.

The site (as amended) falls below the threshold for on-site children's play provision. If permission is granted for less than 20 no. 2 bed family sized dwellings then an off-site children's play contribution of £2,904 per family sized dwelling should be sought.

A contribution of £1,571 for each dwelling should be made towards the provision of facilities for active outdoor recreation.

A contribution of £209.00 per dwelling should be sought for allotment provision together with a contribution of £1,208 per each dwelling towards local community hall facilities.

Contributions should be index linked.

A public art contribution should be requested, either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to the value of 1% of the development costs.

WESSEX WATER – New water supply and waste water connections are required for this development. No building will be permitted within the statutory easement width of 3m from the pipeline without agreement from Wessex Water. [Sewers run along the northern edge of the site].

Surface water – disposal to a watercourse will need consent of TDBC.

Water supply – we believe there is sufficient capacity subject to modelling.

LANDSCAPE – Comments as follows:

Designations within and close to site boundaries (TPO, conservation area, listed building): part of the site lies within the green wedge. Several of the trees are protect by Tree Preservation Order TD1055.

Relevant Local Plan policies: CP8 – environment; DM1 – general requirements, DM2 – development in the countryside; and DM4 – design.

Landscape character Area: _ Farmed and Settled Low Vale – Quantock Fringes and West Vale

Landscape Assessment: no landscape assessment carried out.

Site boundary characteristics: hedgerow and trees to the west and south, open to the east and proposed veterinary building and car parking to the north.

Highway visibility requirement impacts: N/A

Views into and out of site and effect on neighbours: public views from the public footpath to the north-west, from neighbouring houses to the west and from the vets to be built to the north.

Contours and level changes: gently sloping to the south and east.

Existing tree and hedgerow survey: provided.

Existing and proposed services: no information provided in terms of potential tree or landscape impacts.

Drainage and existing water features: N/A

Lighting and potential impacts: no assessment provided in terms of landscape impacts.

Proposed landscape scheme: other than the housing layout none provided.

Future management and maintenance issues: it is not clear who will be responsible for the streamside vegetation to the south but I assume it will be conveyed to house owners. This could have a significant impact on the landscape quality or buffering ability of the existing landscape features.

Analysis: The Planning Statement incorrectly states that in 4.2.3 that no assessment of this green wedge has been carried out by the Council. The assessment has been carried out and was presented to Corporate Scrutiny Committee on 8th October 2013. The assessment and proposed boundary lines were approved. The proposed submission did not include a landscape impact assessment of its impact on the green wedge and the layout offers little mitigation in way of compensation for the loss of this important green wedge areas. My assessment, based on the submitted layout and accompanying information, is that the proposals would be contrary to CP8.

If permission is granted, recommend conditions that hedges and trees are protected, a landscaping scheme is submitted and the siting of temporary site buildings to be agreed.

SCC - TRANSPORT DEVELOPMENT GROUP – Comment as follows:

Traffic Movements

Traffic generation is set out in Section 3.3 of the Transport Statement, table 3.1 shows that in the AM the proposal would produce 12 two-way trips and 13 two-way trips in the PM peak.

Appendix D provides the TRICS output, the figures are generally acceptable although it is noted that the population criteria are not truly representative of the site although this is considered to be a minor issue. Taking into account the proposed levels of traffic generation it is not envisaged that there should be any capacity issues with the 'left in' and 'left out' site access. However, the traffic wishing to enter the site from the west, it is the opinion of the Highway Authority that given the legal movement would involve travelling approximately an extra mile around the Chelston roundabout, which currently experiences congestion. As a consequence it is more likely that drivers would look to use one of the accesses closer to the site to turn around. Nevertheless given the small number of vehicles likely to be affected, this is predominately a road safety issue.

Regarding site accessibility cycling infrastructure exists close to the site and there would be potential for modal shift. An off-road cycle lane exists along the southern side of the B3187 between the site access and B3187/Nynehead Road roundabout, this then reverts to a on road cycle lane in both directions (along the B3187) to the priority junction with Priory Road. This would potentially provide access towards and from Wellington town centre. To the east, a cycle lane runs off road to the Chelston roundabout, providing access to the nearby Chelston Business Park. Paragraph 2.3.1 on page 6 states that the site is 1450m from Wellington Town Centre, which would equate to approximately a 17min walk, given the distances involved, modal shift would be limited, especially given the information provided in Table 2.1 of the report. Given the additional walking distances to key services and facilities in Table 2.2 on page 7 this only reiterates my previous comments on the modal shift.

The nearest bus stops to the site are located to the west of the Taunton Road/Nynehead Road 'Poole Cross' roundabout. The report states the nearest bus stops are to the east but this is an error associated with the generation of this report. The likely distance to the stops would be around 550-600m walk away. The stops are served by service routes 22/22A, which run between Wellington and Taunton every 30mins. Route 15/15A also uses these stops and runs between Wellington and Burnham on Sea (via Taunton and Bridgwater) every 30mins. Therefore due to the regular nature of the bus services there is the potential for a modal shift.

Section 3.4 lays out parking provision for the development. Table 3.3 shows the car parking provision. This appears to be satisfactory and is in line with the current Somerset Parking Strategy guidelines. Four visitor parking spaces will be provided which meets the standards. Paragraph 3.4.11 (page 19) states that 1 cycle parking space per bedroom will be met in line with the parking strategy. Furthermore paragraph 3.4.10 states that motorcycle parking will occur on the cartilage [sic] of the property. It is noted that 18 of the 22 dwellings have 3 or more parking spaces which would appear adequate, especially given each has a drive/garage.

However, for the 2 two-bedroom and 2 one-bedroom properties it may be considered necessary to request that a designated motorcycle parking space be provided (in line with the current the County Council's parking strategy).

Therefore to conclude the transport statement is broadly considered to be suitable as the volume of traffic generated would be minimal in the AM and PM peak. Therefore it is not considered to be any capacity issues with the site access. Furthermore site accessibility is generally considered to be acceptable as a modal shift is possible in this location. As a consequence on traffic impact grounds the Highway Authority cannot substantiate an objection.

Estate Roads

The applicant should be aware that is likely that the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code. The proposal will utilise the proposed 'left in' and 'left out' junction, which is being constructed in conjunction with the new veterinary practice. From the details shown on drawing A081504(D) drg 03 it is apparent that the primary route from the junction would be into the vets. However it is the opinion of the Highway Authority that the primary route should be to serve the residential development and not the veterinary practice. Therefore the 'Give Way' markings should be located at the entrance to the veterinary practice.

The majority of the proposed internal access road could be constructed as a 5.0m wide block paved shared surface with margins of minimum 500mm width. A suitable tie in location between the block paved road and the type 4 bitumen macadam road linking onto Taunton Road have to be agreed with the Highway Authority. Furthermore to aid surface water drainage, the longitudinal channel gradients within block paved carriageways should be no slacker than 1:80.

As for the internal layout the applicant should note that the Highway Authority would

require an adoptable 1.0m wide hardened margins will be required at each end of the proposed turning head. An adoptable 25m forward visibility splay will be required across the south eastern corner of the Public Open Space. There shall be no obstruction to visibility within the splay that exceeds a height greater than 600mm above adjoining carriageway level and the full extent of the splay will be adopted by Somerset County Council. Furthermore no doors, gates or low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface roads. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted) and steps. All private drives serving garages shall be constructed to a minimum length of 6.0m as measured from the back edge of the prospective public highway limits. Private drives with tandem parking should be constructed to a minimum length of 10.5m. The drives serving plots 18 and 19 should be constructed to a minimum length of 16.0m, as measured from the back edge of the prospective public highway limits, to accommodate three vehicles. Furthermore the parking bays fronting plots 14-17 should be constructed to a minimum length of 5.5m.

With reference to the amended plans, the following issues should be addressed:

- The proposed footpath links contained within the Public Open Space area to the east of plots 1, 2 and 18, will **not** be deemed suitable for adoption by SCC due to the fact that one of the footpath links will connect directly onto the shared private driveway serving plots 17 and 18. As a result, no continuous adoptable link will be available from the footpath and the adoptable turning arm between plots 11 and 17.
- Can the required 500mm-1000mm wide service margins please be shown adjacent to the shared surface carriageway within all future revisions of the site layout drawings.
- The triple parking bay serving plot 16 should be constructed to a minimum length of 16.0m as measured from the back edge of the prospective public highway boundary.
- The private drive serving plot 17 should be constructed to a minimum length of 6.0m as measured from the back edge of the prospective public highway boundary.
- The private drive serving plot 8 should either be extended to 10.5m or reduced to 6.0m, as measured from the back edge of the prospective public highway boundary. This is to prevent any possible vehicle overhanging of the highway.
- The visitors parking bays that are to be located adjacent to the block paved shared surface carriageway, should be a minimum of 2.5m in width.
- Can the applicant please confirm the future maintenance arrangements for any grassed areas that will fall within the prospective public highway boundary? SCC has neither the manpower nor the equipment to maintain such areas.

Drainage

The application was accompanied by a Flood Risk Assessment this has been submitted for a drainage audit. This has now been completed and the Highway Authority's comments are set out below.

The new access road will be constructed over the line of existing public sewers/rising mains running parallel to Taunton Road. It is important therefore to establish the depth of these services to determine the potential for lowering, diversion or protection to enable the construction of the road over. Approval will be required from Wessex Water for any works in proximity to their existing infrastructure.

Construction of the new access onto Taunton Road will affect the existing highway drainage provision for the main road and further investigations will be necessary to determine the extent of works necessary to accommodate the new works. It is possible therefore that the existing highway drain will need to temporarily or permanently lowered, diverted or protected to the satisfaction of the Highway Authority. Preference should be given to the provision of a single surface water sewer system serving to collect surface water run-off from both private areas and the prospective public highway, thus eliminating the need for a separate highway carrier drain and allowing greater freedom to locate the manhole access covers away from wheel track locations. The developer should be secure by agreement the adoption of all drains or sewers with the prospective highway. If it is proven necessary to have to two separate surface water drainage systems then they should be designed to provide the same level of flood protection to the site and the Highway Authority will need to be granted rights in perpetuity to discharge into the pond. An easement will be required for any length of highway drain that extends beyond the limits of the prospective public highway. Further, the Highway Authority will need to be satisfied that appropriate and sufficient measures have been put in place to secure the long-term operation of the retention pond and the outfall arrangements into the watercourse. The Highway Authority would only adopt up to the outfall into the pond and would require facilities to access this outfall via a suitable vehicle access way or maintenance bay.

Highway Safety Report

As mentioned previously under the traffic movement section of the report the Highway Authority has a slight concern over vehicles attempting to use other accesses to turn around and not utilise the Cades Farm roundabout. The Highway Authority held pre application discussions with the applicant on this point and as a consequence of these discussions the applicant has submitted a highway safety report which includes a signage package and details that is designed to instruct drivers not to carryout unsafe manoeuvre.

The Highway Authority has assessed this report and particulars included within are considered to be broadly acceptable. However the applicant should be aware that one of the locations assessed (B3187 Taunton Road/Chelston South/Chelston Farm) would be the biggest cause of concern. It is apparent that although drivers are discouraged from turning in the bell mouth of Chelston Farm vehicles it has been observed during the auditor's site visit that several vehicles were observed turning within this junction. The Highway Authority is concerned that this proposal might result in additional vehicles turning in the bell mouth thus exacerbating this issue.

The applicant should be made aware that any proposed signage package would be subject to a legal agreement. Furthermore the applicant is also urged to speak with Ian Titcombe from the Taunton Deane Area Highway Office (Tel No. 0845 345 9155) to agree the details and positions of these signs before the final package is approved.

Conclusion and recommendation

To conclude the proposed residential development will not have a detrimental impact on traffic movements at the proposed junction and on the surrounding highway network. In terms of the internal arrangements these are broadly considered to be acceptable although the applicant would need to take into account the points raised set out above. Finally the drainage and signage documents are both considered to be acceptable.

Therefore taking into account the above information the Highway Authority raises no objection to this proposal, provided conditions were imposed requiring:

Submission of a signage strategy for Taunton Road, provision of wheel washing facilities, a condition survey of the public highway, submission of a construction traffic management plan, the gradient of the access to be no steeper than 1 in 10, submission of estate road details and their construction to base course level prior to occupation of the dwellings, gradients of the drives not to exceed 1 in 10, that an appropriate right of discharge has been obtained from the LPA prior to commencement of development, that drives should be a minimum of 6m in length where they are against garage doors.

BIODIVERSITY – The site comprises one mown field bounded by hedges on all sides (apart from a section of the northern boundary) and a fast flowing stream on the southern boundary. One mature English oak, which is to be retained, is situated within the centre of the site.

There are several statutory sites located within 5km of the site as well as several non statutory sites located within 2km of the site. WYG carried out an Extended Phase 1 Habitat Survey of the site in October 2013. Findings were as follows:

Badgers: The surveyor did not find any direct signs of badgers on site although there were several mammal crossings on the stream banks

Bats: Bats are likely to use the hedgerows and stream for commuting and foraging. The mature trees on site are considered as having some bat roost potential (category 2-3). If any tree is to be felled it must be checked for roosting bats. I support the recommendation to carry out a bat activity survey

Birds: The hedgerows and grassland offer nesting and foraging habitat for a range of birds. No vegetation should be removed outside of the bird nesting season and the grass within the field should be regularly mown to deter ground nesting birds.

Dormice: Surveys carried out in connection with other proposed developments in the area confirm that a high population of dormice exist in this locality. I support the

proposal to carry out a dormouse survey for his site. (NB Through email correspondence with WYG I understand this has been carried out)

I am very concerned about the general amount of development in this area of Wellington and the overall effect on dormice.

I would like to see all vegetation retained and a sensitive lighting strategy designed to minimise effects on dormice. Additional planting on this site would also be of benefit to dormice.

If any vegetation is removed an EPS licence would be required

Great crested Newts: Two ponds that link the site via hedgerows are located within 0.5km of the site. I support the proposal to carry out surveys of the ponds. If GCN are present a licence will be required from Natural England.

Invertebrates: Invertebrate interest is likely to be limited to mainly common species and be confined to mature trees and hedgerows on site, which are to be retained.

White clawed crayfish: Given the stream's silty bed and lack of large boulders and submerged rocks the stream is considered sub optimal for WCC, although this species cannot be entirely ruled out. I support the proposal to carry out a night torchlight survey of the stream between July- September to detect presence/absence of WCC.

Otter: No field signs of otter were noted on site

Water vole: The banks of the stream are shaded. No signs of water vole were noted.

Reptiles: The site's grassland is regularly mown so is considered generally poor for reptiles, although the boundary hedgerow bases and stream may offer suitable reptile habitat.

The Extended Phase 1 Habitat Survey dated October 2013 recommends further survey for a number of European protected species namely bats, dormice, Great crested newts, water vole, otter and white clawed crayfish. The results of the recommended surveys are required in order to make an assessment of the impact of the development on wildlife.

I support the proposal to carry out native, shrub and tree planting, create a pond and install bird and bat boxes. However I would like to see the area of planting increased and a buffer planted adjacent to the stream.

In respect of the amended plans: The removal of the four houses from the layout it is an improvement, but as stated previously, I would still like to see further landscaping in this scheme. The encroachment of housing into the green wedge can be offset with extensive woodland planting which will have not only landscape benefits but biodiversity benefits also.

PLANNING POLICY – No comments received.

ENVIRONMENT AGENCY – No objection subject to conditions setting floor levels a minimum of 300mm above the existing ground level; submission of a surface water drainage scheme; submission of an ecological management plan.

We note that a hydraulic model of the stream has been carried out to confirm the likely fluvial flood risks to the site. We have not had an electronic copy of the model for review and so cannot accept the conclusions of the model. In addition, if the model is seeking to challenge our Flood Map, then this would need to be done in accordance with or national flood mapping policy, and would likely need sensitivity testing (upstream and downstream blockage scenarios). Advice provided on how to challenge the flood plane designation.

Notwithstanding the above and based on review of the existing Flood Zone 3 outline, we note that the built development will be kept out of Flood Zone 3. We consider that, given the close proximity of Flood Zone 3, the properties should be raised to allow for an element of error.

The FRA is confusing when referring to the intended means of surface water disposal. The FRA states that infiltration will be used; however, the calculations in the appendix show that there will also be a direct discharge to the watercourse. If infiltration is to be used, then this will need to be demonstrated to work effectively up to and including for the 1 in 100 year event. If not, the capacity of the receiving stream will need to be checked within any detailed design and run-off rates agreed accordingly.

Any required discharge off-site will also need to be re-visited because as currently proposed in the FRA, the discharge from the pond is limited to the Greenfield runoff rate based on the total site being impermeable, rather than the 0.33 ha which will actually be impermeable. Under the latter scenarios, the maximum discharge from the pond would be less.

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

Representations

SOMERSET WILDLIFE TRUST – Agree With the recommendations of the ecological survey that further surveys should be carried out for Great Crested Newts, Dormice, Otter, Water Vole and White Clawed Crayfish and that a full Bat survey should also be carried out. Also agree with the recommendations in respect of bat and bird boxes.

SWT can provide advice on the construction of a wildlife pond and also request that all planting on the site is on the basis of native species and particularly those which are rich in nectar, fruit and nuts. Also request that any external lighting scheme should be designed to minimise light pollution. All existing hedging should be retained, particularly given the problems resulting from hedging being removed on the adjoining development site. A buffer strip should be provided along the hedge and stream in order to protect wildlife.

3 letters of OBJECTION raising the following points:

- The application is contrary to the Core Strategy which designated this site for a green wedge.
- Having ignored policy advice and granted permission for the veterinary hospital, it will be impossible to refuse the current application. This is a travesty.
- There is no further need for residential premises. The town only has infrastructure for a certain capacity.
- Summerfield objected to the building of the veterinary surgery, how can they now apply for building residential premises.
- The development will mean that there is only a tiny area of green land between Wellington and Chelston Roundabout.
- The field to the south was removed from the Cades Farm Phase 2 development due to the risk of flooding caused by building on this field. [Planning officer comment – this was not the reason for the removal of this land from the application].
- Query where surface water will go and whether flood risk will be increased.
- If the application is permitted, the remaining green area should be usable. Suitable barriers should be provided between the green space, roads and ponds.

In respect of the amended plans, 4 further letters making the following points:

- Previous objections continue to apply.
- There is no need for more housing in this area
- Property values will be affected.
- There would be even more pressure on the already overloaded Taunton Road, despite highway comments.
- Traffic already queues from the Cades Farm roundabout to the Chelston

Roundabout.

- The removal of 4 dwellings is just a token gesture.
- The grass area is only prepared to be cut to 15cm twice a year which would be useless to local residents. If this is intended as a nature area, more trees should be planted and a short woodland walk created. The path could then just be mown grass.

PLANNING POLICIES

EN28 - TDBCLP - Development and Flood Risk,

EN12 - TDBCLP - Landscape Character Areas,

W1 - TDBCLP - Extent of Wellington,

STR2 - Towns,

STR4 - Development in Towns,

W3 - TDBCLP - Cades Farm Housing Allocation,

H9 - TDBCLP - Affordable Housing within General Market Housing,

C4 - TDBCLP - Standards of Provision of Recreational Open Space,

LOCAL FINANCE CONSIDERATIONS

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £20,823

Somerset County Council (Upper Tier Authority) £5,206

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £124,939

Somerset County Council (Upper Tier Authority) £31,235

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, impact on the green wedge and wildlife. Design and layout, highway impact, impact on neighbouring property and flood risk must also be considered.

Principle of development

This application lies outside, but adjoining, the settlement limit for Wellington. Residential development of this land is, therefore, contrary to Policy DM2 and CP8 of the Core Strategy and there is a presumption against the development.

The Site Allocations and Development Management Policies Plan (SADMPP) is still at a relatively early stage, although the Council's preferred options are clear that it is not proposed to allocate any further land in Wellington. This is because, unlike Taunton and the smaller settlements, the entire Core Strategy allocation for

Wellington is provided in the strategic sites and allocated, in detail, in the Core Strategy itself. As such, it is not considered that the development plan is absent or silent in terms of housing policy for Wellington. Similarly, Taunton Deane can currently demonstrate a 5 year supply of deliverable housing land with a 5% buffer, so it is considered that the plan is not out of date in respect of housing policy generally.

With regard to the foregoing, it is, therefore, considered that paragraph 14 of the NPPF, the so called 'presumption in favour of sustainable development' is not engaged and the application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

There are considered to be two main material considerations at play here. Firstly, notwithstanding the fact that the total amount of housing for Wellington is already allocated in the plan, the proposal will result in the delivery of additional housing and the economic benefits that stem from that. The NPPF is clear that housing, generally, is considered to be a benefit and that permission should generally be granted for 'sustainable development', whether or not the more lenient presumption in favour of sustainable development at paragraph 14 is formally invoked.

This site is on the edge of Wellington and is some distance from the facilities and services offered by the Town Centre. There is currently no government guidance on recommended maximum walking distances, but, the maximum walking distances used in the SADMPP sustainability appraisal were 800m. The site is around 800m from the closest Primary School (St. Johns) and around 1200m from the Town Centre (North Street/South Street; Fore Street/High Street cross roads) as the crow flies. The proposed footpath link into the main Cades Farm development from the eastern site boundary means that the walking routes are not much greater than these (c.900m and 1400m respectively). The site would also be well served by frequent busses between Wellington and Taunton, which would stop close to the site entrance on Taunton Road and provide an easy and regular link into town. It is also close to employment opportunities at the Chelston and Westpark Business Parks. Due to these factors, the Highway Authority considers that the site's location characteristics are likely to encourage modal shift in travel behaviour away from the private car. It is, therefore, considered that the site can deliver housing in a sustainable location. Although no further housing is proposed in Wellington through the development plan, there is an allowance made in the housing supply for windfall sites such as this and this also weighs in favour of the development.

The second main material consideration surrounds promoting access to the open countryside in general and the green wedge in particular. The detailed impact of the proposal on the green wedge is assessed below, but one of the stated purposes of the green wedges (Core Strategy para. 3.110) is to provide formal and informal recreation, sport and play. This parcel of land is currently agricultural and, without any development, is likely to remain so for the foreseeable future. The application proposes to confine built development to the western part of the site whilst making the eastern part of the site available for informal recreation as new public open space. The site is currently used for informal recreation such as dog walking, which is evident from the trodden lines around the edge of the field, indicating that this is relatively well used resource. However, there is no formal public right of access to the site, so the recreation that is currently enjoyed could be removed at any moment. The formalisation of this space, additional planting proposed, and full

designation of the space as publically accessible land is considered to be a positive benefit that weighs in favour of the application.

In addition to the above, the following report will demonstrate that there is a general 'lack of harm' resulting from the proposed development. Such is also a material consideration that weighs in favour of granting permission, although it could not be attached sufficient weight in its own right to outweigh the conflict with the plan. Neither can the first consideration above – the mere provision of additional housing – to accept that, would effectively give carte blanche approval for any new development outside of settlements, however, when taken together with the benefit of bringing the green wedge into active public use, it is considered that sufficient weight can be attributed to these considerations to outweigh the conflict with the development plan in terms of the principle of the development.

Green Wedge and visual amenity

The site is entirely within the new green wedge that separates Wellington and Chelston as defined in the Core Strategy proposals map. However, there has already been some development approved to the north of the site to provide a new veterinary hospital. In assessing that development, it was considered that the economic benefit from the new hospital, coupled with a demonstrable lack of suitable land elsewhere in the town were sufficient to outweigh the harm to the green wedge. That situation is clearly not comparable to the current proposal for residential development.

However, the veterinary hospital sits on the site frontage and provides a new access roughly half way along the field boundary to Taunton Road (although the built development itself is towards the western edge of the site). The effect of hospital, once built, will be to visually extend the built form of Wellington into the green wedge, reducing the gap between the town and Chelston. Furthermore, to the south of the site, development is underway on the next phase of the Cades Farm residential development, the built form of which extends out a similar distance to the east as the hospital building.

In light of these adjoining permissions, the Landscape Lead has made recommendations for changes to the green wedge boundary in a report to the Council's scrutiny committee. If adopted, his recommended boundary would place part of the site outside the green wedge and part within. Although it would still be outside the settlement limit, logic would suggest that the area excluded from the green wedge would be appropriate for development without harm to the visual amenities of the area; it would certainly not harm the functioning of the green wedge. Therefore, the assessment of this application in terms of impact on the green wedge is, in your officer's view, based on whether the development of the area of land that would remain within the proposed green wedge would be significantly more harmful to the functioning of the wedge than if development were confined to the westernmost part of the site, now proposed to remain outside the green wedge.

Roughly in the centre of the site, towards the eastern extent of the proposed development, there is a large Oak tree, protected by a Tree Preservation Order. This is broadly in line with the already approved new access to the veterinary hospital. This large tree is an important visual feature in the area and helps to

define the open space between Wellington and Chelston. Your officer's view is that this tree provides an obvious marker for the eastern edge of the development. As originally submitted, the development proposed to enclose the tree on three sides, surrounding it by development. This was considered to undermine the undeveloped nature of the green wedge, and it failed to properly account for one of the key constraints on the site. Rather it is considered that the tree should remain the dominant landscape feature of the site and be clearly visible through the access from Taunton Road. In this way, it would also help to screen the development behind and assimilate it into the open countryside.

Whilst the eastern extent of the development does protrude beyond the large tree, there is a strong line of trees behind that are an important landscape feature. It is considered that these will continue to provide an obvious eastern edge to Wellington's residential areas, despite being in the field to the south of the development and, as such, with the removal of the dwellings between the tree and Taunton Road, the eastern edge of development, proposed, is considered to be an acceptable one.

In order to avoid the development being visually intrusive, the landscape officer has recommended substantial additional tree/woodland planting in the area to the east. This has now been confirmed by the applicant as part of the proposals and will mean that, once established, the visual break formed by the green wedge will be stronger and the impact of the dwellings will not be overly visually intrusive.

Wildlife

Wildlife surveys submitted with the application indicate the presence of dormice in the boundary hedgerows, which birds may also use for nesting and bats may use for foraging. It was noted that the boundary hedgerow and stream may offer suitable habitat for reptiles and, in accordance with the Biodiversity Officer's initial observations, further survey information was submitted. This confirmed the presence of dormice in the hedgerows and bat activity at the site, but showed that otters, water vole, reptiles and crayfish did not present a constraint to development of the site.

The proposed footpath link to the residential development to the west requires the formation of a new gap in the hedgerow. This will result in the deliberate disturbance of Dormouse habitat, within the meaning of the Habitat's and Species Regulations (2010) requiring a license 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

In considering the principle of the development, your officers consider that there are benefits in this development that would outweigh the conflict with the development plan. In this context, it is considered that the delivery of housing, including affordable housing on the site and provision of accessible informal recreation opportunities within the green wedge are considered to justify the disturbance.

The hedgerow removal is only required to provide a footpath link to the adjoining, existing residential development. The footpath would significantly reduce walking distances to the nearby children's play area, primary school and town centre services. The removal would be very limited and there are substantial benefits to be gained from providing the footpath link.

(ii) That there is no satisfactory alternative

There is an existing footpath link into the existing residential development area through the veterinary hospital site to the north. The applicant has been asked to confirm whether there is any ability to cross the vet's land to reach this footpath, rather than forming a new link. However, the vets are not happy to accommodate further public access through their site.

(iii) that the FCS of the dormouse can be protected

It is proposed to mitigate the loss of vegetation from the hedgerow by connecting the two sides with a rope and allowing vegetation to grow back in an arc. Given that only a narrow gap is required for the footpath, the new planting should establish effectively and quickly and the FCS will be protected.

In addition to the mitigation required for dormice, the bats require a sensitive lighting strategy to be designed and no works to the hedgerows or trees should be carried out within the bird nesting season. This can be dealt with by condition. Other wildlife is not considered to be harmed by the development of the site.

Design and Layout

The dwellings are proposed to be arranged in a fairly informal layout around a shared surface access road. Given the edge of town location, it is considered that the layout is appropriate and the informal structure will assimilate well into the adjoining undeveloped area. The provision of further public open space between the large tree and Taunton Road will provide a 'soft edge' to the development, fitting of its edge of town location.

The dwellings are considered to be acceptably designed and would be constructed in a mixture of render and red brick. Such is considered to respect the local vernacular. The Highway Authority estate roads team have raised a number of

comments about the detailed layout of the highway, but it is considered that these can be dealt with through their standard condition requiring final submission and approval of the estate roads.

A footpath link is proposed from the western site boundary into the wider Cades Farm development. This would be via the access track to an adjoining balancing pond and, as such, would not be a direct link to the public highway. However, it is still considered to provide an acceptable walking route through towards the town.

Highway impact

The application proposes to use the left in – left out junction already approved for use at the veterinary hospital. The highway authority have expressed some concern that residents of the site are likely to find the access to the site inconvenient due to the need to use the roundabouts, particularly Chelston Roundabout when travelling from Wellington. They suggest that this may result in the use of other access points – particularly the entrance to Chelston House Farm – for informal turning, which may be detrimental to highway safety. However, given that the access was considered safe and appropriate for the vets, which would also attract some staff who would visit the site every day, it is considered that this is a somewhat unreasonable position to hold. For these reasons, the highway authority have not objected to the application, although they do consider that some further signage is required. This can be provided on highway land and, therefore, can be secured by condition.

Subject to some minor alterations to the internal site layout, it is considered that an acceptable highway design and layout can be provided and there will be no adverse impact on highway safety.

The highway authority have recommended a number of conditions. Included in their recommendations are requests for a construction traffic management plan and condition survey of the public highway. Given that the site is directly accessed from the main road network, which carries a large amount of traffic already, these conditions are not considered reasonable. Conditions requiring the access to be no steeper than 1 in 10 are not necessary as the site is relatively flat. Whilst drainage of the site is considered, it is not considered that obtaining the necessary connection rights to existing drainage infrastructure should be a pre-condition of development.

Neighbouring property

The closest neighbouring dwellings are those on Bramley Close to the west. There is a balancing pond on the Cades Farm development to the west of the site and this, together with a relatively wide margin of landscaping provides sufficient distance between the site and the dwellings to avoid any adverse impact on the amenity of these existing dwellings.

New residential development is currently under construction to the south. Again, there is a balancing pond at the eastern end of this development and the housing at the western end of the boundary is also off-set by a wide area of landscaping. It is not, therefore, considered that this development would cause harm to the amenities of other nearby dwellings.

Flood risk

The southern edge of the site is within flood zone 3 and liable to flood. However, the development has been designed to avoid this area and, subject to a raising of floor levels by 300mm above the existing ground level will be safe from flooding in a 1 in 100 year probability event, accounting for climate change. There are some shortcomings in the FRA, identified by the EA and the Council's Drainage Engineer, although both are satisfied that these can be overcome through the imposition of conditions requiring additional drainage information. It is, therefore, considered that the development will not be at risk of flooding, nor will it cause any increase in the likelihood of flooding downstream.

Conclusions

It is considered that the development is contrary to the development plan, being outside the settlement limit and within the green wedge. That said, the green wedge is proposed to be amended in light of the permission granted for the veterinary hospital to the north such that only part of the proposed development would be within the green wedge. The amended plans show that this part would be contained behind the mature tree in the centre of the site, and, due to the strong tree line to the southeast, it is considered that the eastern extent of the development is a logical one that respects existing landscape features. The proposed landscaping within the public open space to the east would essentially provide an area of community woodland and would also screen the development from Taunton Road, again, helping to retain and reinforce the open break between Wellington and Chelston. It is considered that the provision of formal, dedicated public open space will help the green wedge to fulfil one of its stated objectives which would otherwise be unachievable and this, combined with the delivery of housing in a sustainable location is considered to outweigh the conflict with the plan.

Of course, the whole argument on which the development is considered to be acceptable – that the permission for the vets reduces the harm of the development – is based on the development for the vets actually taking place. Your officers are aware that the delay in the build of the hospital has been caused by the time taken to agree the detail of the access arrangements with the highway authority, but there is always a risk that the development does not go ahead. If this were the case, then the site would not be appropriate for housing and it is considered that a Grampian condition should be imposed to prevent any development prior to the commencement of construction of the hospital building. At this point, the physical presence of a building on the site to the north will be guaranteed and the residential development would become acceptable. Before this, the site would just be a housing site outside the settlement and within the green wedge. The applicant has confirmed that they could not agree to such a condition, but your officers are content that it is both reasonable and necessary.

With regard to the foregoing, and with suitable conditions in place, it is considered that the proposed development is 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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